

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Articles I – XIII & Appendices

Date of file creation: Web version: 9/23/15

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Article I: General Provisions

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

Effective date of most recently amended section of Article I Chapter 1: 7/23/15

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(12/15/61)

Preamble

This Resolution is adopted in order to promote and protect public health, safety and general welfare. These general goals include, among others, the specific purposes set forth in the statements of legislative intent for the respective districts and groups of districts.

Article 1

General Provisions

Chapter 1

Title, Establishment of Controls and Interpretation of Regulations

(12/15/61)

11-00

Title

(12/15/61)

11-01

Long Title

A Resolution regulating the height and bulk of buildings and other structures, regulating and determining the area of yards, courts and other open spaces, and the density of population, and regulating and restricting the location of trades and industries and the location of buildings designed for specific uses within the City of New York, and for such purposes dividing the City into districts.

(12/15/61)

11-02

Short Title

This Resolution shall be known and may be cited as the Zoning Resolution of the City of New York.

(12/15/61)

11-10

**ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS,
AND INCORPORATION OF MAPS**

(12/15/61)

11-11

Establishment of Control over Use and Bulk

(2/2/11)

11-111

Applicability of this Resolution

In all districts, after December 15, 1961, any #zoning lot# or other tract of land, as applicable, and anything therein or thereupon, including any #development#, #enlargement#, #extension#, change of #use#, new or existing #use#, #conversion#, alteration, site alteration, relocation, reconstruction and any #building or other structure# shall be subject to the regulations of this Resolution; and shall continue to be subject to the provisions of this Resolution in effect at the time of such #development#, #enlargement#, establishment of or change of #use#, #conversion#, alteration, site alteration, relocation or reconstruction, unless such provisions are modified by an amendment of this Resolution applicable to #buildings or other structures# or #uses# existing at the time of such amendment.

Where an existing #use# or #building or other structure# is #non-conforming# or #non-complying#, the provisions of Article V (Non-Conforming Uses and Non-Complying Buildings) may apply.

(2/2/11)

11-12

Establishment of Districts

(2/2/11)

11-121

District names

Each zoning district is designated by a letter indicating the general land use classification - R for Residential, C for Commercial and M for Manufacturing - followed by one or two numbers and, sometimes, a letter suffix. In residence districts, generally, the higher the first number, the greater the density permitted and the larger the building. Parking requirements usually decrease as density increases. A second number, following a hyphen (such as R3-1 or R3-2), denotes variations in use, bulk or parking regulations among districts within a common density category. In commercial and manufacturing districts, the first number denotes the intensity of permitted uses; the higher the first number, generally, the broader the scope of uses that are permitted and the more significant the land use impact of such uses. The second number, following a hyphen, denotes differences in bulk or parking regulations within a common use category. The higher the second number, generally, the larger the building permitted and/or the lower the parking requirements. Letter suffixes have been added to the designations of certain districts (such as R10A) to indicate contextual counterparts that seek to maintain, enhance or establish new neighborhood characteristics or building scale.

(7/24/13)

11-122

Districts established

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

Residence Districts

R1-1 Single-Family Detached Residence District
R1-2 Single-Family Detached Residence District
R1-2A Single-Family Detached Residence District

R2 Single-Family Detached Residence District
R2A Single-Family Detached Residence District
R2X Single-Family Detached Residence District

R3-1 Detached and Semi-Detached Residence District
R3-2 General Residence District

R3A	Detached Residence District
R3X	Detached Residence District
R4	General Residence District
R4-1	Detached and Semi-Detached Residence District
R4A	Detached Residence District
R4B	General Residence District
R5	General Residence District
R5A	Detached Residence District
R5B	General Residence District
R5D	General Residence District
R6	General Residence District
R6A	General Residence District
R6B	General Residence District
R7-1	General Residence District
R7-2	General Residence District
R7-3	General Residence District
R7A	General Residence District
R7B	General Residence District
R7D	General Residence District
R7X	General Residence District
R8	General Residence District
R8A	General Residence District
R8B	General Residence District
R8X	General Residence District
R9	General Residence District
R9-1	General Residence District
R9A	General Residence District
R9D	General Residence District
R9X	General Residence District
R10	General Residence District
R10A	General Residence District
R10H	General Residence District
R10X	General Residence District

Commercial Districts

C1-1	Local Retail District
C1-2	Local Retail District
C1-3	Local Retail District
C1-4	Local Retail District
C1-5	Local Retail District
C1-6	Local Retail District

C1-6A Local Retail District
C1-7 Local Retail District
C1-7A Local Retail District
C1-8 Local Retail District
C1-8A Local Retail District
C1-8X Local Retail District
C1-9 Local Retail District
C1-9A Local Retail District

C2-1 Local Service District
C2-2 Local Service District
C2-3 Local Service District
C2-4 Local Service District
C2-5 Local Service District
C2-6 Local Service District
C2-6A Local Service District
C2-7 Local Service District
C2-7A Local Service District
C2-7X Local Service District
C2-8 Local Service District
C2-8A Local Service District

C3 Waterfront Recreation District
C3A Waterfront Recreation District

C4-1 General Commercial District
C4-2 General Commercial District
C4-2A General Commercial District
C4-2F General Commercial District
C4-3 General Commercial District
C4-3A General Commercial District
C4-4 General Commercial District
C4-4A General Commercial District
C4-4D General Commercial District
C4-4L General Commercial District
C4-5 General Commercial District
C4-5A General Commercial District
C4-5D General Commercial District
C4-5X General Commercial District
C4-6 General Commercial District
C4-6A General Commercial District
C4-7 General Commercial District
C4-7A General Commercial District

C5-1 Restricted Central Commercial District
C5-1A Restricted Central Commercial District
C5-2 Restricted Central Commercial District
C5-2.5 Restricted Central Commercial District
C5-2A Restricted Central Commercial District
C5-3 Restricted Central Commercial District

C5-3.5 Restricted Central Commercial District
C5-4 Restricted Central Commercial District
C5-5 Restricted Central Commercial District
C5-P Restricted Central Commercial District

C6-1 General Central Commercial District
C6-1A General Central Commercial District
C6-1G General Central Commercial District
C6-2 General Central Commercial District
C6-2A General Central Commercial District
C6-2G General Central Commercial District
C6-2M General Central Commercial District
C6-3 General Central Commercial District
C6-3A General Central Commercial District
C6-3D General Central Commercial District
C6-3X General Central Commercial District
C6-4 General Central Commercial District
C6-4A General Central Commercial District
C6-4M General Central Commercial District
C6-4X General Central Commercial District
C6-4.5 Restricted Central Commercial District
C6-5 General Central Commercial District
C6-5.5 Restricted Central Commercial District
C6-6 General Central Commercial District
C6-6.5 Restricted Central Commercial District
C6-7 General Central Commercial District
C6-7T Restricted Central Commercial District
C6-7.5 Restricted Central Commercial District
C6-8 General Central Commercial District
C6-9 General Central Commercial District

C7 Commercial Amusement District

C8-1 General Service District
C8-2 General Service District
C8-3 General Service District
C8-4 General Service District

Manufacturing Districts

M1-1 Light Manufacturing District (High Performance)
M1-1D Light Manufacturing District (High Performance)
M1-2 Light Manufacturing District (High Performance)
M1-2D Light Manufacturing District (High Performance)
M1-3 Light Manufacturing District (High Performance)
M1-3D Light Manufacturing District (High Performance)
M1-4 Light Manufacturing District (High Performance)
M1-4D Light Manufacturing District (High Performance)
M1-5 Light Manufacturing District (High Performance)

M1-5A	Light Manufacturing District	(High Performance)
M1-5B	Light Manufacturing District	(High Performance)
M1-5D	Light Manufacturing District	(High Performance)
M1-5M	Light Manufacturing District	(High Performance)
M1-6	Light Manufacturing District	(High Performance)
M1-6D	Light Manufacturing District	(High Performance)
M1-6M	Light Manufacturing District	(High Performance)
M2-1	Medium Manufacturing District	(Medium Performance)
M2-2	Medium Manufacturing District	(Medium Performance)
M2-3	Medium Manufacturing District	(Medium Performance)
M2-4	Medium Manufacturing District	(Medium Performance)
M3-1	Heavy Manufacturing District	(Low Performance)
M3-2	Heavy Manufacturing District	(Low Performance)

Special Purpose Districts

Establishment of the Special 125th Street District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 7, the #Special 125th Street District# is hereby established.

Establishment of the Special Battery Park City District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 4, the #Special Battery Park City District# is hereby established.

Establishment of the Special Bay Ridge District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 4, the #Special Bay Ridge District# is hereby established.

Establishment of the Special City Island District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 2, the #Special City Island District# is hereby established.

Establishment of the Special Clinton District

In order to carry out the special purposes of this Resolution as

set forth in Article IX, Chapter 6, the #Special Clinton District# is hereby established.

Establishment of the Special College Point District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 6, the #Special College Point District# is hereby established.

Establishment of the Special Coney Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 1, the #Special Coney Island District# is hereby established.

Establishment of the Special Coney Island Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 6, the #Special Coney Island Mixed Use District# is hereby established.

Establishment of the Special Downtown Brooklyn District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 1, the #Special Downtown Brooklyn District# is hereby established.

Establishment of the Special Downtown Jamaica District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 5, the #Special Downtown Jamaica District# is hereby established.

Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

Establishment of the Special Forest Hills District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 6, the #Special Forest Hills

District# is hereby established.

Establishment of the Special Garment Center District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 1, the #Special Garment Center District# is hereby established.

Establishment of the Special Governors Island District

In order to carry out the special purposes of this Resolution, as set forth in Article XIII, Chapter 4, the #Special Governors Island District# is hereby established.

Establishment of the Special Grand Concourse Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 2, the #Special Grand Concourse Preservation District# is hereby established.

Establishment of the Special Harlem River Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 7, the #Special Harlem River Waterfront District# is hereby established.

Establishment of the Special Hillside Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 9, the #Special Hillside Preservation District# is hereby established.

Establishment of the Special Hudson Square District

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

Establishment of the Special Hudson Yards District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 3, the #Special Hudson Yards

District# is hereby established.

Establishment of the Special Hunts Point District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 8, the #Special Hunts Point District# is hereby established.

Establishment of Special Limited Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 3, the #Special Limited Commercial District# is hereby established.

Establishment of Limited Height Districts

The following are hereby established as #Limited Height Districts# to which the provisions of Sections 23-691, 24-591, 33-491 or 43-49 (Limited Height Districts) shall apply either directly or in other provisions of this Resolution, where they are incorporated by cross-reference:

- LH-1 Limited Height District No. 1
- LH-1A Limited Height District No. 1A
- LH-2 Limited Height District No. 2
- LH-3 Limited Height District No. 3

Establishment of the Special Lincoln Square District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 2, the #Special Lincoln Square District# is hereby established.

Establishment of the Special Little Italy District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 9, the #Special Little Italy District# is hereby established.

Establishment of the Special Long Island City Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 7, the #Special Long Island City Mixed Use District# is hereby established.

Establishment of the Special Lower Manhattan District

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

Establishment of the Special Madison Avenue Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 9, the #Special Madison Avenue Preservation District# is hereby established.

Establishment of the Special Manhattanville Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 4, the #Special Manhattanville Mixed Use District# is hereby established.

Establishment of the Special Midtown District

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

Establishment of the Special Mixed Use District

In order to carry out the purposes of this Resolution as set forth in Article XII, Chapter 3, the #Special Mixed Use District# is hereby established.

Establishment of the Special Natural Area District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 5, the #Special Natural Area District# is hereby established.

Establishment of the Special Ocean Parkway District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 3, the #Special Ocean Parkway District# is hereby established.

Establishment of the Special Park Improvement District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 2, the #Special Park Improvement District# is hereby established.

Establishment of the Special Planned Community Preservation District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 3, the #Special Planned Community Preservation District# is hereby established.

Establishment of the Special Scenic View District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 2, the #Special Scenic View District# is hereby established.

Establishment of the Special Sheepshead Bay District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 4, the #Special Sheepshead Bay District# is hereby established.

Establishment of the Special South Richmond Development District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 7, the #Special South Richmond Development District# is hereby established.

Establishment of the Special Southern Hunters Point District

In order to carry out the purposes of this Resolution, as set forth in Article XII, Chapter 5, the #Special Southern Hunters Point District# is hereby established.

Establishment of the Special Southern Roosevelt Island District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 3, the #Special Southern Roosevelt Island District# is hereby established.

Establishment of the Special St. George District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 8, the #Special St. George District# is hereby established.

Establishment of the Special Stapleton Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 6, the #Special Stapleton Waterfront District# is hereby established.

Establishment of the Special Transit Land Use District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 5, a #Special Transit Land Use District# is hereby established.

Establishment of the Special Tribeca Mixed Use District

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

Establishment of the Special Union Square District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 8, the #Special Union Square District# is hereby established.

Establishment of the Special United Nations Development District

In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 5, the #Special United Nations Development District# is hereby established.

Establishment of the Special West Chelsea District

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

Establishment of the Special Willets Point District

In order to carry out the special purposes of this Resolution as set forth in Article XII, Chapter 4, the #Special Willets Point District# is hereby established.

(2/2/11)

11-123

Special Purpose Districts

For the Special Purpose Districts listed in Section 11-122 (Districts established), each Special Purpose District appears on the #zoning maps# superimposed on other districts and its regulations supplement or modify those of the districts upon which it is superimposed.

(12/10/13)

11-13

Public Parks

District designations indicated on #zoning maps# do not apply to #public parks#, except as set forth in Section 105-91 (Special District Designation on Public Parks) and in paragraph (c) of Section 62-351 (Special floor area regulations). In the event that a #public park# or portion thereof is sold, transferred, exchanged, or in any other manner relinquished from the control of the Commissioner of Parks and Recreation, no building permit shall be issued, nor shall any #use# be permitted on such former #public park# or portion thereof, until a zoning amendment designating a zoning district therefore has been adopted by the City Planning Commission and has become effective after submission to the City Council in accordance with the provisions of Section 71-10 (PROCEDURE FOR AMENDMENTS).

(12/15/61)

11-14

Incorporation of Maps

The location and boundaries of the districts established by this Resolution are shown upon the #zoning maps#, which are hereby incorporated into the provisions of this Resolution. The said #zoning maps# in their entirety, including all amendments thereto, shall be as much a part of this Resolution as if fully

set forth and described herein.

(3/28/12)

11-15

Environmental Requirements

The designation (E) or an environmental restrictive declaration, where listed in APPENDIX C (City Environmental Quality Review (CEQR) Environmental Requirements) of this Resolution, indicate that environmental requirements pertaining to potential hazardous materials, noise or air quality impacts have been established in connection with an amendment of or an action pursuant to this Resolution for one or more tax lots. Such environmental requirements are set forth in the CEQR determination related to such amendment or action.

CEQR determinations are on file with the lead agency and the Mayor's Office of Environmental Coordination (MOEC). A listing of such CEQR determinations and their related environmental requirements is found within APPENDIX C of this Resolution. (E) designations and environmental restrictive declarations may only be removed from APPENDIX C or modified in accordance with the provisions of paragraph (d) of this Section.

In the case of a merger or subdivision of lots, any of which is subject to an (E) designation or environmental restrictive declaration, such (E) designation or environmental restrictive declaration shall be considered assigned to all portions of the merged or subdivided lots. The environmental requirements of such (E) designation or environmental restrictive declaration shall apply to the merged or subdivided lots, or portions thereof, as determined by the Office of Environmental Remediation (OER).

Tax lots with environmental requirements shall be subject to the following:

(a) Building permit conditions

Prior to issuing a building permit or temporary or final certificate of occupancy, for any action listed in paragraphs (a)(1), (a)(2) or (a)(3) of this Section, on a tax lot that has an (E) designation or an environmental restrictive declaration related to hazardous materials, noise or air quality, the Department of Buildings (DOB) shall be furnished with a notice issued by OER stating that OER does not object to the issuance of such building permit, or temporary or final certificate of occupancy, in

accordance with the applicable rules of the City of New York (OER Notice).

(1) For hazardous materials

- (i) any #development#;
- (ii) an #enlargement#, #extension# or change of #use#, any of which involves a #residential# or a #community facility use#; or
- (iii) an #enlargement# or alteration of a #building# for any #use# that involves a disturbance of the soil;

(2) For air quality

- (i) any #development#;
- (ii) an #enlargement#, #extension# or change of #use#; or
- (iii) an alteration that involves ventilation or exhaust systems, including, but not limited to, stack relocation or vent replacement; or

(3) For noise

- (i) any #development#;
- (ii) an #enlargement#, #extension# or change of #use#; or
- (iii) an alteration that involves window or exterior wall relocation or replacement.

(b) Ongoing site management

In the event that a duly issued OER Notice indicates that a tax lot that has an (E) designation or an environmental restrictive declaration requires ongoing site management, OER may require that a declaration of covenants and restrictions governing the ongoing site management requirements be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk's Office in the county where the lot is located.

As a condition to the issuance of a temporary or final certificate of occupancy or granting of permit sign-off, if no certificate of occupancy is required, DOB shall be provided with proof that the declaration of covenants and

restrictions for ongoing site management has been duly recorded. The recording information for the ongoing site management declaration shall be referenced on the first certificate of occupancy to be issued after such declaration is recorded, as well as all subsequent certificates of occupancy, for as long as the declaration remains in effect.

(c) Modifications

Upon application to OER by the owner of the affected lot(s), OER may, with the consent of the lead agency, modify the environmental requirements set forth in a CEQR determination based upon new information, additional facts or updated standards, as applicable, provided that such modifications are equally protective.

(d) Completion of environmental requirements

- (1) Removal of tax lots subject to an (E) designation or an environmental restrictive declaration from APPENDIX C

The Department of City Planning (DCP) shall administratively modify APPENDIX C after receiving a duly issued OER Notice, stating that the environmental requirements related to an (E) designation or contained in an environmental restrictive declaration related to potential hazardous materials, noise or air quality have been completed or otherwise no longer apply to a tax lot(s), because:

- (i) no further testing, remediation or ongoing site management is required for hazardous materials contamination;
- (ii) the noise generating source has been permanently eliminated; or
- (iii) the emissions source related to air quality has been permanently eliminated.

- (2) Removal of an (E) designation from APPENDIX C

DCP shall administratively remove an (E) designation from APPENDIX C when, in accordance with the provisions of paragraph (d)(1) of this Section, the environmental requirements for all tax lots subject to the (E) designation have been completed.

- (3) Cancellation of an environmental restrictive declaration and modification of APPENDIX C

DCP shall administratively remove an environmental restrictive declaration from APPENDIX C when, in accordance with the provisions of paragraph (d)(1) of this Section, the environmental requirements contained in such environmental restrictive declaration have been completed for all tax lots and a Notice of Cancellation of the environmental restrictive declaration has been duly recorded against the subject tax lots in the Office of the City Register or, where applicable, in the County Clerk's Office in the county where the lots are located.

(4) Notification

DCP shall notify DOB, MOEC and OER when modifications to APPENDIX C are made.

- (e) The provisions of this Section shall apply to all (E) designations and environmental restrictive declarations, notwithstanding the date such environmental requirements were established.

(3/28/12)

11-151

Special requirements for properties in the Borough of Queens

- (a) Block 9898, Lots 1 and 117, in the Borough of Queens, shall be subject to the provisions of Section 11-15 (Environmental Requirements) governing (E) designations. The City Environmental Quality Review (CEQR) Declarations for these sites shall be listed in APPENDIX C (City Environmental Quality Review (CEQR) Environmental Requirements) of the Zoning Resolution.
- (b) The following special requirements shall apply to a #development#, #enlargement# or change of #use# for properties in the Borough of Queens located within the areas described in paragraphs (1) through (5) of this paragraph,
- (b).
- (1) The regulations of an R4 District shall apply within an area bounded by Liberty Avenue, 170th Street, a line 100 feet southeasterly of Liberty Avenue, and a line 100 feet southwesterly of 168th Place.
- (2) The regulations of a C8-1 District shall apply within

an area bounded by Liberty Avenue, a line 100 feet southwesterly of 168th Place, a line 150 feet northwesterly of 104th Avenue, and Merrick Boulevard.

- (3) The regulations of an M1-1 District shall apply within an area bounded by Liberty Avenue, Sutphin Boulevard, 105th Avenue, a line 50 feet southwesterly of 148th Street, a line 100 feet northwesterly of 105th Avenue, and a line 150 feet northeasterly of Sutphin Boulevard.
- (4) The regulations of an R6 District with a C2-2 District overlay shall apply within an area bounded by 163rd Street, a line perpendicular to 163rd Street passing through a point distant 109.42 feet as measured along the easterly #street line# of 163rd Street from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of 163rd Street, a line 86 feet northeasterly of 163rd Street, a line perpendicular to 163rd Street passing through a point 146.92 feet distant as measured along the easterly #street line# of 163rd Street from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of 163rd Street.
- (5) The regulations of a C8-1 District shall apply within an area bounded by Hillside Avenue, a line 388 feet westerly of 144th Street, a line 100 feet northwesterly of 88th Avenue, a line 100 feet northeasterly of 139th Street, a line 120 feet northwesterly of 88th Avenue, a line 60 feet northeasterly of 139th Street, a line 70 feet southeasterly of Hillside Avenue, and 139th Street; and within an area bounded by Queens Boulevard, Hillside Avenue, 139th Street, a line 100 feet southeasterly of Hillside Avenue, a line midblock between 139th Street and Queens Boulevard, a line perpendicular to Queens Boulevard passing through a point distant 140 feet as measured along the northeasterly #street line# of Queens Boulevard from the intersection of the southeasterly line of Hillside Avenue and the northeasterly line of Queens Boulevard.

However, in the event that the Chairperson of the City Planning Commission, based on consultation with the Department of Environmental Protection of the City of New York, provides a certificate of no effect to the Department of Buildings with regard to industrial air emissions for an area described in paragraph (b) of this Section, the regulations of the zoning districts designated on the #zoning map# shall apply to any #development#,

#enlargement# or change of #use# within such area, to the extent permitted under the terms of the certificate of no effect.

(10/25/93)

11-16

Pierhead Lines, Bulkhead Lines and Marginal Streets

The pierhead and bulkhead lines shown on the #zoning maps# shall be the lines adopted by the United States Army Corps of Engineers, except where a New York City pierhead or bulkhead line is adopted, in which case the New York City line shall be the governing line for the purposes of this Resolution. In the event a provision of this Resolution refers to a pierhead or bulkhead line and no such line is shown on the #zoning map#, then the #shoreline# shall control.

Marginal streets, ways, places or wharves shown on the #zoning maps# shall not be deemed to be #streets# for the purposes of this Resolution, unless expressly stated otherwise.

(12/15/61)

11-20

INTERPRETATION OF PROVISIONS

(12/15/61)

11-21

Provisions are Minimum Requirements

In interpreting and applying the provisions of this Resolution, such provisions shall be considered as the minimum requirements:

- (a) to promote and protect public health, safety and general welfare, as set forth in the preamble to this Resolution and in the statements of legislative intent for the respective districts and other regulations; and
- (b) to provide a gradual remedy for existing conditions which are detrimental thereto.

(12/15/61)

11-22

Applications of Overlapping Regulations

Whenever any provision of this Resolution and any other provisions of law, whether set forth in this Resolution or in any other law, ordinance or resolution of any kind, impose overlapping or contradictory regulations over the #use# of land, or over the #use# or #bulk# of #buildings or other structures#, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. In case of any conflict between the performance standards and the rules and regulations adopted by the Department of Environmental Protection, the more restrictive shall apply.

(2/2/11)

11-23

Demolition and Replacement

The alteration of an existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development# for the purposes of the following provisions. The provisions of this Section shall apply notwithstanding the provisions of Article V (Non-Conforming Uses and Non-Complying Buildings). However, these provisions shall not apply where the #building# to be replaced is a #single-# or #two-family residence# utilizing the provisions of Article V.

Section 23-03 (Street Tree Planting in Residence Districts)

Section 23-04 (Planting Strips in Residence Districts)

Section 33-03 (Street Tree Planting in Commercial Districts)

Section 37-35 (Retail Continuity)

Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR)

Section 81-42 (Retail Continuity along Designated Streets)

Section 81-46 (Off-Street Relocation or Renovation of a Subway Stair)

Section 81-72 (Use Regulations Modified)

Section 82-12 (Mandatory Off-Street Relocation of a Subway Stair)

Section 82-23 (Street Wall Transparency)

Section 91-12 (Uses on Designated Retail Streets)

Section 91-41 (Regulations for Designated Retail Streets)

Section 91-43 (Off-Street Relocation or Renovation of a Subway Stair)

Section 93-14 (Ground Floor Level Requirements)

Section 93-65 (Transit Facilities)

Section 93-66 (Open Area Requirements in the Large-Scale Plan Subdistrict A)

Section 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES)

Section 95-03 (Transit Easement)

Section 95-04 (Certification of Transit Easement Volume)

Section 95-08 (Special Use Regulations)

Section 97-12 (Arts and Entertainment Use Requirement)

Section 97-22 (Uses Not Permitted on the Ground Floor of Buildings)

Section 97-23 (Transparency Requirements)

Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue)

Section 98-53 (Required Open Areas on the East Side of the High Line)

Section 98-54 (Transparency Requirements on the East Side of the High Line)

Section 98-60 (SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS)

Section 101-11 (Special Ground Floor Use Regulations)

Section 101-12 (Transparency Requirements)

Section 101-43 (Off-street Relocation or Renovation of a Subway Stair)

Section 108-30 (MODIFICATION OF STREET TREE REQUIREMENTS)

Section 109-132 (Treatment of the ground level wall)

Section 109-21 (Use Regulations)

Section 109-33 (Special Front Wall Regulations)

Section 115-14 (Transparency Requirement in C4-5X and C6 Districts)

Section 116-12 (Mandatory Ground Floor Use and Frontage Requirements)

Section 116-13 (Transparency Requirements)

Section 117-31 (Special Use Regulations)

Section 117-42 (Special Bulk and Use Regulations in the Court Square Subdistrict)

Section 117-44 (Mandatory Subway Improvements)

Section 117-45 (Developer's Notice)

Section 117-513 (Transparency requirement)

Section 117-553 (Mandatory sidewalk widening and ground floor uses), paragraph (b)

Section 118-40 (ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS)

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

Section 119-112 (Tier I tree planting requirements)

Section 119-216 (Tier II tree planting requirements)

Section 122-50 (SPECIAL PROVISIONS FOR PLANTING STRIPS)

Section 124-30 (MANDATORY IMPROVEMENTS)

Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS)

Section 126-21 (Street Tree Planting)

(6/29/94)

11-25

District Designations Appended with Suffixes

All regulations applicable to a district designation shall be applicable to such district designation appended with a suffix, except as otherwise set forth in express provisions of this Resolution. If a section lists an R4 District, therefore, the provisions of that section shall also apply to R4-1, R4A and R4B Districts, unless separate provisions for the districts with suffixes are listed within such section. Wherever a section lists only a district with a suffix, the provisions applicable to such district are different from the provisions of that district without a suffix. If a section lists only a C4-6A District, therefore, the provisions of that section are not applicable to a C4-6 District.

(6/30/89)

11-27

Regulations Concerning Effective Date of Amendment and Alteration Permits

(6/30/89)

11-271

Alteration permits filed for residential occupancy prior to May 18, 1981, in certain M1-6 Districts

In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that

- (a) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21,

1983. For the purposes of Article 7C of the New York Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#; and

- (b) in any #building# for which an alteration application for conversion of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this paragraph shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.

(6/30/89)

11-272

Alteration applications filed prior to effective date of amendment C821182 ZMM, rezoning the area between Canal Street, Baxter Street, White Street and Broadway

In the #Manufacturing District# located in the area between Canal Street, Baxter Street, Walker Street, Centre Street, White Street and Broadway, #residential use# shall not be permitted. However:

- (a) all #dwelling units# for which an alteration application to permit such #use# was filed with the Department of Buildings prior to December 16, 1982, and a temporary or permanent certificate of occupancy is obtained not later than December 16, 1984, shall be a permitted #use#; and
- (b) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on August 31, 1982, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than August 31, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#.

(6/30/89)

11-28

Regulations Concerning Effective Date of Permits Issued Pursuant to BSA Variances

(6/30/89)

11-281

Permits issued pursuant to variances granted prior to the effective date of amendment C880800 ZMM, removing the Special Yorkville-East 86th Street District

If, within the area affected by #zoning map# amendment C880800 ZMM, a variance to modify #bulk# regulations was granted prior to June 30, 1989, and a permit was issued in accordance with the terms of said variance within two years of the grant of said variance, construction pursuant to said permit may be continued.

(12/5/91)

11-30

BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT

(2/2/11)

11-31

General Provisions

For the purposes of Section 11-33, relating to Building Permits Issued before Effective Date of Amendment to this Resolution, the following terms and general provisions shall apply:

- (a) A lawfully issued building permit shall be a building permit which is based on an approved application showing complete plans and specifications, authorizes the entire construction and not merely a part thereof, and is issued prior to any applicable amendment to this Resolution.

In case of dispute as to whether an application includes "complete plans and specifications" as required in this Section, the Commissioner of Buildings shall determine whether such requirement has been met.

(b) The rights set forth in these Sections shall be retained only if all modifications, made in such plans after the effective date of any applicable amendment to this Resolution, do not create a new #non-compliance# or #non-conformity# or increase the degree of #non-compliance# or #non-conformity# with the provisions of this Resolution, as amended.

(c) For the purposes of this paragraph, (c), #abutting buildings# on a single #zoning lot# shall be considered to be a single #building#. As used in Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment):

(1) "minor development" shall include:

(i) construction of any single #building# which will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution; or

(ii) construction of two or more #buildings# on a single #zoning lot# which under the provisions of any applicable amendment to this Resolution will be #non-conforming#; or

(iii) construction of two or more #buildings# on contiguous #zoning lots# or #zoning lots# which would be contiguous except for their separation by a #street# or #street# intersection; and

(a) have been planned as a unit evidenced by a site plan for all such #zoning lots# filed with, and approved by, the Department of Buildings prior to the effective date of the applicable amendment; and

(b) will be #non-conforming# under the provisions of any applicable amendment to this Resolution; or

(iv) a major #enlargement#, which is an #enlargement# requiring the installation of foundations and involving at least 50 percent of the total #floor area# of such #enlarged building#, and which #enlargement# will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution. For the purposes of Section 11-33 (Building Permits for Minor or Major

Development or Other Construction Issued before Effective Date of Amendment) only, a major #enlargement# shall also include any other #enlargement# adding at least 50,000 square feet to the #floor area# of an existing #building#, which #enlargement# will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution.

(2) "major development" shall include:

- (i) construction of two or more #buildings# on a single #zoning lot# which will be #non-complying# under the provisions of any applicable amendment to this Resolution; or
- (ii) construction of two or more #buildings# on contiguous #zoning lots# or #zoning lots# which would be contiguous except for their separation by a #street# or #street# intersection; and
 - (a) have been planned as a unit evidenced by a site plan for all such #zoning lots# filed with, and approved by, the Department of Buildings prior to the effective date of the applicable amendment; and
 - (b) will be #non-complying# under the provisions of any applicable amendment to this Resolution.

(3) "Other construction" shall include:

- (i) any #enlargement# other than a major #enlargement#; or
- (ii) any #extension#, #conversion# or structural alteration; or
- (iii) construction of any structure other than a #building#;

which will be #non-conforming# or #non-complying# under the provisions of any applicable amendment to this Resolution.

11-33**Building Permits for Minor or Major Development or Other Construction Issued before Effective Date of Amendment**

The provisions of this Section shall apply to minor developments, major developments or other construction authorized by building permits lawfully issued before the effective date of an applicable amendment of this Resolution except as specifically provided elsewhere in this Resolution.

(2/2/11)

11-331**Right to construct if foundations completed**

If, before the effective date of an applicable amendment of this Resolution, a building permit has been lawfully issued as set forth in Section 11-31 paragraph (a), to a person with a possessory interest in a #zoning lot#, authorizing a minor development or a major development, such construction, if lawful in other respects, may be continued provided that:

- (a) in the case of a minor development, all work on foundations had been completed prior to such effective date; or
- (b) in the case of a major development, the foundations for at least one #building# had been completed prior to such effective date.

In the event that such required foundations have been commenced but not completed before such effective date, the building permit shall automatically lapse on the effective date and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew the building permit and authorize an extension of time limited to one term of not more than six months to permit the completion of the required foundations, provided that the Board finds that, on the date the building permit lapsed, excavation had been completed and substantial progress made on foundations.

(6/29/94)

11-332**Extension of period to complete construction**

- (a) In the event that the construction permitted in Section 11-331 (Right to construct if foundations completed) has not been completed and a certificate of occupancy including a temporary certificate of occupancy, issued therefore within two years after the effective date of any applicable amendment, or for other construction if construction has not been completed on the effective date of any applicable amendment, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew such building permit for two terms of not more than two years each for a minor development or three terms of not more than two years each for a major development or one term of not more than three months for other construction. In granting such an extension, the Board shall find that substantial construction has been completed and substantial expenditures made, subsequent to the granting of the permit, for work required by any applicable law for the use or development of the property pursuant to the permit.
- (b) However, in the event that construction has not been completed at the expiration of the extended terms specified in paragraph (a) of this Section, or in Sections 11-333 (Residential developments with building permits issued on or before June 30, 1989) or 11-334 (Building permits issued prior to June 29, 1994), such building permit may be renewed by the Board for terms of one year each upon the following findings:
- (1) that the applicant has been prevented from completing such construction by hardship or circumstances beyond the applicant's control;
 - (2) that the applicant has not recovered all or substantially all of the financial expenditures incurred in construction, nor is the applicant able to recover substantially all of the financial expenditures incurred through development that conforms and complies with any applicable amendment to this Resolution; and
 - (3) that there are no considerations of public safety, health and welfare that have become apparent since the issuance of the permit that indicate an overriding benefit to the public in enforcement of the applicable amendment to this Resolution.
- (c) The rights or obligations that accrue or are created by this

Section shall commence on December 5, 1991.

- (d) If judicial proceedings affecting the validity of the building permit have been instituted, the rights or obligations that accrue or are created by this Section shall commence upon the date of entry of the final order in such proceedings, including all appeals.

(12/5/91)

11-333

Residential developments with building permits issued on or before June 30, 1989

If on or before June 30, 1989, the foundations of a #residential# major or minor development have been completed and permits issued pursuant to the requirements of Section 11-331 (Right to construct if foundations completed), and a certificate of occupancy has not been issued by June 30, 1991, construction may continue until June 30, 1995 for a minor development, or until June 30, 1997 for a major development, provided the Commissioner of Buildings determines that 30 percent of the #floor area# of the major or minor development was roofed and enclosed by walls by June 30, 1991. Applications to continue construction under this Section must be filed with the Commissioner of Buildings within 90 days of December 5, 1991. If the Commissioner of Buildings has granted the right to continue construction of a major or minor development pursuant to this Section, the Board of Standards and Appeals may not grant the right to continue construction pursuant to Section 11-332, paragraph (a).

(6/29/94)

11-334

Building permits issued prior to June 29, 1994

If, before June 29, 1994, a building permit has been lawfully issued, as set forth in paragraph (a) of Section 11-31, to a person with a possessory interest in a #zoning lot# authorizing construction, such construction may be started or continued for a period of one year pursuant to the regulations governing R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X or R10A Districts or #Commercial Districts# with such #Residential District bulk# regulations, or in any other district in which such construction complies with the Quality Housing Program, prior to the adoption

of N940257 ZRY - Quality Housing Follow-Up Text Amendments.

(4/22/09)

11-335

Building permits for other construction in R1-2A and R2A Districts

In R1-2A Districts established on or after April 22, 2009, and R2A Districts established on or after December 20, 2006, if a building permit for other construction has been lawfully issued prior to the dates establishing such districts, such construction may be continued, notwithstanding the provisions of paragraph (a) of Section 11-332 (Extension of period to complete construction), provided that the Department of Buildings determines that all of the requisite structural framing to perform the work authorized under the permit was completed on or before the date establishing the district. If the Commissioner of Buildings determines that such framing was not complete on such date, the provisions of paragraph (a) of Section 11-332 shall apply.

(4/30/08)

11-336

Building permits issued before April 30, 2008

In all districts other than R1, R2, R3, R4 or R5 Districts, if, before April 30, 2008, a building permit has been lawfully issued authorizing construction on a #zoning lot#, the provisions of N080078 ZRY, pertaining to #yards# and N080081 ZRY, pertaining to #street# trees, shall not apply, provided that foundations have been completed in accordance with paragraphs (a) and (b) of Section 11-331 (Right to construct if foundations completed), as applicable, before April 30, 2009. The provisions of Section 11-332 (Extension of period to complete construction) shall not apply.

(4/22/09)

11-337

Building permits issued and applications filed before April 22, 2009

If, before April 22, 2009, a building permit has been lawfully

issued authorizing construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply.

If, on or before November 17, 2008, an application for a special permit or variance is pending before the Board of Standards and Appeals or an authorization or special permit from the City Planning Commission has been certified or referred to authorize construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply.

For hospitals, if, before April 22, 2009, an application for a special permit or variance is pending before the Board of Standards and Appeals or an authorization or special permit from the City Planning Commission has been filed to authorize construction on a #zoning lot#, the provisions of N090191 ZRY, pertaining to bicycle parking, shall not apply.

(2/2/11)

11-338

Building permits issued before February 2, 2011

If a building permit has been lawfully issued on or before February 2, 2011, authorizing "other construction" as set forth in paragraph (c)(3) of Section 11-31 (General Provisions), construction pursuant to such permit may continue pursuant to the regulations governing such construction prior to the adoption of N110090(A) ZRY (Key Terms Clarification zoning text amendment) until February 2, 2012.

However, this Section shall not apply to "other construction" subject to Sections 23-692 (Height limitations for narrow buildings or enlargements) or 109-124 (Height and setback regulations).

(7/23/15)

11-339

Post-Hurricane Sandy construction

The provisions of this Section shall apply within the #flood zone#. The provisions of this Section are subject to all provisions of Title 28 of the Administrative Code of the City of New York and Appendix G of the Building Code of the City of New York, or its successors, including those pertaining to expiration, reinstatement, revocation and suspension. Changes in

#flood maps# shall be considered an amendment of the Zoning Resolution pursuant to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT).

- (a) Applications for approval of construction documents approved pursuant to Executive Order 230

If an application for approval of construction documents has been approved on or before October 9, 2013, pursuant to Executive Order No. 230 (Emergency Order to Suspend Zoning Provisions to Facilitate Reconstruction in Accordance with Enhanced Flood Resistant Construction Standards), dated January 31, 2013, and its successors, including Executive Order No. 427 in effect on October 9, 2013, relating to #Hurricane Sandy# as defined in Section 64-11 of this Resolution, a building permit authorizing such construction may be issued pursuant to the regulations of this Resolution in effect at the time of such approval of construction documents, and such construction may continue until October 9, 2019. After such date, the vesting provisions of Section 11-30 shall apply.

- (b) Construction approved pursuant to previous versions of #flood maps#

If, within one year prior to a change in the #flood maps# affecting a property, the Department of Buildings issued an approval of construction documents or issued a building permit for construction on that property pursuant to the previous #flood maps#, the provisions of Article VI, Chapter 4, shall be deemed modified so as to substitute the previous #flood maps# for the current #flood maps#, and such construction may continue pursuant to such prior #flood maps# until October 9, 2019. After this date, the vesting provisions of Section 11-30 shall apply.

- (c) Provisions applying in the event that Flood Resilience Zoning Text Amendment expires

This provision shall become effective only upon the expiration of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), adopted on October 9, 2013. If an application for approval of construction documents has been approved on or before the expiration of Article VI, Chapter 4, a building permit authorizing such construction may be issued pursuant to Article VI, Chapter 4, and such construction may continue until a date six years after the expiration of Article VI, Chapter 4. After such date, the vesting provisions of Section 11-30 shall apply.

- (d) Provisions applying when Appendix A (Special Regulations for Neighborhood Recovery) of Article VI, Chapter 4 expires

This provision shall become effective only upon the expiration of Appendix A (Special Regulations for Neighborhood Recovery), adopted on July 23, 2015. If a building permit authorizing construction pursuant to Appendix A has been approved on or before the expiration of such Appendix, construction may continue up to two years after the expiration. After such date, the provisions of Section 11-30 shall apply.

(7/18/95)

11-40

EXCEPTIONS, VARIANCES, AUTHORIZATIONS OR PERMITS

(7/18/95)

11-41

Exceptions, Variances or Permits Previously Authorized Pursuant to the 1916 Zoning Resolution

Whenever under the provisions of the 1916 Zoning Resolution as amended, either the Board of Standards and Appeals or the City Planning Commission with the approval of the Board of Estimate or the City Council, has authorized any #use# to locate in a district in which it is not permitted as-of-right by issuing a variance, exception or permit, such existing #use# established pursuant to such grant may be continued, changed, #extended#, #enlarged# or structurally altered only as provided in this Section or in Article VII, Chapter 3 or 4, provided that the #lot area# of the #zoning lot# occupied by such #use# is not increased.

(12/15/61)

11-411

Renewals

Where no limitation as to duration of the #use# was imposed at the time of authorization, such #use# may be continued. Where such #use# was authorized subject to a term of years, such #use# may be continued until the expiration of the term, and

thereafter, the agency which originally authorized such #use# may, in appropriate cases, extend the period of continuance for one or more terms of not more than ten years each. The agency may prescribe appropriate conditions and safeguards to minimize adverse effects of such #use# on the character of the neighborhood.

(12/5/91)

11-412

Alterations, extensions or enlargements

Repairs or #incidental alterations# may be made and in appropriate cases the authorizing agency may permit structural alterations, #extensions# or #enlargements# limited to the #zoning lot# that was granted a variance, exception or permit prior to December 15, 1961. However, the #use# of any #building or other structure# shall not be #extended#, and the #building or other structure# shall not be #enlarged#, in excess of 50 percent of the #floor area# of such #building# (or size of such structure) occupied or utilized by the #use# on December 15, 1961, and, except as otherwise provided in Article VII, no structural alterations, #extensions# or #enlargements# shall be authorized for a new #non-conforming use# authorized under the provisions of Section 11-413 (Change of use).

(10/25/67)

11-413

Change of use

Such #use# may be changed to a conforming #use# and in appropriate cases the authorizing agency may permit such #use# to be changed to another #non-conforming use# which would be permitted under the provisions applicable to #non-conforming uses# as set forth in Sections 52-31 to 52-36, inclusive, relating to Change of Non-Conforming Use, provided that the authorizing agency finds that such change of #use# will not impair the essential character or the future use or development of the surrounding area.

In permitting a change to another #non-conforming use#, such authorizing agency may impose appropriate conditions and safeguards to minimize any adverse effects upon the character of the surrounding area.

For the purposes of this Section, a change of #use# is a change to another #use# listed in the same or any other Use Group. A change in ownership or occupancy shall not, by itself, constitute a change of #use#.

(2/2/11)

11-42

Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution

- (a) Except as otherwise provided in paragraphs (b), (c) or (d) of this Section, any authorization or special permit granted by the City Planning Commission under the provisions of the 1961 Zoning Resolution shall automatically lapse if substantial construction, in accordance with the plans for which such special permit or authorization was granted, has not been completed within four years from the effective date of such permit or authorization. Substantial construction shall mean, in the case of a new #building# or #buildings#, the substantial construction of at least one #building#. For the purposes of this paragraph, (a), #abutting buildings# on a single #zoning lot# shall be considered to be one #building#.
- (b) Any authorization or special permit for a site that is part of an urban renewal area or other government-sponsored or government-assisted project shall automatically lapse within four years from the date of the applicant's possession of the site, or sites, or the effective date of an authorization or special permit, whichever is later; or
- (c) Upon a showing that a longer time period for substantial construction is required for a phased construction program of a multi-#building# complex, the Commission may, at the time of granting an authorization or special permit, extend the period set forth in paragraph (a) of this Section to a period not to exceed ten years; or
- (d) In the event judicial proceedings have been instituted to review the decision to grant any authorization or special permit, the lapse period set forth in paragraph (a), (b) or (c) of this Section, whichever is applicable, shall commence upon the date of entry of the final order in such proceedings, including appeals.

(7/18/95)

11-43

Renewal of Authorization or Special Permit

Any authorization or special permit granted by the City Planning Commission, except one granted with a ten year lapse period, that would automatically lapse as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) may be renewed without public hearing, for two additional three-year terms, provided that the Commission finds that the facts upon which the authorization or special permit was granted have not substantially changed. However, all special permits or authorizations granted by the Commission shall lapse after a total of ten years from the date of their original granting if substantial construction has not taken place at such time. An application for a renewal of authorization or special permit shall be filed with the Commission before it lapses.

(8/12/04)

11-44

Special Permits Granted Prior to August 12, 2004

Within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, any special permit granted by the City Planning Commission may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the #bulk# regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

(8/12/04)

11-45

Authorizations or Permits in Lower Density Growth Management Areas

The provisions of this Section shall apply within #lower density growth management areas#.

- (a) Notwithstanding the provisions of N040414ZRY, pertaining to #lower density growth management areas#, and subject to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) with respect to amendments of this Resolution other than N040414ZRY, Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and Section 11-43 (Renewal of Authorization or Special Permit), the following provisions shall apply with respect to special permits and authorizations granted by the City Planning Commission or for which certification or referral for public review has been made prior to August 12, 2004:
- (1) Any #development# or #enlargement#, including minor modifications thereto, granted a special permit or authorization by the City Planning Commission and, where applicable, the City Council, prior to August 12, 2004, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such permit or authorization was granted.
 - (2) Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to May 24, 2004, may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the City Planning Commission and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.
- (b) Notwithstanding the provisions of N040414ZRY, the following provisions shall apply to certain #developments# within the #Special South Richmond Development District#:
- (1) #Developments#, including minor modifications thereto, within the #Special South Richmond Development District# that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access

to such #designated open space# and #waterfront esplanade#, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

- (2) #Developments# within the #Special South Richmond Development District# accessed, in part, by #private roads# and consisting, in part, of construction within #streets# that are unimproved, and for which a conservation easement has been granted to the City, and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law, or its successor, and an application for an authorization for such #development# has been filed pursuant to paragraph (a) of Section 26-27 (Waiver of Bulk Regulations for Developments within Unimproved Streets) prior to May 1, 2004, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.

(11/16/78)

11-50

SEPARABILITY

It is hereby declared to be the legislative intent that:

- (a) if a court of competent jurisdiction finds any provisions of this Resolution to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Resolution shall continue to be separately and fully effective.
- (b) if a court of competent jurisdiction finds the application of any provision or provisions of this Resolution to any #zoning lot#, #building or other structure#, or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

(9/14/89)

11-60
VIOLATIONS

(9/14/89)

11-61
General Provisions

The owner, general agent, lessee or tenant of any #building or other structure# or tract of land in which a violation of this Resolution has been committed or shall exist; or the general agent, architect, builder or contractor; or any other person who commits, takes part or assists in any such violation or who maintains any #building or other structure# or tract of land in which any such violation shall exist, shall be guilty of a misdemeanor.

Any such person, having been served with an order to remove any such violation, who shall fail to comply with such order within ten days after such service or who shall continue to violate any provision of this Resolution in the respect named in such order shall be guilty of a misdemeanor.

In addition to the foregoing remedies, the City may maintain an action for an injunction to restrain any violation of this Resolution.

(9/14/89)

11-62
Failure to Comply with Special Permits, Variances, Authorizations or Certifications

Failure to comply with any conditions or restrictions in special permits, variances, authorizations or certifications granted under this Resolution 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 revocation of such special permit, variance, authorization or certification, and for all other applicable remedies.

In any application for modification, renewal or extension of a previously granted special permit, authorization or certification, or for modification or renewal of a previously granted variance, the applicant shall verify whether it has complied with each of the conditions and safeguards theretofore

prescribed by the City Planning Commission, the Board of Estimate or the Board of Standards and Appeals, or their successors, as applicable. In the event that the applicant has not complied with such conditions and safeguards, such #non-compliance# may constitute grounds for the City Planning Commission, the Board of Estimate or the Board of Standards and Appeals, or their successors, as applicable, to disapprove the application for modification, renewal or extension.

(12/15/61)

11-70

EFFECTIVE DATE

This Resolution shall take effect one year after the date of its approval by the Board of Estimate.

After the date of approval by the Board of Estimate, applications for permits to build in accordance with the provisions of this Resolution may be filed with and approved by the Department of Buildings, provided that no building permit shall be lawfully issued under this Resolution until such effective date or thereafter.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article I: General Provisions

Chapter 2 - Construction of Language and Definitions

Effective date of most recently amended section of Article I Chapter 2: 4/28/15

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CITY PLANNING COMMISSION
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(12/15/61)

Chapter 2

Construction of Language and Definitions

(12/15/61)

12-00

RULES FOR CONSTRUCTION OF LANGUAGE

(2/2/11)

12-01

Rules Applying to Text of Resolution

The following rules of construction apply to the text of this Resolution:

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this Resolution and any caption, illustration, summary table or illustrative table, the text shall control.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (e) A "building" or "structure" includes any part thereof. The terms #residential building#, #commercial building# and #community facility building# shall refer to an entire #building# used exclusively for such #use#.
- (f) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", "or occupied for".
- (g) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (h) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions,

provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:

- (1) "and" indicates that all the connected items, conditions, provisions or events shall apply;
 - (2) "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination; and
 - (3) "either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (i) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (j) References within a Section or cross-references to a Section numbered with four digits shall include all following Sections with numbers whose first four digits are identical with such Section number but references or cross-references to a Section numbered with five digits shall refer only to such specific five-digit Section. For Sections starting with 101-00, references within a Section or cross-references to a Section numbered with five digits shall include all following Sections with numbers whose first five digits are identical with such Section number but references or cross-references to a Section numbered with six digits shall refer only to such specific six-digit Section.

(2/2/11)

12-02

Rules for Interpretation of District Designations

District designations, where applicable, are listed within a ruled bar below the number and title of each section.

When one or more district designations are listed in a section, the specific text of the paragraphs that follow applies to such district or districts.

When a section includes a table and one or more district designations are listed opposite a specific item or number in such table, the item or number applies specifically to that district or districts only.

When no district designations are listed for a specific section, the provisions of such section shall be construed to apply to all districts under consideration in the Article in which the section appears or, if specified, only to those districts referred to directly within the section itself. For this purpose, Article II applies to all residence districts, Article III applies to all commercial districts, and Article IV applies to all manufacturing districts. All other articles apply to all districts, unless otherwise provided.

12-10

DEFINITIONS

Words in the text or tables of this Resolution which are *#italicized#* shall be interpreted in accordance with the provisions set forth in this Section.

Abut, or abutting (2/2/11)

"Abut" is to be in contact with or join at the edge or border. "Abutting" *#buildings#* are *#buildings#* that are in contact with one another on the same or another *#zoning lot#*, except as subject to separations required for seismic load as set forth in the New York City Building Code. A *#building#* may also *#abut#* a *#lot line#*. In addition, for *#buildings#* existing prior to February 2, 2011, such existing *#building#* shall be considered *#abutting#* if it is within six inches of a *#lot line#* or another *#building#*.

Accessory use, or accessory (4/30/12)

An "accessory use":

- (a) is a *#use#* conducted on the same *#zoning lot#* as the principal *#use#* to which it is related (whether located within the same or an *#accessory building* or other structure, or as an *#accessory use#* of land), except that, where specifically provided in the applicable district regulations or elsewhere in this Resolution, *#accessory#* docks, off-street parking or off-street loading need not be located on the same *#zoning lot#*; and
- (b) is a *#use#* which is clearly incidental to, and customarily found in connection with, such principal *#use#*; and

- (c) is either in the same ownership as such principal #use#, or is operated and maintained on the same #zoning lot# substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal #use#.

When "accessory" is used in the text, it shall have the same meaning as #accessory use#.

An #accessory use# includes:

- (1) Living or sleeping accommodations for servants in connection with a #use# listed in Use Groups 1 and 2;
- (2) Living or sleeping accommodations for caretakers in connection with any #use# listed in Use Groups 3 through 18 inclusive, provided that:
 - (i) no #building# contains more than one living or sleeping accommodation for caretakers;
 - (ii) no such living or sleeping accommodation shall exceed 1,200 square feet of #floor area#;
 - (iii) the owner shall sign a Restrictive Declaration that any such caretaker will provide maintenance and/or repair services, and containing a list of services to be performed by such caretaker. Such Restrictive Declaration shall be recorded in the Office of the City Register, or, where applicable, the County Clerk's Office, of the county where the #building# is located. A copy of such declaration shall be provided to the Department of Buildings;
 - (iv) in C6-2M, C6-4M, M1-5M, M1-6M, M1-5A and M1-5B Districts, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#; and
 - (v) such living or sleeping accommodation shall not be considered a #residential use# or cause a #building# to be considered a #mixed building#.
- (3) Living or sleeping accommodations in connection with #commercial# or #manufacturing uses#, including living or sleeping accommodations in connection with a studio listed in Use Group 9, provided that:
 - (i) no #building# contains more than two kitchens; and

- (ii) no such living or sleeping accommodations are located in a C7, C8 or #Manufacturing District#.
- (4) Keeping of domestic animals, but not for sale or hire. A #commercial# stable or kennel is not an #accessory use#.
- (5) Swimming pools not located within a #building# listed in Use Group 1 or 2, provided that:
 - (i) the #use# of such pools shall be restricted to occupants of the principal #use# and guests for whom no admission or membership fees are charged;
 - (ii) if #accessory# to a #use# listed in Use Group 2, except if such #use# is a #single-family# or #two-family residence#, the edge of the pool shall be located not less than 100 feet from any #lot line#;
 - (iii) if #accessory# to a #use# listed in Use Group 1 or Use Group 2, which #use# is a #single-family residence# or #two-family residence#, the edge of the pool shall be located not less than 5 feet from any #lot line#, except that such minimum distance between the edge of the pool and any #side lot line# may be not less than 3 feet in the case of lots less than 25 feet in width, providing that it is screened from adjoining lots by a 6 foot high continuous solid opaque fence along the #side lot line# adjacent to such pool. In the event that such pool is located between 50 and 5 feet from any #rear lot line# or #side lot line#, it shall be screened by a continuous fence supplemented with a strip of densely planted trees or shrubs at least four feet high at the time of planting along such #rear lot line# to such pool; and
 - (iv) illumination of such pools shall be limited to underwater lighting.

Swimming pool clubs are not #accessory uses#.

- (6) Domestic or agricultural storage in a barn, shed, tool room, or similar #building or other structure#.
- (7) #Home occupations#.
- (8) A newsstand primarily for the convenience of the occupants of a #building#, which is located wholly within such #building# and has no exterior #signs# or displays.

- (9) Incinerators.
- (10) In connection with #commercial# or #manufacturing uses#, the storage of goods normally carried in stock, used in, or produced by such #uses#, unless the storage is expressly prohibited under the applicable district regulation. The #floor area# used for such #accessory# storage shall be included in the maximum #floor area# permitted for specified #uses# set forth in the Use Groups.
- (11) Incidental repairs, unless expressly prohibited under the applicable district regulations. The #floor area# used for such #accessory# repairs shall be included in the maximum #floor area# permitted for specified #uses# set forth in the Use Groups.
- (12) The removal for sale of sod, loam, clay, sand, gravel or stone in connection with the construction of a #building or other structure# on the same #zoning lot#, or in connection with the regrading of a #zoning lot#, but in the latter case, not below the legal #street# grade.
- (13) #Accessory# off-street parking spaces, open or enclosed.
- (14) #Accessory# off-street loading berths.
- (15) #Accessory signs#.
- (16) #Accessory# radio or television towers.
- (17) #Accessory# activities when conducted underground as part of the operation of railroad passenger terminals, such as switching, storage, maintenance or servicing of trains.
- (18) #Accessory# sewage disposal plants, except such plants serving more than 50 #dwelling units#.
- (19) An ambulance outpost operated by or under contract with a government agency or a public benefit corporation and located either on the same #zoning lot# as, or on a #zoning lot# adjacent to, a #zoning lot# occupied by a fire or police station.
- (20) Electric vehicle charging in connection with parking facilities.
- (21) Solar energy systems.

Adult establishment (2/2/11)

(1) Adult Establishment: An "adult establishment" is a #commercial# establishment which is or includes an adult book store, adult eating or drinking establishment, adult theater, or other adult #commercial# establishment, or any combination thereof, as defined below:

(a) An adult book store is a book store that offers "printed or visual material" for sale or rent to customers where a "substantial portion" of its stock-in-trade of "printed or visual material" consists of "adult printed or visual material," defined as "printed or visual material" characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas";

(b) An adult eating or drinking establishment is an eating or drinking establishment which regularly features in any portion of such establishment any one or more of the following:

(1) live performances which are characterized by an emphasis on "specified anatomical areas" or "specified sexual activities"; or

(2) films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(3) employees who, as part of their employment, regularly expose to patrons "specified anatomical areas"; and

which is not customarily open to the general public during such features because it excludes or restricts minors.

(c) An adult theater is a #commercial# establishment which regularly features one or more of the following:

(1) films, motion pictures, videocassettes, slides or similar photographic reproductions characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(2) live performances characterized by an emphasis on "specified anatomical areas" or "specified sexual

activities"; and

which is not customarily open to the general public during such features because it excludes or restricts minors.

An adult theater shall include #commercial# establishments where such materials or performances are viewed from one or more individual enclosures.

- (d) An other adult #commercial# establishment is a facility -- other than an adult book store, adult eating or drinking establishment, adult theater, #commercial# studio, or business or trade school -- which features employees who as part of their employment, regularly expose to patrons "specified anatomical areas" and which is not customarily open to the general public during such features because it excludes or restricts minors.

(2) Defined Terms:

- (a) For purposes of paragraph (1)(a), "printed or visual materials" are books, magazines, or other printed matter, including product packaging or wrapping, or photographs, films, motion pictures, video cassettes, slides or other visual matter;
- (b) For purposes of paragraph (1)(a), (b) and (c), "specified sexual activities" are: (i) human genitals in a state of sexual stimulation or arousal; (ii) actual or simulated acts of human masturbation, sexual intercourse or sodomy; or (iii) fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast.
- (c) For purposes of paragraph (1)(a), (b), (c) and (d), "specified anatomical areas" are: (i) less than completely and opaquely concealed: (aa) human genitals, pubic region, (bb) human buttock, anus, or (cc) female breast below a point immediately above the top of the areola; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely concealed.
- (d) For the purpose of determining under paragraph (1)(a) whether a "substantial portion" of a book store's stock-in-trade of "printed or visual" material consists of "adult printed or visual material," the following factors shall be considered: (i) the amount of stock of

"adult printed or visual material" accessible to customers as compared to the total stock of "printed or visual material" accessible to customers in the establishment; and (ii) the amount of #floor area# and #cellar# space accessible to customers containing stock of "adult printed or visual material"; and (iii) the amount of #floor area# and #cellar# space accessible to customers containing stock of "adult printed or visual material" as compared to the amount of #floor area# and #cellar# space accessible to customers containing "printed or visual material" which is not "adult printed or visual material," provided that "printed or visual material" which is not "adult printed or visual material" (hereinafter for purposes of this paragraph "other printed or visual material") shall not be considered stock-in-trade for purposes of this paragraph where such store has one or more of the following features:

- (aa) An interior configuration and layout which requires customers to pass through an area of the store with "adult printed or visual material" in order to access an area of the store with "other printed or visual material";
- (bb) One or more individual enclosures where adult movies or live performances are available for viewing by customers;
- (cc) A method of operation which requires customer transactions with respect to "other printed or visual material" to be made in an area of the store which includes "adult printed or visual material";
- (dd) A method of operation under which "other printed or visual material" is offered for sale only and "adult printed or visual material" is offered for sale or rental;
- (ee) A greater number of different titles of "adult printed or visual material" than the number of different titles of "other printed or visual material";
- (ff) A method of operation which excludes or restricts minors from the store as a whole or from any section of the store with "other printed or visual material";

- (gg) A sign that advertises the availability of "adult printed or visual material" which is disproportionate in size relative to a sign that advertises the availability of "other printed or visual material," when compared with the proportions of "adult" and other "printed or visual materials" offered for sale or rent in the store, or the proportions of #floor area# or #cellar# space accessible to customers containing stock of "adult" and "other printed or visual materials";
 - (hh) A window display in which the number of products or area of display of "adult printed or visual material" is disproportionate in size relative to the number of products or area of display of "other printed or visual material," when compared with the proportions of adult and "other printed or visual materials" offered for sale or rent in the store, or the proportions of #floor area# or #cellar# space accessible to customers containing stock of "adult" and "other printed or visual materials";
 - (ii) Other features relating to configuration and layout or method of operation, as set forth in rules adopted by the Commissioner of Buildings, which the Commissioner has determined render the sale or rental of "adult printed or visual material" a substantial purpose of the business conducted in such store. Such rules shall provide for the scheduled implementation of the terms thereof to #commercial# establishments in existence as of October 31, 2001, as necessary.
- (e) For the purposes of paragraph (1)(b), an "eating or drinking establishment" includes:
- (i) any portion of a #commercial# establishment within which food or beverages are offered for purchase, or are available to or are consumed by customers or patrons; and
 - (ii) any portion of a #commercial# establishment from which a portion of a #commercial# establishment, described in paragraph (e)(i) of this Section, is accessible by customers or patrons.

An "adult physical culture establishment," is any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment, by members of the opposite sex, except for activities which are excluded below or defined under #physical culture or health establishment# in Section 12-10 and which are, therefore, not included within the definition of an #adult physical culture establishment#:

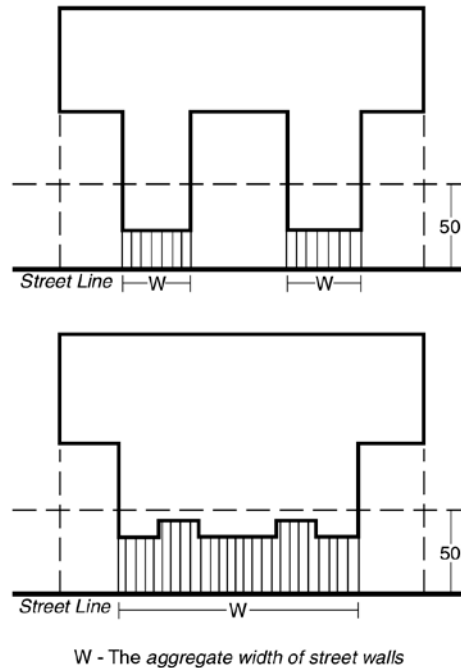
- (1) treatment by a licensed physician, a licensed chiropractor, a licensed osteopath, a New York licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;
- (2) electrolysis treatment by a licensed operator of electrolysis equipment;
- (3) hospitals, nursing homes, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4 ;
- (4) barbershops or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only; and
- (5) athletic facilities of an educational institution including an alumni club, or of a philanthropic or charitable institution.

#Adult physical culture establishments# are not permitted in any District.

Advertising sign - see Sign, advertising

Aggregate width of street walls (2/2/11)

The "aggregate width of street walls" at any given level is the sum of the maximum widths of all #street walls# of a #building# that are within 50 feet of a #street line#. The width of a #street wall# is the length of the #street line# from which, when viewed directly from above, lines perpendicular to the #street line# may be drawn to such #street wall#.



AGGREGATE WIDTH OF STREET WALLS

Alterations, incidental or to alter incidentally (12/15/61)

"Incidental alterations" are:

- (a) Changes or replacements in the non-structural parts of a #building or other structure#, without limitation to the following examples:
 - (1) alteration of interior partitions to improve livability in a #non-conforming residential building#, provided that no additional #dwelling units# are created thereby;
 - (2) a minor addition on the exterior of a #residential building#, such as an open porch;

- (3) alteration of interior non-load-bearing partitions in all other types of #buildings or other structures#;
- (4) replacement of, or minor changes in, the capacity of utility pipes, ducts or conduits; or
- (b) Changes or replacements in the structural parts of a #building or other structure#, limited to the following examples or others of similar character or extent:
 - (1) making windows or doors in exterior walls;
 - (2) replacement of #building# facades;
 - (3) strengthening the load-bearing capacity, in not more than 10 percent of the total #floor area#, to permit the accommodation of a specialized unit of machinery or equipment. To "alter incidentally" is to make an #incidental alteration#.

Apartment hotel - see Hotel, apartment

Arcade (2/2/11)

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

Artist (4/27/76)

An "artist" is a person so certified by the New York City Department of Cultural Affairs.

Attached (building) (2/2/11)

A #building# shall be considered "attached" when it #abuts# two #lot lines# other than a #street line#, or another #building# or #buildings# other than a #semi-detached building#.

Automotive service station (2/2/11)

An "automotive service station" is a #building or other structure# or an open #use# on a #zoning lot#, or portion thereof, used exclusively for the storage and sale of gasoline or

other motor fuels and for any #uses accessory# thereto.

The sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, the minor adjustment or repair of motor vehicles with hand tools only, or the occasional washing of motor vehicles are permitted #accessory uses#.

A #public parking lot# or #public parking garage# is not a permitted #accessory use#.

Base flood elevation (6/30/89)

The "base flood elevation" is the level in feet of the flood having a one percent chance of being equaled or exceeded in any given year, as indicated on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

Base plane (10/9/13)

The "base plane" is a plane from which the height of a #building or other structure# is measured as specified in certain Sections. For #buildings#, portions of #buildings# with #street walls# at least 15 feet in width, or #building segments# within 100 feet of a #street line#, the level of the #base plane# is any level between #curb level# and #street wall line level#. Beyond 100 feet of a #street line#, the level of the #base plane# is the average elevation of the final grade adjoining the #building# or #building segment#, determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation. In either case, in the #flood zone#, either the #base flood elevation# may be the level of the #base plane# or #building# height may be measured from the #flood-resistant construction elevation#, as provided in Article VI, Chapter 4. For the purposes of this definition, #abutting buildings# on a single #zoning lot# may be considered a single #building#. In addition, the following regulations shall apply:

(a) Within 100 feet of a #street line#:

- (1) The level of the #base plane# for a #building# or #building segment# without a #street wall# shall be determined by the average elevation of the final grade adjoining such #building# or #building segment#.
- (2) Where a #base plane# other than #curb level# is established, the average elevation of the final grade adjoining the #street wall# of the #building# or #building segment#, excluding the entrance to a garage

within the #street wall#, shall not be lower than the level of the #base plane#, unless the #base plane# is also the #base flood elevation#.

- (3) Where the average elevation of the final grade adjoining the #street wall# of the #building#, excluding the entrance to a garage within the #street wall#, is more than two feet below #curb level#, the level of the #base plane# shall be the elevation of such final grade, unless the #base plane# is also the #base flood elevation#. This paragraph shall not apply to #buildings developed# before June 30, 1989 in R2X, R3, R4 or R5 Districts. Furthermore, this paragraph shall not apply to #buildings# in C1 or C2 Districts mapped within R2X, R3, R4 or R5 Districts, or in C3 or C4-1 Districts, unless such #buildings# are located on #waterfront blocks#.
 - (4) As an option, on sites which slope from the #street wall line level# to the #rear wall line level# by at least ten percent to the horizontal, the level of the #base plane# may extend in a sloping plane from such #street wall line level# to such #rear wall line level#. When a sloping #base plane# is thus established, the average elevation of the final grade at the #rear wall line# shall not be lower than the #rear wall line level#.
- (b) For all #buildings#, where #base planes# of different elevations apply to different portions of a #building#, only that portion of the #building# to which such #base plane# applies may be used to determine such #base plane#.
 - (c) For #buildings# located partially within and partially beyond 100 feet of a #street line#, or where #corner lot# or #through lot# regulations subject different portions of a #building# to #baseplanes# of different elevations, separate #base planes# may be determined for each such portion of the #building# or, as an option, the elevation of each such #base plane# may be multiplied by the percentage of the total #lot coverage# of the #building# to which such #base plane# applies. The sum of the products thus obtained may be the elevation of the adjusted #base plane# applicable to such #building#.

Basement (10/25/93)

A "basement", except where a #base plane# is used to determine #building# height, is a #story# (or portion of a #story#) partly

below #curb level#, with at least one-half of its height (measured from floor to ceiling) above #curb level#. On #through lots#, the #curb level# nearest to a #story# (or portion of a #story#) shall be used to determine whether such #story# (or portion of a #story#) is a #basement#.

Where a #base plane# is used to determine #building# height, a #basement# is a #story# (or portion of a #story#) partly below the #base plane#, with at least one-half its height (measured from floor to ceiling) above the #base plane#.

In addition, the following rules shall apply:

- (a) When a sloping #base plane# is established, a #basement# is a #story# (or portion of a #story#) partly below the #street wall line level#, with at least one-half its height (measured from floor to ceiling) above the #street wall line level# used to establish such #base plane#. On #through lots#, the #street wall line level# nearest to a #story# shall be used to determine whether such #story# or portion of a #story# is a #basement#.
- (b) All of the floor space with at least one-half its height (measured from floor to ceiling) above #curb level# shall be considered to be a #basement# where, subsequent to December 5, 1990, the level of any #yard# except that portion of a #yard# in front of the entrance to a garage on a #zoning lot# is lowered below the level of the #base plane#.

Block (12/15/61)

A "block" is a tract of land bounded by:

- (a) #streets#;
- (b) #public parks#;
- (c) railroad rights-of-way, when located at or above ground level but not including sidings or spurs in the same ownership as the #zoning lot#;
- (d) airport boundaries;
- (e) pierhead lines (or shore lines where no pierhead lines have been established); or
- (f) corporate boundary lines of New York City.

Boatel (12/15/61)

A "boatel" is a #building# or group of #buildings# which:

- (a) contains living or sleeping accommodations used primarily for transient occupancy; and
- (b) is immediately accessible by boat.

Building (2/2/11)

A "building" is any structure which:

- (a) is located within the #lot lines# of a #zoning lot#;
- (b) is permanently affixed to the land;
- (c) has one or more floors and a roof;
- (d) is bounded by open area or #fire walls#;
- (e) has at least one #primary entrance#;
- (f) provides all the vertical circulation and exit systems required for such #building# by the New York City Building Code without reliance on other #buildings#, including required stairs and elevators; and
- (g) contains all the fire protection systems required for such #building# by the New York City Building Code without reliance on other #buildings#, including fire suppression or fire alarm systems.

The provisions of this Resolution that use the term #building# shall apply to any structure existing prior to February 2, 2011, that complies with paragraphs (a) through (e) of this definition.

A #building# shall not include such structures as billboards, fences, or radio towers, or structures with interior surfaces not normally accessible for human use, such as gas tanks, smoke stacks or similar structures.

A #building# may, for example, consist of a #detached single-family residence#, an #attached# townhouse on an individual #zoning lot#, an #attached# townhouse separated by #fire walls# from #abutting# townhouses on a shared #zoning lot#, a group of townhouses not separated by #fire walls# or #lot lines#, an apartment house, an office #building# or a factory.

(Building) designed for residential use - see Designed for residential use

Building or other structure (12/15/61)

A "building or other structure" includes any #building# or any other structure of any kind.

Building segment (12/5/90)

A "building segment" is a portion of a #building# where such #building# consists of two or more contiguous portions, each comprised of one or more #dwelling units# having a separate #residential# entrance or entrances serving only those #dwelling units# within such portion. #Building segments# may share a common #cellar# or parking facility. However, a #building segment# may not be located above another #building segment#.

Bulk (2/2/11)

"Bulk" is the term used to describe the size of #buildings or other structures#, and their relationships to each other and to open areas and #lot lines#, and therefore includes:

- (a) the size (including height and #floor area#) of #buildings or other structures#;
- (b) the area of the #zoning lot# upon which a #building# is located, and the number of #dwelling units# or #rooming units# within a #building# in relation to the area of the #zoning lot#;
- (c) the shape of #buildings or other structures#;
- (d) the location of exterior walls of #buildings or other structures# in relation to #lot lines#, to other walls of the same #building#, to #legally required windows#, or to other #buildings or other structures#; and
- (e) all open areas relating to #buildings or other structures# and their relationship thereto.

Car sharing vehicle (9/29/10)

A "car sharing vehicle" is a vehicle maintained and owned or

leased by a car sharing organization which is available for use by its members. Membership shall mean that individuals have been pre-approved to use such vehicles and need not be approved by the car sharing organization at the time of proposed use. Membership must be open to the public and shall only be denied based upon driving record, credit record or other legitimate business need of the car sharing organization. Vehicles must be made available to members for periods of use as short as one hour. The car sharing organization must provide all legally required insurance as part of the membership.

Vehicles shall be reserved by members through a self-service reservation system which is available at all times. A #car sharing vehicle# shall be located in a parking facility that is accessible to members of the car sharing organization at all times. No employees or agents of the car sharing organization shall provide services to members or conduct business transactions with members within such parking facility. Attended parking facilities may be serviced by a parking attendant unaffiliated with any car sharing organization. A parking facility containing #car sharing vehicles# shall be securely separated from all other portions of a #building# containing #residences#.

A #car sharing vehicle# shall be no more than 216 inches in length and shall bear a decal that provides the name of the car sharing organization. The decal must be clearly visible from the outside of the #car sharing vehicle# and must be either:

- (a) located on the driver's side door or passenger's side door of the #car sharing vehicle# and at least 30 square inches in area; or
- (b) located in the lower left corner of the rear windshield of the #car sharing vehicle#.

The decal shall be at least one square inch in area and contain the letters "CSV" in lettering at least 11/32 of an inch in height and the name of the car sharing organization in lettering at least 5/32 of an inch in height. All lettering shall be fully opaque and shall highly contrast with the background color of the decal.

All #car sharing vehicles# shall bear a decal pursuant to the provisions of paragraph (a) or (b) of this Section within 60 days of September 29, 2010.

A "cellar", except where a #base plane# is used to determine #building# height, is a space wholly or partly below #curb level#, with more than one-half its height (measured from floor to ceiling) below #curb level#. On #through lots#, the #curb level# nearest to such space shall be used to determine whether such space is a #cellar#.

Where a #base plane# is used to determine #building# height, a #cellar# is a space wholly or partly below the #base plane#, with more than one-half its height (measured from floor to ceiling) below the #base plane#.

In addition, the following rules shall apply:

- (a) When a sloping #base plane# is established, a #cellar# is a space wholly or partly below the #street wall line level#, with more than one-half its height (measured from floor to ceiling) below the #street wall line level# used to establish such #base plane#. On #through lots#, the #street wall line level# nearest to such space shall be used to determine whether such space is a #cellar#.
- (b) All of the floor space with at least one-half its height (measured from floor to ceiling) above #curb level# shall be considered to be a #basement# where, subsequent to December 5, 1990, the level of any #yard# except that portion of a #yard# in front of the entrance to a garage on a #zoning lot# is lowered below the level of the #base plane#.

Commercial (2/2/11)

A "commercial" #use# is any #use# listed in Use Groups 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16.

Commercial building (12/15/61)

A "commercial building" is a #building# used only for a #commercial use#.

Commercial District (2/2/11)

A "Commercial District" includes any district whose designation begins with the letter "C."

For example, a "C4 District" includes any district whose designation begins with the symbol "C4."

Community facility (2/2/11)

A "community facility" #use# is any #use# listed in Use Group 3 or 4.

Community facility building (12/15/61)

A "community facility building" is a #building# used only for a #community facility use#.

Completely enclosed (building)

A "completely enclosed" #building# is a #building# separated on all sides from the adjacent open area, or from other #buildings or other structures#, by a permanent roof and by exterior walls or party walls, pierced only by windows or entrances or exit doors normally provided for the accommodation of persons, goods, or vehicles.

Conversion, or to convert (2/2/11)

A "conversion" is a change of #use# between the following categories of #uses#: #residential#, #community facility#, #commercial# and #manufacturing#. Therefore, the change of #use# within one category is not a #conversion#. However, a #conversion# shall also include any alteration within the #residential# portion of an existing #building# that increases the number of #rooming units# in a #building#, or the number of #dwelling units# in a #building#.

To "convert" is to create a #conversion#.

Corner lot - see Lot, corner

Court (12/15/61)

A "court" is either an #inner court# or an #outer court#.

Court, depth of outer (12/15/61)

The "depth of outer court" is the maximum horizontal distance between the opening of an #outer court# and the wall opposite such opening, measured perpendicular to the direction of the

#outer court# opening. The opening of an #outer court# shall be considered the shortest imaginary line which can be drawn between any intersection of a #court# wall with another wall, and the opposite #court# wall.

Court, inner (12/15/61)

An "inner court" is any open area, other than a #yard# or portion thereof, which is unobstructed from its lowest level to the sky and which is bounded by either:

- (a) #building# walls; or
- (b) #building# walls and one or more #lot lines# other than a #front lot line#; or
- (c) #building# walls, except for one opening on any open area along a #side lot line# or #rear lot line# which has a width of less than 30 feet at any point.

Court, outer (12/15/61)

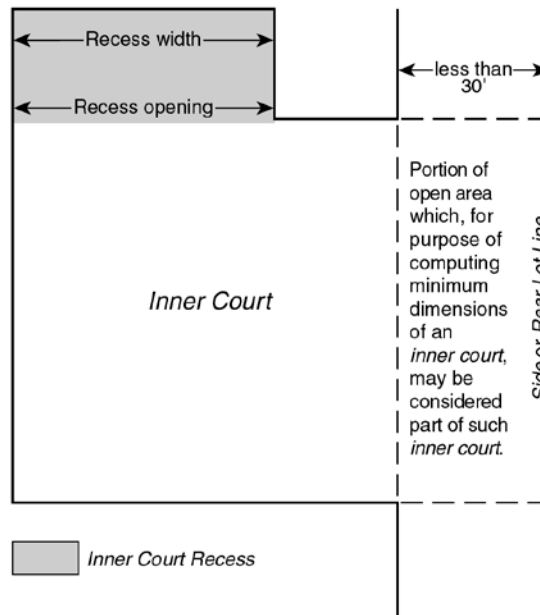
An "outer court" is any open area, other than a #yard# or portion thereof, which is unobstructed from its lowest level to the sky and which, except for one opening upon:

- (a) a #front lot line#;
- (b) a #front yard#;
- (c) a #rear yard#; or
- (d) any open area along a #rear lot line#, or along a #side lot line# having a width or depth of at least 30 feet, and which open area extends along the entire length of such #rear# or #side lot line#; and

is bounded by either #building# walls, or #building# walls and one or more #lot lines# other than a #front lot line#.

Court recess, inner (12/15/61)

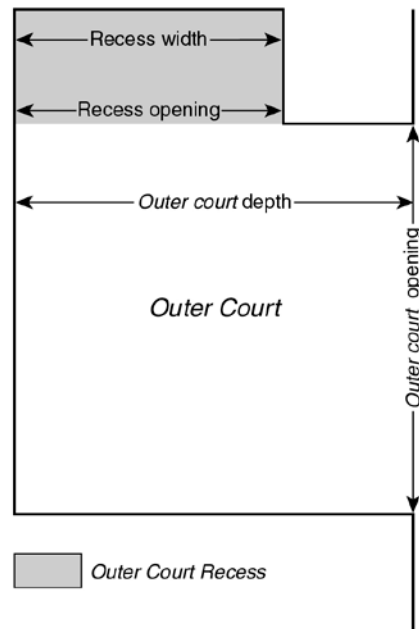
An "inner court recess" is any portion of an #inner court# which can not be included within the single largest horizontal rectangle which may be inscribed within such #inner court#.



INNER COURT RECESS

Court recess, outer (12/15/61)

An "outer court recess" is any portion of an #outer court# which, when viewed directly from above, cannot be covered by imaginary lines drawn perpendicular to a line drawn across the #outer court# opening.



OUTER COURT RECESS

Court, width of outer (12/15/61)

The "width of outer court" is the minimum horizontal dimension of an #outer court#, excluding an #outer court recess#, measured parallel to the opening of such #outer court#.

Covered pedestrian space (6/12/96)

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

Curb level (10/25/93)

"Curb level" is the mean level of the curb adjoining a #zoning

lot#. On #corner lots#, #curb level# is the average of the mean levels of the adjoining curbs on intersecting #streets#, except that, for the purpose of regulating and determining the level of #yards#, or other open areas on #corner lots#, the #curb level# is the highest of the mean levels of the curbs on the intersecting #streets#. Where #through lot# regulations are applicable to any portion of a #corner lot#, or for any #through lot#, the height and setback regulations based upon #curb level# shall apply separately on each #street# on which such #through lot# portion or #through lot# fronts. On a #through lot#, for purposes of establishing the level of a #rear yard equivalent#, except when adjoining and extending along the full length of the #street line#, the #curb level# shall be the mean of the levels of the curbs on those portions of the #streets# on which such #through lot# fronts. Where on a #through lot# such #rear yard equivalent# is adjoining and extending along the full length of the #street line#, the height of the #rear yard equivalent# shall be the #curb level# of the adjoining #street#. Where #through lot# regulations and #interior lot# regulations are applicable to portions of a #zoning lot#, for purposes of establishing the level of the #rear yard equivalent# or #rear yard#, #curb level# shall be the mean of the levels of the curbs on that portion of each #street# on which such portions of the #zoning lot# front.

For the purposes of determining a #base plane#, "curb level" is the mean level at that portion of the curb adjoining a #zoning lot# from which, when viewed directly from above, lines perpendicular to the curb may be drawn to a #street wall#. On #corner lots#, #curb level# is the average of the mean levels of such portions of the curbs on intersecting #streets#. On #through lots#, #curb level# is determined separately for each #street# frontage to a distance midway between such #streets#.

Depth of outer court - see Court, depth of outer

Designed for residential use, (building)

A #building# "designed for residential use" is a #building#, which was originally designed for #residential use# and in which at least 25 percent of the #floor area# is occupied for #residential use#.

Detached (building) (12/15/61)

A "detached" #building# is a #building# surrounded by #yards# or other open area on the same #zoning lot#.

Development, or to develop (2/2/11)

A "development," on a #zoning lot# or a portion thereof, includes:

- (a) the construction of a new #building or other structure#;
- (b) the relocation of an existing #building or other structure# to another #zoning lot#; or
- (c) the establishment of a new open #use#, other than an #accessory use#.

The alteration of a #building# or a portion thereof to the extent specified in Section 11-23 (Demolition and Replacement) shall be considered a #development# for the purposes of the provisions set forth therein.

To "develop" is to create a #development#.

Dwelling unit (2/2/11)

A "dwelling unit" contains at least one #room# in a #residential building#, #residential# portion of a #building#, or #non-profit hospital staff dwelling#, and is arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which #dwelling unit# includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

Enclosed sidewalk cafe - see Sidewalk cafe, enclosed

Enlargement, or to enlarge (2/2/11)

An "enlargement" is an addition to the #floor area# of an existing #building#, an increase in the size of any other structure, or an expansion of an existing #use#, including any #uses accessory# thereto, to an open portion of a #zoning lot# not previously used for such #use#.

To "enlarge" is to make an #enlargement#.

Extension, or to extend (12/15/61)

An "extension" is an increase in the amount of existing #floor

area# used for an existing #use#, within an existing #building#.

To "extend" is to make an #extension#.

Family (2/2/11)

A "family" is either:

- (a) a single person occupying a dwelling and maintaining a household, including not more than one "boarder, roomer, or lodger" as defined in the Housing Maintenance Code; or
- (b) two or more persons related by blood or marriage, occupying a dwelling, living together and maintaining a common household, including not more than one such boarder, roomer, or lodger; or
- (c) not more than four unrelated persons occupying a dwelling, living together and maintaining a common household.

A common household shall be deemed to exist if all members thereof have access to all parts of the dwelling.

Fire wall (2/2/11)

- (a) A "fire wall" is a fire-resistance-rated smoke-tight wall having protected openings which restricts the spread of fire and extends vertically without offset, continuously from the foundation to or through the roof, and is in accordance with the specifications of the New York City Building Code for fire walls or fire wall separations, as applicable.
- (b) Where a wall constructed prior to February 2, 2011, does not meet the requirements of paragraph (a), but does meet the fire wall specifications of the New York City Building Code pursuant to which it was constructed, such wall shall be considered a #fire wall#. In the event that such wall either fails to meet such specifications, or no specifications for #fire walls# existed at the time of its construction, the Commissioner of the Department of Buildings shall determine whether such wall shall be considered a #fire wall# for the purpose of determining the boundary of a #building#.

Flashing sign - see Sign, flashing

Flood maps (10/9/13)

"Flood maps" shall be the most recent advisory or preliminary maps or map data released by the Federal Emergency Management Agency (FEMA) after October 28, 2012, until such time as the City of New York adopts new final Flood Insurance Rate Maps. When new final Flood Insurance Rate Maps are adopted by the City of New York superseding the Flood Insurance Rate Maps in effect on October 28, 2012, #flood maps# shall be such new adopted final Flood Insurance Rate Maps.

Flood zone (10/9/13)

The "flood zone" is the area that has a one percent chance of flooding in a given year, as indicated on the effective Flood Insurance Rate Maps, plus any additional area that has a one percent chance of flooding in a given year, as indicated on the #flood maps#.

Floor area (4/28/15)

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

- (a) #basement# space, except as specifically excluded in this definition;
- (b) elevator shafts or stairwells at each floor, except as specifically excluded in this definition;
- (c) floor space in penthouses;
- (d) attic space (whether or not a floor has been laid) providing structural headroom of five feet or more in R2A, R2X, R3, R4 or R5 Districts, eight feet or more in R1 and R2 Districts, other than R2A and R2X Districts, and eight feet or more for #single-# or #two-family residences# in R6, R7, R8, R9 and R10 Districts. For #buildings# with three or more #dwelling units# in R6, R7, R8, R9 and R10 Districts #developed# or #enlarged# prior to February 2, 2011, such attic space providing structural headroom of eight feet or more shall be considered #floor area#. For #buildings# with three or more #dwelling units# in R6, R7, R8, R9 and R10 Districts #developed# or #enlarged# after February 2, 2011, any attic space shall be considered #floor area#;
- (e) floor space in gallerias, interior balconies, mezzanines or bridges;

- (f) floor space in open or roofed terraces, bridges, breeze ways or porches, if more than 50 percent of the perimeter of such terrace, breeze way, or porch is enclosed, and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;
- (g) any other floor space used for dwelling purposes, no matter where located within a #building#, when not specifically excluded;
- (h) floor space in #accessory buildings#, except for floor space used for #accessory# off-street parking;
- (i) floor space used for #accessory# off-street parking spaces provided in any #story# after June 30, 1989:
 - (1) within #detached# or #semi-detached single-# or #two-family residences# in R1-2A, R2A, R2X, R3, R4 or R5 Districts, except that:
 - (i) in R2A Districts, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space; and
 - (ii) in all R1-2A Districts, and in R3, R4A and R4-1 Districts in #lower density growth management areas#, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces;
 - (2) within #buildings# containing #residences developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#;
 - (3) in excess of 100 square feet per required space in individual garages within other #buildings# containing #residences# (#attached buildings#, rowhouses or multiple dwellings) in R3-2, R4 or R5 Districts, except that in R3-2 Districts within #lower density growth management areas#, #floor area# shall only include floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces. However, all of the floor space within any #story# in individual garages shall be considered #floor area# where, subsequent to June 7, 1989, the level of any #yard# except that portion of a #yard# in front of a garage on the #zoning lot# is lowered below

the lower of:

- (i) #curb level#; or
 - (ii) grade existing on June 7, 1989;
- (4) within a #group parking facility# with five or more required spaces #accessory# to #buildings# containing #residences# in R3, R4 or R5 Districts that is located in a space with a ceiling height that is more than six feet above the #base plane#, or, if the #base plane# is a sloping #base plane#, six feet above the #street wall line level# used to establish such #base plane#. On #through lots# with sloping #base planes#, the #street wall line level# closest to a #street# shall be used to determine whether such space is #floor area#;
- (5) which is located more than 23 feet above #curb level# in any other #building#;
- (6) which is unenclosed and covered by a #building or other structure# containing #residential use# for at least 50 percent of such #accessory# off-street parking space in R2A, R2X, R3, R4 and R5 Districts. Where such #accessory# off-street parking space is covered by any portion of a #building or other structure# containing #residential use#, other than a #single-# or #two-family detached# or #semi-detached residence# in R3-2, R4 or R5 Districts, and not #developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#, such #floor area# shall include only that portion of the #accessory# off-street parking space in excess of 100 square feet per required space;
- (j) floor space used for #accessory# off-street loading berths in excess of 200 percent of the amount required by the applicable district regulations;
- (k) floor space that is or becomes unused or inaccessible within a #building#;
- (l) floor space that has been eliminated from the volume of an existing #building# in conjunction with the #development# of a new #building# or in the case of a major #enlargement#, as set forth in Section 11-31 (General Provisions), of another #building# on the same #zoning lot#;
- (m) floor space used for mechanical equipment that exceeds 50 square feet for the first #dwelling unit#, an additional 30

square feet for the second #dwelling unit#, and an additional 10 square feet for each additional #dwelling unit# in R2X, R3, R4 or R5 Districts. For the purposes of calculating floor space used for mechanical equipment, #building segments# on a single #zoning lot# may be considered to be separate #buildings#;

- (n) floor space in exterior balconies if more than 67 percent of the perimeter of such balcony is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony; and
- (o) any other floor space not specifically excluded.

However, the #floor area# of a #building# shall not include:

- (1) #cellar# space, except where such space is used for dwelling purposes. #Cellar# space used for retailing shall be included for the purpose of calculating requirements for #accessory# off-street parking spaces, #accessory# bicycle parking spaces and #accessory# off-street loading berths;
- (2) elevator or stair bulkheads, #accessory# water tanks, or cooling towers, except that such exclusions shall not apply in R2A Districts;
- (3) uncovered steps;
- (4) attic space (whether or not a floor has been laid) providing structural headroom of less than five feet in R2A, R2X, R3, R4 or R5 Districts, less than eight feet in R1 and R2 Districts, other than R2A and R2X Districts, and less than eight feet for #single-# or #two-family residences# in R6, R7, R8, R9 and R10 Districts. For #buildings# with three or more #dwelling units# in R6, R7, R8, R9 and R10 Districts #developed# or #enlarged# prior to February 2, 2011, such attic space providing structural headroom of less than eight feet shall not be considered #floor area#;
- (5) floor space in open or roofed terraces, bridges, breeze ways or porches, provided that not more than 50 percent of the perimeter of such terrace, breeze way, or porch is enclosed, and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;

(6) floor space used for #accessory# off-street parking spaces provided in any #story#:

- (i) up to 200 square feet per required space existing on June 30, 1989, within #buildings# containing #residences# in R3, R4 or R5 Districts, and up to 300 square feet for one required space in R2A Districts. However, for #detached# or #semi-detached single-# or #two-family residences# in all R1-2A Districts and in R3, R4A and R4-1 Districts within #lower density growth management areas#, #floor area# shall not include up to 300 square feet for one space and up to 500 square feet for two spaces;
- (ii) up to 100 square feet per required space in individual garages in #attached buildings# containing #residences#, rowhouses or multiple dwellings in R3, R4, or R5 Districts, except that in R3-2 Districts within #lower density growth management areas#, up to 300 square feet for one such space and up to 500 square feet for two such spaces, except for:
 - (1) #buildings# containing #residences developed# or #enlarged# after June 30, 1989, pursuant to the optional regulations applicable in a #predominantly built-up area#; or
 - (2) #buildings# containing #residences# where, subsequent to June 7, 1989, the level of any #yard#, except that portion of a #yard# in front of a garage on the #zoning lot# is lowered below the lower of #curb level# or grade existing on June 7, 1989;
- (iii) within an #attached building# containing #residences#, #building segment# or multiple dwelling in R3-2, R4, or R5 Districts if such floor space is within a #group parking facility# with five or more required spaces that is located in a space with a ceiling height not more than six feet above the #base plane#, or, if the #base plane# is a sloping #base plane#, not more than six feet above the #street wall line level# used to establish such #base plane#. On #through lots# with sloping #base planes#, the #street wall line level# closest to a #street# shall be used to determine whether such space is #floor area#;
- (iv) located not more than 23 feet above #curb level#, in any other #building#, except where such floor space used for #accessory# parking is contained within a

#public parking garage#;

- (v) in R3-2, R4 and R5 Districts, up to 100 square feet per required space which is unenclosed and covered by a #building# containing #residences# other than a #single-# or #two-family detached# or #semi-detached residence# for at least 50 percent of such #accessory# off-street parking space, except where such #residences# are or have been #developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#;
- (7) floor space used for #accessory# off-street loading berths, up to 200 percent of the amount required by the applicable district regulation;
- (8) floor space used for mechanical equipment, except that such exclusion shall not apply in R2A Districts, and in R1-2A, R2X, R3, R4, or R5 Districts, such exclusion shall be limited to 50 square feet for the first #dwelling unit#, an additional 30 square feet for the second #dwelling unit# and an additional 10 square feet for each additional #dwelling unit#. For the purposes of calculating floor space used for mechanical equipment, #building segments# on a single #zoning lot# may be considered to be separate #buildings#;
- (9) except in R1-2A, R2A, R2X, R3, R4 and R5 Districts, the lowest #story# (whether a #basement# or otherwise) of a #residential building#, provided that:
 - (i) such #building# contains not more than two #stories# above such #story#;
 - (ii) such #story# and the #story# immediately above it are portions of the same #dwelling unit#;
 - (iii) such #story# is used as a furnace room, utility room, auxiliary recreation room, or for other purposes for which #basements# are customarily used; and
 - (iv) such #story# has at least one-half its height below the level of the ground along at least one side of such #building#, or such #story# contains a garage;
- (10) floor space in exterior balconies provided that not more than 67 percent of the perimeter of such balcony is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. A sun control device that is accessible for

purposes other than for maintenance shall be considered a balcony;

(11) floor space within stairwells:

(i) at each floor of #buildings# containing #residences developed# or #enlarged# after April 16, 2008, that are greater than 125 feet in height, provided that:

- (1) such stairwells are located on a #story# containing #residences#;
- (2) such stairwells are used as a required means of egress from such #residences#;
- (3) such stairwells have a minimum width of 44 inches;
- (4) such floor space excluded from #floor area# shall be limited to a maximum of eight inches of stair and landing width measured along the length of the stairwell enclosure at each floor; and
- (5) where such stairwells serve non-#residential uses# on any floor, or are located within multi-level #dwelling units#, the entire floor space within such stairwells on such floors shall count as #floor area#;

(ii) at each floor of #buildings developed# or #enlarged# after April 28, 2015, that are 420 feet or greater in height, provided that:

- (1) such stairwells serve a space with an occupancy group other than Group R-2, as classified in the New York City Building Code, that is located at or above a height of 420 feet; and
- (2) such floor space excluded from #floor area# shall be limited to:
 - (aa) the 25 percent of stair and landing width required by the New York City Building Code which is provided in addition to the stair and landing widths required by such Code for means of egress; or
 - (bb) the one stairwell required by the New York City Building Code which is provided in addition to the stairwells required by such Code for means of egress. For the purposes of

this paragraph, such additional stairwell floor space shall include the stair and landings as well as any walls enclosing the stair and landings;

(12) exterior wall thickness, up to eight inches:

- (i) where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch; or
- (ii) where such wall thickness is part of an exterior wall constructed after April 30, 2012, equal to the number of inches by which the wall's total thickness exceeds eight inches, provided the above-grade exterior walls of the #building# envelope are more energy efficient than required by the New York City Energy Conservation Code (NYCECC) as determined by the following:
 - (1) the area-weighted average U-factor of all opaque above-grade wall assemblies shall be no greater than 80 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC; and
 - (2) the area-weighted average U-factor of all above-grade exterior wall assemblies, including vertical fenestrations, shall be no more than 90 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC. For the purposes of calculating the area-weighted average U-factor, the amount of fenestration shall equal the amount of fenestration provided in such exterior walls, or an amount equal to the maximum fenestration area referenced in the NYCECC for the calculation of the baseline energy code requirement, whichever is less;

For the purposes of calculating compliance with this paragraph, (12)(ii), the term "above-grade" shall only include those portions of walls located above the grade adjoining such wall. Compliance with this paragraph shall be demonstrated to the Department of Buildings at the time of issuance of the building permit for such exterior walls. The total area of wall thickness excluded from the calculation of #floor area# shall be reflected on the next issued temporary or final certificate of occupancy for the #building#, as well as all subsequent certificates of occupancy;

- (13) floor space in a rooftop greenhouse permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (14) floor space on a sun control device, where such space is inaccessible other than for maintenance.

Floor area ratio (2/2/11)

"Floor area ratio" is the total #floor area# on a #zoning lot#, divided by the #lot area# of that #zoning lot#. If two or more #buildings# are located on the same #zoning lot#, the #floor area ratio# is the sum of their #floor areas# divided by the #lot area#. (For example, a #zoning lot# of 10,000 square feet with a #building# containing 20,000 square feet of #floor area# has a #floor area ratio# of 2.0, and a #zoning lot# of 20,000 square feet with two #buildings# containing a total of 40,000 square feet of #floor area# also has a #floor area ratio# of 2.0)

Front lot line - see Lot line, front

Front sky exposure plane - see Sky exposure plane

Front yard - see Yard, front

Front yard line - see Yard line, front

Front yard line level - see Yard line, front, level (of)

Gambling vessel (2/26/98)

A "gambling vessel" is any ferry, sightseeing, excursion, sport fishing or passenger ocean vessel that operates a shipboard gambling business subject to regulation under Title 20-A of the Administrative Code of the City of New York or any successor legislation.

Group parking facility (2/2/11)

A "group parking facility" is a #building or other structure# or

an open #use# on a #zoning lot# or portion thereof used for the storage of motor vehicles, that contains more than one parking space, has access to the #street# common to all spaces and, if #accessory# to a #residential use#, is designed to serve more than one #dwelling unit#.

A #group parking facility# shall include, but is not limited to, the following:

- (a) an open parking area;
- (b) parking spaces included within, or on the roof of, a #building# not primarily used for parking; or
- (c) a #building# or #buildings# used primarily for parking, including a group of individual garages.

A #group parking facility# shall not include in R3, R4 or R5 Districts, individual parking garages within #buildings# containing #residences# or individual unenclosed #accessory# parking spaces adjacent to #residences# which have access from a #street#, a private street or a driveway common to all the spaces.

Height factor (2/2/11)

The "height factor" of a #zoning lot# is equal to the total #floor area# of a #building# divided by its #lot coverage#. If two or more #buildings# are located on the same #zoning lot#, the #height factor# is the sum of their #floor areas# divided by the sum of their #lot coverages#. The #height factor# is thus equal to the number of #stories#, if the #building# were erected without setbacks. In computing a #height factor#, a fraction of .5 or more may be considered a whole number, and smaller fractions shall be disregarded.

For example, a #zoning lot# with a #residential building# containing 60,000 square feet of #floor area# and a #lot coverage# of 5,000 square feet has a #height factor# of 12, and a #zoning lot# with two #residential buildings# containing a total of 80,000 square feet of #floor area# and 10,000 square feet of total #lot coverage# has a #height factor# of 8.

Home occupation (2/2/11)

- (a) A "home occupation" is an #accessory use# which:
 - (1) is clearly incidental to or secondary to the

#residential use# of a #dwelling unit# or #rooming unit#;

- (2) is carried on within a #dwelling unit#, #rooming unit#, or #accessory building# by one or more occupants of such #dwelling unit# or #rooming unit#, except that, in connection with the practice of a profession, one person not residing in such #dwelling unit# or #rooming unit# may be employed; and
 - (3) occupies not more than 25 percent of the total #floor area# of such #dwelling unit# or #rooming unit# and in no event more than 500 square feet of #floor area#.
- (b) In connection with the operation of a #home occupation#, it shall not be permitted:
- (1) to sell articles produced elsewhere than on the premises;
 - (2) to have exterior displays, or a display of goods visible from the outside;
 - (3) to store materials or products outside of a principal or #accessory building or other structure#;
 - (4) to display, in an R1 or R2 District, a nameplate or other #sign# except as permitted in connection with the practice of a profession;
 - (5) to make external structural alterations which are not customary for #residences#; or
 - (6) to produce offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects.
- (c) #Home occupations# include, but are not limited to:
- fine arts studios
- professional offices
- teaching of not more than four pupils simultaneously, or, in the case of musical instruction, of not more than a single pupil at a time.
- (d) However, #home occupations# shall not include:
- advertising or public relations agencies

barber shops
beauty parlors
#commercial# stables or kennels
depilatory, electrolysis or similar offices
interior decorators' offices or workshops
ophthalmic dispensing
pharmacy
real estate or insurance offices
stockbrokers' offices
veterinary medicine.

Hotel, apartment (2/2/11)

An "apartment hotel" is a #building# or part of a #building# that is a Class A multiple dwelling as defined in the Multiple Dwelling Law, which:

- (a) has three or more #dwelling units# or #rooming units#;
- (b) has one or more common entrances serving all such units; and
- (c) provides one or more of the following services:
housekeeping, telephone, desk, or bellhop service, or the
furnishing or laundering of linens.

Restaurants, cocktail lounges, or indoor swimming pools are permitted #accessory uses#, provided that in #Residence Districts#, such facilities shall be accessible only through the lobby and there shall be no #signs# except as permitted by the applicable district regulations. Public banquet halls, ballrooms, or meeting rooms are not permitted #accessory uses#.

Hotel, transient (8/17/90)

A "transient hotel" is a #building# or part of a #building# in which:

- (a) living or sleeping accommodations are used primarily for

transient occupancy, and may be rented on a daily basis;

- (b) one or more common entrances serve all such living or sleeping units; and
- (c) twenty-four hour desk service is provided, in addition to one or more of the following services: housekeeping, telephone, or bellhop service, or the furnishing or laundering of linens.

Permitted #accessory uses# include restaurants, cocktail lounges, public banquet halls, ballrooms, or meeting rooms.

Illuminated sign - see Sign, illuminated

Incidental alteration - see Alteration, incidental

Inclusionary Housing designated area (7/29/09)

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 (INCLUSIONARY HOUSING), inclusive. The locations of such #Inclusionary Housing designated areas# are identified in [APPENDIX F](#) of this Resolution or in Special Purpose Districts, as applicable.

Initial setback distance (12/15/61)

An "initial setback distance" is a horizontal distance measured from a #street line# into a #zoning lot# for a depth as set forth in the district regulations.

Inner court - see Court, inner

Inner court recess - see Court recess, inner

Interior lot - see Lot, interior

Joint living-work quarters for artists (2/2/11)

A "joint living-work quarters for artists" consists of one or more #rooms# in a #non-residential building#, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied:

- (a) and arranged and designed for use by, and is used by, not more than four non-related #artists#, or an #artist# and the #artist's# household, and including adequate working space reserved for the #artist#, or #artists# residing therein;
- (b) by any household residing therein on September 15, 1986 whose members are all unable to meet the #artist# certification qualifications of the Department of Cultural Affairs that registers with the Department of Cultural Affairs prior to nine months from January 8, 1987; or
- (c) by any person who is entitled to occupancy by any other provision of law.

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

Land with minor improvements (2/2/11)

"Land with minor improvements" is a tract of land or a #zoning lot# that:

- (a) does not contain any #building or other structure#; or
- (b) involves #buildings or other structures#, or other improvements, located underground or substantially at ground level, with a total assessed valuation, excluding land, of less than \$14,500 as of February 2, 2011, as determined from the assessment rolls in effect on the applicable date on which such #use# is changed, damaged or destroyed, or terminated, in accordance with the provisions of Sections 52-32, 52-52 or 52-72 (Land with Minor Improvements). The Chairperson of the City Planning Commission shall adjust this figure annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the twelve months ended on June 30 of that year.

Large-scale community facility development (2/2/11)

A "large-scale community facility development" contains one or

more #buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection, used predominantly for #community facility uses#, and:

- (a) has or will have an area of at least three acres;
- (b) has been or is to be used, #developed# or #enlarged# as a unit:
 - (1) under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale community facility development#; or
 - (2) under single fee, alternate or separate ownership, either:
 - (i) pursuant to an urban renewal plan for a designated urban renewal area containing such #zoning lots#; or
 - (ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation; and
- (c) shall be located entirely in a #Residence District# or in a C1, C2, C3 or C4-1 District.

Such #zoning lots# may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 9, provided that such #buildings# form an integral part of the #large-scale community facility development#.

Large-scale development (2/2/11)

A "large-scale development" is either a #large-scale community facility development#, a #large-scale general development# or a #large-scale residential development#.

Large-scale general development (2/2/11)

A "large-scale general development" contains one or more #buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection and is not

either a #large-scale residential development# or a #large-scale community facility development#; and:

- (a) has or will have an area of at least 1.5 acres;
- (b) has been or is to be used, #developed# or #enlarged# as a unit:
 - (1) under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#; or
 - (2) under single fee, alternate or separate ownership, either:
 - (i) pursuant to an urban renewal plan for a designated urban renewal area containing such #zoning lots#; or
 - (ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation; and
- (c) shall be located in whole or in part in any #Commercial# or #Manufacturing District#, subject to the restrictions of Section 74-743 (Special provisions for bulk modifications), paragraph (a)(1).

Such #zoning lots# may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 4, provided that such #buildings# form an integral part of the #large-scale general development#, and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #buildings#. In C5 and C6 Districts, however, a #large-scale general development# having a minimum #lot area# of five acres may include a #zoning lot# that contains an existing #building# that is not integrally related to the other parts of the #large-scale general development#, provided that such #building# covers less than 15 percent of the #lot area# of the #large-scale general development# and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #building#.

Large-scale residential development (2/2/11)

A "large-scale residential development" contains one or more

#buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection, used predominantly for #residential uses# and:

- (a) has or will have an area of at least 1.5 acres and a total of at least three principal #buildings#, or an area of at least three acres and a total of at least 500 #dwelling units#;
- (b) has been or is to be #developed# as a unit:
 - (1) under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale residential development#; or
 - (2) under single fee, alternate or separate ownership, either:
 - (i) pursuant to an urban renewal plan for a designated urban renewal area containing such #zoning lots#; or
 - (ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation;
- (c) shall be located entirely in a #Residence District# or in a C1, C2, C3 or C4-1 District; and
- (d) shall not include any #zoning lots# occupied by existing #buildings# to remain; and in staged developments, existing #buildings# proposed for demolition shall not be permitted to create a temporary #non-compliance#.

Legally required window (2/2/11)

A "legally required window" is a window or portion of a window (including a window either in addition to or as a substitute for mechanical ventilation) which is required by any applicable law or statute to provide light or ventilation to a "living room," as defined in the Housing Maintenance Code.

Limited Height District (6/29/94)

A "Limited Height District" is a district whose designation

begins with the letters "LH," and in which the heights of #buildings or other structures# are limited in accordance with the provisions of Sections 23-691, 24-591, 33-491 or 43-49 (Limited Height Districts).

#Limited Height Districts# appear on the #zoning maps# superimposed upon other districts. Their regulations supplement the regulations of the districts on which they are superimposed.

#Limited Height Districts# are confined to areas or portions of areas established by the Landmarks Preservation Commission and the Board of Estimate, or its successor, as "Historic Districts" pursuant to Chapter 8-A of the New York City Charter and Chapter 8-A of the New York City Administrative Code.

Loft dwelling (10/13/10)

A "loft dwelling" is a #dwelling unit# in the #Special Tribeca Mixed Use District#, in a #building# designed for non-#residential use# erected prior to December 15, 1961. Regulations governing #loft dwellings# are set forth in Sections 111-11 (Residential use modification) and 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010).

Lot area

"Lot area" is the area of a #zoning lot#.

Lot area per dwelling unit (12/15/61)

"Lot area per dwelling unit" is that portion of the #lot area# required for each #dwelling unit# located on a #zoning lot#.

Lot area per room (12/15/61)

"Lot area per room" is that portion of the #lot area# required for each #room# located on a #zoning lot#.

Lot, corner

A "corner lot" is either a #zoning lot# bounded entirely by #streets#, or a #zoning lot# which adjoins the point of intersections of two or more #streets# and in which the interior angle formed by the extensions of the #street lines# in the directions which they take at their intersections with #lot

lines# other than #street lines#, forms an angle of 135 degrees or less. In the event that any #street line# is a curve at its point of intersection with a #lot line# other than a #street line#, the tangent to the curve at that point shall be considered the direction of the #street line#. The portion of such #zoning lot# subject to the regulations for #corner lots# is that portion bounded by the intersecting #street line# and lines parallel to and 100 feet from each intersecting #street line#. Any remaining portion of a #corner lot# shall be subject to the regulations for a #through lot# or for an #interior lot#, whichever is applicable.

Lot coverage (2/2/11)

"Lot coverage" is that portion of a #zoning lot# which, when viewed directly from above, would be covered by a #building# or any part of a #building#. However, for purposes of computing a #height factor#, any portion of such #building# covered by a roof which qualifies as #open space#, or any terrace, balcony, breeze way, or porch or portion thereof not included in the #floor area# of a #building#, shall not be included in #lot coverage#.

For example, a #zoning lot# of 20,000 square feet consists of one portion, 100 feet by 100 feet, as a #corner lot# portion, and another portion, 100 feet by 100 feet, as an #interior lot# portion. In a district that allows 70 percent coverage of the #interior lot# portion, that portion can have a #lot coverage# of 7,000 square feet, while the #corner lot# portion which is allowed 80 percent coverage can have a #lot coverage# of 8,000 square feet.

When a #height factor# is not computed for a #residential building# or #residential# portion of a #building#, the portion of any balcony which does not project from the face of the #building# shall be counted as #lot coverage#, but other obstructions permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in #lot coverage#.

Lot depth (12/15/61)

"Lot depth" is the mean horizontal distance between the #front lot line# and #rear lot line# of a #zoning lot#. In the case of a #corner lot#, the #lot depth# is the greater of the mean horizontal distances between the #front lot lines# and the respective #side lot line# opposite each.

Lot, interior (12/15/61)

An "interior lot" is any #zoning lot# neither a #corner lot# nor a #through lot#.

Lot line (12/15/61)

A "lot line" is a boundary of a #zoning lot#.

Lot line, front (12/15/61)

A "front lot line" is a #street line#.

Lot line, rear (12/15/61)

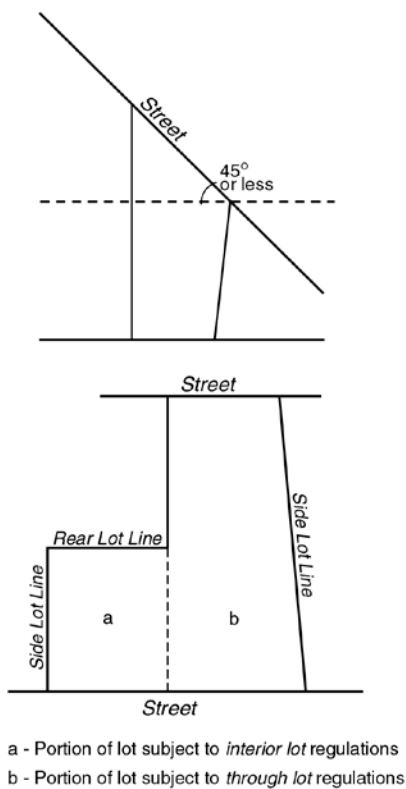
A "rear lot line" is any #lot line# of a #zoning lot# except a #front lot line#, which is parallel or within 45 degrees of being parallel to, and does not intersect, any #street line# bounding such #zoning lot#.

Lot line, side (12/15/61)

A "side lot line" is any #lot line# which is not a #front lot line# or a #rear lot line#.

Lot, through (12/15/61)

A "through lot" is any #zoning lot#, not a #corner lot#, which adjoins two #street lines# opposite to each other and parallel or within 45 degrees of being parallel to each other. Any portion of a #through lot# which is not or could not be bounded by two such opposite #street lines# and two straight lines intersecting such #street lines# shall be subject to the regulations for an #interior lot#.



THROUGH LOT

Lot width (12/15/61)

"Lot width" is the mean horizontal distance between the #side lot lines# of a #zoning lot#.

Lot, zoning - see Zoning lot

Lower density growth management area (2/2/11)

A "lower density growth management area" is any R1, R2, R3, R4A, R4-1 or C3A District in the following designated areas, and any #zoning lot# containing #buildings# accessed by #private roads# in R1, R2, R3, R4, R5 or C3A Districts within such areas:

The Borough of Staten Island
Community District 10 in the Borough of the Bronx

In the Borough of Staten Island, #lower density growth management areas# shall also include any C1, C2, or C4 District.

In the Borough of the Bronx, in Community District 10, #lower density growth management areas# shall also include any R6, R7, C1 or C2 Districts for the purposes of applying the parking provisions of Article II, Chapter 5, and Article III, Chapter 6.

Manhattan Core

The "Manhattan Core" is the area within Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8.

Manufacturing (2/2/11)

A "manufacturing" #use# is any #use# listed in Use Group 17 or 18.

Manufacturing District (2/2/11)

A "Manufacturing District" includes any district whose designation begins with the letter "M."

For example, an "M1" District includes any district whose designation begins with the symbol "M1."

Mixed building (2/2/11)

A "mixed building" is a #building# in a #Commercial District# used partly for #residential use# and partly for #community facility# or #commercial use#.

Motel or tourist cabin (12/15/61)

A "motel" or "tourist cabin" is a #building# or group of #buildings# which:

- (a) contains living or sleeping accommodations used primarily for transient occupancy; and
- (b) has individual entrances from outside the #building# to serve each such living or sleeping unit.

Narrow street - see Street, narrow

Non-complying, or non-compliance (12/15/61)

A "non-complying" #building or other structure# is any lawful #building or other structure# which does not comply with any one or more of the applicable district #bulk# regulations either on December 15, 1961 or as a result of a subsequent amendment thereto.

A "non-compliance" is a failure by a #non-complying building or other structure# to comply with any one of such applicable #bulk# regulations.

Non-conforming, or non-conformity (2/2/11)

A "non-conforming" #use# is any lawful #use#, whether of a #building or other structure# or of a #zoning lot#, which does not conform to any one or more of the applicable #use# regulations of the district in which it is located, either on December 15, 1961 or as a result of any subsequent amendment thereto.

A #non-conforming use# shall result from failure to conform to the applicable district regulations on either permitted Use Groups or performance standards.

A #non-conformity# is a failure by a #non-conforming use# to conform to any one of such applicable #use# regulations.

However, no existing #use# shall be deemed #non-conforming#, nor shall a #non-conformity# be deemed to exist, solely because of any of the following:

- (a) the existence of less than the required #accessory# off-street parking spaces or loading berths;

- (b) the existence of #non-conforming accessory signs#; or
- (c) the existence of conditions in violation of the provisions of either Sections 32-41 and 32-42, relating to Supplementary Use Regulations, or Sections 32-51 and 32-52 relating to Special Provisions Applying along District Boundaries, or Sections 42-41, 42-42, 42-44 and 42-45, relating to Supplementary Use Regulations and Special Provisions Applying along District Boundaries.

Non-profit hospital staff dwelling

A "non-profit hospital staff dwelling" is a dwelling owned by a non-profit institution or subsidiary non-profit housing corporation and which contains #dwelling units# reserved exclusively for occupancy by members of the staff of a non-profit or voluntary hospital and their immediate family.

Non-profit residence for the elderly (2/2/11)

A "non-profit residence for the elderly" is a #residence# occupied at least 90 percent by elderly families, the head or spouse of which is sixty-two years of age or over, or by single elderly persons who are sixty-two years of age or over, and which:

- (a) contains housekeeping, semi-housekeeping or non-housekeeping units especially designed for elderly persons or families; and
- (b) consists of one or more #buildings# on the same or contiguous #zoning lots#, or on lots which would be contiguous but for their separation by a #street# and contains related #accessory# social and welfare facilities primarily for residents which may also be made available to the community, such as cafeterias, or dining halls, community rooms, workshops and other essential service facilities provided that these facilities shall occupy #floor area# or #cellar# space in an amount not less than four percent of the total #floor area# of the #non-profit residence for the elderly#. In no event shall the floor space occupied by lobbies, passageways, storage space or other spaces normally provided in usual #residential buildings# be considered as a part of the #floor area# attributable to the Social and Welfare facilities; and
- (c) is either:

- (1) owned by or constructed for the New York City Housing Authority, or
- (2) constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of a municipal, State, or Federal governmental agency, and is maintained on a non-profit basis by a charitable organization or its wholly-owned subsidiary incorporated pursuant to the provisions of the New York State Not-For-Profit Corporation Law.

However, any #non-profit residence for the elderly# to which seed money has been advanced under Article II of the State Private Housing Finance Law prior to January 23, 1969 shall have the option to be continued under the provisions of the Zoning Resolution as amended on January 23, 1969 or under the provisions of the Zoning Resolution as effective just prior thereto.

In the Borough of Manhattan in R7-2 Districts, the definition of a #non-profit residence for the elderly# shall also apply to projects reserved for the elderly for a period of not less than 40 years approved under Article 2 and 5 of the State Private Housing Finance Law provided the project is operated by a sponsor or co-sponsor which is a non-profit organization. The certificate of occupancy shall bear the designation "Non-profit residence for the elderly," as defined in Section 12-10 of the Zoning Resolution.

Non-residential building (2/2/11)

A "non-residential building" is a #building# containing no #residences#.

Open space (2/2/11)

"Open space" is that part of a #zoning lot#, including #courts# or #yards#, which is open and unobstructed from its lowest level to the sky and is accessible to and usable by all persons occupying a #dwelling unit# or a #rooming unit# on the #zoning lot#.

#Open space# may, however, include areas covered by roofs, the total area of which is less than 10 percent of the unroofed or uncovered area of a #zoning lot#, provided that such roofed area is not enclosed on more than one side, or on more than 10 percent of the perimeter of the roofed area, whichever is greater.

#Open space# may be provided on the roof of:

- (a) a #community facility building#;
- (b) a #building# containing #residences#, provided such roof area is not above that portion of such #building# that contains #dwelling units# or #rooming units#;
- (c) a #non-residential building#, other than a #community facility building#, provided such #non-residential building abuts# other #buildings#, any one of which contains #residences#.

All such roof areas used for #open space# shall meet the requirements set forth in this definition and shall:

- (1) be not higher than 23 feet above #curb level#, except as provided in Sections 24-164 (Location of open space for residential portion) and 35-34 (Location of Open Space);
- (2) be at least two and one-half feet below the sill level of all #legally required windows# opening on such roof area;
- (3) be directly accessible by a passageway from a #building#, or by a ramp (with a grade of less than 10 percent) from a #building#, #yard#, #court# or #street#, except that in R8 or R9 Districts such roof area need not be accessible to occupants and is therefore exempt from this requirement; and
- (4) have no dimension less than 25 feet; except that in R8 or R9 Districts when such roof area adjoins a #street line# or a #rear yard#, it may have a minimum depth of nine feet and a minimum length, along such #street line# or #rear yard#, equal to at least twice its depth, or the full width of the #zoning lot#, or 50 feet, whichever is the least distance.

Open space ratio (2/2/11)

The "open space ratio" of a #zoning lot# is the number of square feet of #open space# on the #zoning lot#, expressed as a percentage of the #floor area# on that #zoning lot#. (For example, if for a particular #zoning lot# an #open space ratio# of 20 is required, 20,000 square feet of #floor area# in the #building# would necessitate 4,000 square feet of #open space# on the #zoning lot#; or, if 6,000 square feet of #lot area# were in #open space#, 30,000 square feet of #floor area# could be on that #zoning lot#.) Each square foot of #open space# per 100 square feet of #floor area# is referred to as one point.

Outer court - see Court, outer

Outer court recess - see Court recess, outer

Physical culture or health establishments (7/24/13)

A "physical culture or health establishment" is any establishment or facility, including #commercial# and non-#commercial# clubs, which is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

Therapeutic or relaxation services, such as sun tanning, baths, showers, tubs, jacuzzis, whirlpools, saunas, steam rooms, isolation floatation tanks and meditation facilities may be provided only as #accessory# to the physical exercise program or massage facility. Except as specifically provided in Special Purpose Districts, #physical culture or health establishments# are only permitted pursuant to the provisions of Section 73-36. No license or permit shall be issued by the New York City Department of Health in conjunction with any health-related facility/services pursuant to this Section until a certificate of occupancy has been issued by the Department of Buildings establishing the #use# of the premises as a #physical culture or health establishment#.

Plaza (10/17/07)

A "plaza" is an open area for public use on a #zoning lot developed#, from December 15, 1961 to June 11, 1996, in accordance with the requirements set forth in APPENDIX E, Section E27-50 (PLAZA STANDARDS OF 1961), of this Resolution.

Plaza, public (2/2/11)

A "public plaza" is an open area for public use provided in accordance with the requirements set forth in Section 37-70, inclusive.

Plaza, residential (10/17/07)

A "residential plaza" is an open area for public use on a #zoning

lot developed# from March 2, 1977 to October 17, 2007, in accordance with the requirements set forth in APPENDIX E, Article II, Chapter 7, of this Resolution

Plaza, urban (10/17/07)

An "urban plaza" is an open area for public use on a #zoning lot developed#, from April 16, 1975 to June 11, 1996, in accordance with plans certified by the Chairperson of the City Planning Commission or, from June 13, 1996 to October 17, 2007, in accordance with the requirements set forth in APPENDIX E, Section E37-04, of this Resolution.

Predominantly built-up area (2/2/11)

A "predominantly built-up area" is a #block# entirely within R4 or R5 Districts, including a #Commercial District# mapped within such #Residential Districts#, having a maximum area of four acres with #buildings# on #zoning lots# comprising 50 percent or more of the area of the #block#. However, a #predominantly built-up area# shall not include a #block# which is located partly in a R4A, R4-1, R4B, R5B or R5D District.

All such #buildings# shall have certificates of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit. Special optional regulations applying only to #zoning lots# of not more than 1.5 acres in a #predominantly built-up area# are set forth in the following Sections:

Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio)

Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room)

Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)

Section 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts)

Section 25-22 (Requirements Where Individual Parking Facilities are Provided)

Section 25-23 (Requirements Where Group Parking Facilities are Required)

The regulations applicable to a #predominantly built-up area# shall not apply to any #zoning lot# occupied as of October 21, 1987, by a #single-# or #two-family detached# or #semi-detached residence# where 75 percent or more of the aggregate length of the #block# fronts in #residential use#, on both sides of the #street# facing each other, are occupied by such #residences# as of October 21, 1987. However, the regulations applicable to a #predominantly built-up area# may apply to such #zoning lots# where 75 percent or more of the aggregate length of the #block# fronts facing each other, on both sides of the #street#, is comprised of #zoning lots# occupied as of October 21, 1987, by #commercial# or #manufacturing uses#.

Furthermore, the regulations applicable to a #predominantly built-up area# shall continue to apply in the #Special Coney Island Mixed Use District# and the #Special Ocean Parkway District#, and in areas subject to the provisions of Section 23-146 (Optional provisions for certain R5 and R6 Districts in Brooklyn).

Primary entrance (2/2/11)

"Primary entrances" are the principal entrances to a #building# utilized for day-to-day pedestrian ingress and egress. Other entrances solely used for freight, service or emergency egress shall not constitute a #primary entrance#.

Private road (2/2/11)

In accordance with Sections 26-00 (APPLICABILITY OF THIS CHAPTER) and 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO DEVELOPMENTS WITH PRIVATE ROADS), a "private road" is a right-of-way, other than a #street#, that provides vehicular access from a #street# to five or more #dwelling units# that are within #buildings# or #building segments# that are located wholly beyond 50 feet of a #street line# or #street setback line#.

An individual driveway serving fewer than five parking spaces shall not be considered a #private road#.

However, in #lower density growth management areas#, a private road is a right-of-way, other than a #street#, that provides vehicular access from a #street# to:

- (a) three or more #buildings# or #building segments# located wholly beyond 50 feet of a #street line# or #street setback line#; or

- (b) one or two #buildings# or #building segments# located wholly beyond 50 feet of a #street line# or #street setback line# that contain five or more #dwelling units#.

Public park (12/15/61)

A "public park" is any publicly-owned park, playground, beach, parkway, or roadway within the jurisdiction and control of the Commissioner of Parks and Recreation, except for park strips or malls in a #street# the roadways of which are not within the Commissioner's jurisdiction and control.

Public parking garage (9/29/10)

A "public parking garage" is a #building or other structure#:

- (a) that provides parking or storage for motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles; and
- (b) some or all of whose parking spaces are non-#accessory#.

#Car sharing vehicles# may occupy parking spaces in a #public parking garage#; however, the number of spaces so occupied shall not exceed 40 percent of all parking spaces in such garage. A #public parking garage# may include #accessory# off-street parking spaces limited to such spaces that are #accessory# to other #uses# on the same #zoning lot#.

Sale of motor fuel or motor oil or minor repairs incidental to the parking or storage of motor vehicles are permitted #accessory uses#.

Public parking lot (2/2/11)

A "public parking lot" is any open area on a #zoning lot# that is:

- (a) used for the parking or storage of motor vehicles, but not for commercial or public utility vehicles or the dead storage of motor vehicles; and
- (b) not #accessory# to a #use# on the same or another #zoning lot#.

#Car sharing vehicles# may occupy spaces in a #public parking lot#; however, the number of spaces so occupied shall not exceed

40 percent of all parking spaces in such parking lot. Minor repairs incidental to the parking or storage of motor vehicles are a permitted #accessory use#.

Public plaza - see Plaza, public

Publicly accessible open area (10/17/07)

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#.

Quality Housing building (2/2/11)

A "Quality Housing building" is a #building#, #developed#, #enlarged#, #extended# or #converted#, pursuant to the Quality Housing Program.

Quality Housing building segment (2/2/11)

A "Quality Housing building segment" is a #building segment#, #developed#, #enlarged#, #extended# or #converted# pursuant to the Quality Housing Program.

Railroad or transit air space (2/22/90)

"Railroad or transit air space" is space directly over a railroad or transit right-of-way or yard, which right-of-way or yard was open, except for structures accommodating activities incidental to its #use# as a right-of-way or yard, and not otherwise covered over by any #building or other structure# on or after September 27, 1962.

Rear lot line - see Lot line, rear

Rear yard - see Yard, rear

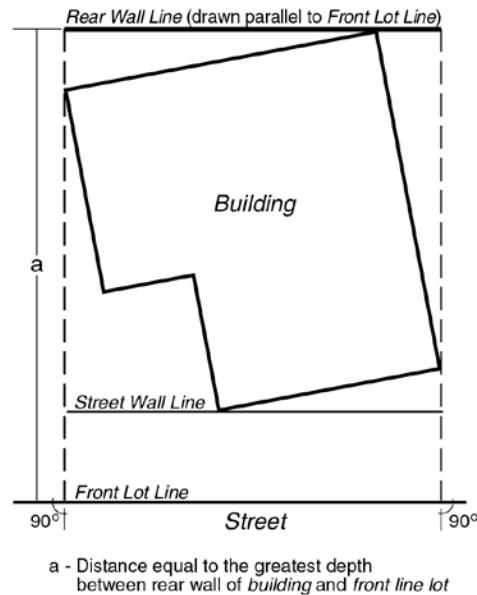
Rear yard equivalent - see Yard equivalent, rear

Rear yard line - see Yard line, rear

Rear sky exposure plane - see Sky exposure plane

Rear wall line

A "rear wall line" is that portion of a line drawn parallel to a #front lot line# at a distance equal to the greatest depth between the rear wall of a #building# and the #front lot line#, from which, when viewed directly from above, lines perpendicular to a #street wall line# may be drawn.



REAR WALL LINE

Rear wall line level

"Rear wall line level" is the mean level of the natural grade at the #rear wall line#.

Residence, or residential (2/2/11)

A "residence" is one or more #dwelling units# or #rooming units#, including common spaces such as hallways, lobbies, stairways, laundry facilities, recreation areas or storage areas. A #residence# may, for example, consist of one-family or two-family houses, multiple dwellings, boarding or rooming houses, or #apartment hotels#. However, #residences# do not include:

- (a) such transient accommodations as #transient hotels#, #motels# or #tourist cabins#, or #trailer camps#;

- (b) #non-profit hospital staff dwellings#; or
- (c) student dormitories, fraternity or sorority student houses, monasteries or convents, sanitariums, nursing homes, or other living or sleeping accommodations in #community facility buildings# or portions of #buildings# used for #community facility uses#.

"Residential" means pertaining to a #residence#.

Residence District (2/2/11)

A "Residence District" includes any district whose designation begins with the letter "R."

For example, an "R6" District includes any district whose designation begins with the symbol "R."

Residential building (2/2/11)

A "residential building" is a #building# used only for a #residential use#.

Residential plaza - see Plaza, residential

Residential use (12/15/61)

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

Rooms (7/26/01)

"Rooms" shall consist of "living rooms," as defined in the Multiple Dwelling Law.

Rooming unit (7/26/01)

A "rooming unit" consists of any "living room," as defined in the Multiple Dwelling Law, in a #residential building# or a #residential# portion of a #building#, that is:

- (a) in a "class B multiple dwelling," a "rooming house," or a "furnished room house" as defined in the Multiple Dwelling Law; or

- (b) used "for class B occupancy," as defined in the Housing Maintenance Code; or
- (c) used for "single room occupancy," as defined in the Multiple Dwelling Law; or
- (d) occupied by a "boarder," "roomer" or "lodger," as defined in the Housing Maintenance Code, provided, however, that if not more than two such boarders, roomers or lodgers reside within a #dwelling unit#, the #room# or #rooms# occupied by such boarders, roomers or lodgers shall be counted as part of the #dwelling unit# and shall not be counted as #rooming units#; or
- (e) any other "living room" in a #residential building# or a #residential# portion of a #building# which is not a #dwelling unit# or part of a #dwelling unit#.

School (1/18/11)

A "school" is:

- (a) an institution providing full-time day instruction and a course of study that meets the requirements of Sections 3204, 3205 and 3210 of the New York State Education Law; or
- (b) a nursery school or kindergarten:
 - (1) whose annual session does not exceed the school sessions for full-time day schools prescribed in Section 3204 of the New York State Education Law; and
 - (2) which is operated by the Department of Education or any established religious organization as part of an elementary school; or
- (c) a child care service operating under a permit issued pursuant to Section 47.03 of the New York City Health Code.

Semi-detached (building) (2/2/11)

A "semi-detached" #building# is a #building# that #abuts# only one other #building#, other than an #attached building#, on an adjoining #zoning lot# along only one #side lot line# and which is surrounded on all other sides by #yards#, other open areas, or #street lines#.

Shoreline (10/25/93)

The "shoreline" is the mean high water line, as determined in accordance with the procedure set forth by the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce.

Show window (12/15/61)

A "show window" is a window or opening in the exterior wall of any portion of a #building# used for business purposes, through which merchandise, services, or business are displayed or advertised. A window glazed with transparent glass in the business portion of a #building#, any part of which window is less than six feet above the sidewalk or the established sidewalk grade beneath the window, shall be a #show window#.

Side lot line - see Lot line, side

Side lot ribbon (6/30/89)

A "side lot ribbon" is that portion of the #zoning lot# that is contiguous to, and extends along the entire length of, a #side lot line# from the #street line# to an intersecting #rear lot line#, #side lot line# or other #street line#. Where a #side lot ribbon# is used for a common driveway serving two #zoning lots#, the #side lot ribbon# may occupy space on both sides of a #side lot line#.

Side yard - see Yard, side

Sidewalk cafe (2/2/11)

A "sidewalk cafe" is a portion of an eating or drinking place that is located on a public sidewalk and is either an #enclosed#, #unenclosed# or #small sidewalk cafe#. #Sidewalk cafes# are further defined in Section 20-223, subdivision (a), of the Administrative Code.

Sidewalk cafe, enclosed (1/29/03)

An "enclosed sidewalk cafe" is a #sidewalk cafe# that is contained within a structure constructed predominantly of light materials such as glass, slow-burning plastic or lightweight

metal.

Sidewalk cafe, small (5/5/04)

A "small sidewalk cafe" is an #unenclosed sidewalk cafe# containing no more than a single row of tables and chairs adjacent to the #street line# where such tables and chairs occupy a space on the sidewalk no greater than 4 feet, 6 inches from the #street line#.

Sidewalk cafe, unenclosed (5/5/04)

An "unenclosed sidewalk cafe" is a space on the sidewalk that contains readily removable tables, chairs or railings with no overhead coverage other than umbrellas or a retractable awning that is affixed to the #building# wall and does not extend further than the width of the #unenclosed sidewalk cafe#.

Sign (4/8/98)

A "sign" is any writing (including letter, word, or numeral), pictorial representation (including illustration or decoration), emblem (including device, symbol, or trademark), flag, (including banner or pennant), or any other figure of similar character, that:

- (a) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a #building or other structure#;
- (b) is used to announce, direct attention to, or advertise; and
- (c) is visible from outside a #building#. A #sign# shall include writing, representation or other figures of similar character, within a #building#, only when illuminated and located in a window.

However, non-#illuminated signs# containing solely non-commercial copy with a total #surface area# not exceeding 12 square feet on any #zoning lot#, including memorial tablets or signs displayed for the direction or convenience of the public, shall not be subject to the provisions of this Resolution.

Sign, advertising (4/8/98)

An "advertising sign" is a #sign# that directs attention to a business, profession, commodity, service or entertainment

conducted, sold, or offered elsewhere than upon the same #zoning lot# and is not #accessory# to a #use# located on the #zoning lot#.

Sign, flashing (4/8/98)

A "flashing sign" is any #illuminated sign#, whether stationary, revolving or rotating, that exhibits changing light or color effects, provided that revolving or rotating #signs# that exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed #flashing signs# only if they exhibit sudden or marked changes in such light or color effects.

#Illuminated signs# that indicate the time, temperature, weather or other similar information shall not be considered #flashing signs#, provided that:

- (a) the total #surface area# of such #sign# is not greater than 16 square feet;
- (b) the vertical dimension of any letter or number is not greater than 24 inches; and
- (c) color or intensity of light is constant except for periodic changes in the information displayed, which occur not more frequently than once every minute.

Sign, illuminated (4/8/98)

An "illuminated sign" is a #sign# designed to give forth any artificial light or reflect such light from an artificial source.

Sign, surface area of - see Surface area (of a sign)

Sign with indirect illumination (4/8/98)

A "sign with indirect illumination" is any #illuminated# non-#flashing sign# whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into #residences# or #streets#.

Single-family residence (2/2/11)

A "single-family residence" is a #building# containing only one #dwelling unit#, and occupied by only one #family#.

Sky exposure plane or front sky exposure plane (4/18/87)

A "sky exposure plane" or "front sky exposure plane" is an imaginary inclined plane:

- (a) beginning above the #street line# (or, where so indicated, above the #front yard line#) at a height set forth in the district regulations; and
- (b) rising over a #zoning lot# at a ratio of vertical distance to horizontal distance set forth in the district regulations.

Sky exposure plane, rear (4/18/65)

A "rear sky exposure plane" is an imaginary inclined plane:

- (a) beginning above a line at a distance from and parallel to the #street line# and at a height set forth in the district regulations; and
- (b) rising over a #zoning lot# at a ratio of vertical distance to horizontal distance set forth in the district regulations.

Special 125th Street District (2/2/11)

The "Special 125th Street District" is a Special Purpose District designated by the number "125" in which special regulations set forth in Article IX, Chapter 7, apply.

Special Battery Park City District (2/2/11)

The "Special Battery Park City District" is a Special Purpose District designated by the letters "BPC" in which special regulations set forth in Article VIII, Chapter 4, apply.

Special Bay Ridge District (2/2/11)

The "Special Bay Ridge District" is a Special Purpose District designated by the letters "BR" in which special regulations set forth in Article XI, Chapter 4, apply.

Special City Island District (2/2/11)

The "Special City Island District" is a Special Purpose District designated by the letters "CD" in which special regulations set forth in Article XI, Chapter 2, apply.

Special Clinton District (2/2/11)

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

Special College Point District (2/2/11)

The "Special College Point District" is a Special Purpose District designated by the letters "CP" in which special regulations set forth in Article XII, Chapter 6, apply.

Special Coney Island District (2/2/11)

The #Special Coney Island District# is a Special Purpose District designated by the letters "CI" in which special regulations set forth in Article XIII, Chapter 1, apply.

Special Coney Island Mixed Use District (1/9/75)

The "Special Coney Island Mixed Use District" is a Special Purpose District designated by the letters "CO" in which special regulations set forth in Article X, Chapter 6, apply.

Special Downtown Brooklyn District (2/2/11)

The "Special Downtown Brooklyn District" is a Special Purpose District designated by the letters "DB" in which special regulations set forth in Article X, Chapter 1, apply.

Special Downtown Jamaica District (2/2/11)

The "Special Downtown Jamaica District" is a Special Purpose District designated by the letters "DJ" in which special regulations set forth in Article XI, Chapter 5, apply.

Special Enhanced Commercial District (6/28/12)

The "Special Enhanced Commercial District" is a Special Purpose District designated by the letters "EC" in which special regulations set forth in Article XIII, Chapter 2, apply.

Special Forest Hills District (2/2/11)

The "Special Forest Hills District" is a Special Purpose District designated by the letters "FH" in which special regulations set forth in Article VIII, Chapter 6, apply.

Special Garment Center District (2/2/11)

The "Special Garment Center District" is a Special Purpose District designated by the letters "GC" in which special regulations set forth in Article XII, Chapter 1, apply.

Special Governors Island District (7/24/13)

The "Special Governors Island District" is a Special Purpose District designated by the letters "GI" in which the special regulations set forth in Article XIII, Chapter 4, apply.

Special Grand Concourse Preservation District (2/2/11)

The "Special Grand Concourse Preservation District" is a Special Purpose District designated by the letter "C" in which regulations set forth in Article XII, Chapter 2, apply.

Special Harlem River Waterfront District (2/2/11)

The "Special Harlem River Waterfront District" is a Special Purpose District designated by the letters "HRW" in which special regulations set forth in Article VIII, Chapter 7, apply.

Special Hillside Preservation District (2/2/11)

The "Special Hillside Preservation District" is a Special Purpose District mapped in Staten Island designated by the letters "HS" in which special regulations set forth in Article XI, Chapter 9, apply.

Special Hudson Square District (3/20/13)

The "Special Hudson Square District" is a Special Purpose District designated by the letters "HSQ," in which special regulations set forth in Article VIII, Chapter 8, apply.

Special Hudson Yards District (2/2/11)

The "Special Hudson Yards District" is a Special Purpose District designated by the letters "HY" in which special regulations set forth in Article IX, Chapter 3, apply.

Special Hunts Point District (2/2/11)

The "Special Hunts Point District" is a Special Purpose District designated by the letters "HP" in which special regulations set forth in Article X, Chapter 8, apply.

Special Limited Commercial District (2/2/11)

The "Special Limited Commercial District" is a Special Purpose District designated by the letters "LC" in which special regulations set forth in Article VIII, Chapter 3, apply.

Special Lincoln Square District (2/2/11)

The "Special Lincoln Square District" is a Special Purpose District designated by the letter "L" in which special regulations set forth in Article VIII, Chapter 2, apply.

Special Little Italy District (2/2/11)

The "Special Little Italy District" is a Special Purpose District designated by the letters "LI" in which special regulations, set forth in Article X, Chapter 9, apply.

Special Long Island City Mixed Use District (2/2/11)

The "Special Long Island City Mixed Use District" is a Special Purpose District designated with the letters "LIC" in which regulations set forth in Article XI, Chapter 7, apply.

Special Lower Manhattan District (2/2/11)

The "Special Lower Manhattan District" is a Special Purpose District designated by the letters "LM" in which special regulations set forth in Article IX, Chapter 1, apply.

Special Madison Avenue Preservation District (2/2/11)

The "Special Madison Avenue Preservation District" is a Special Purpose District designated by the letters "MP" in which special regulations set forth in Article IX, Chapter 9, apply.

Special Manhattanville Mixed Use District (2/2/11)

The "Special Manhattanville Mixed Use District" is a Special Purpose District designated by the letters "MMU" in which special regulations set forth in Article X, Chapter 4, apply.

Special Midtown District (2/2/11)

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

Special Mixed Use District (12/10/97)

The "Special Mixed Use District" is a Special Purpose District designated by the letters "MX" in which special regulations set forth in Article XII, Chapter 3, apply. The #Special Mixed Use District# appears on the #zoning maps# superimposed on paired M1 and #Residence Districts#, and its regulations supplement or modify those of the M1 and #Residence Districts#. The #Special Mixed Use District# includes any district that begins with the letters "MX."

Special Natural Area District (2/2/11)

The "Special Natural Area District" is a Special Purpose District designated by the letters "NA" in which special regulations set forth in Article X, Chapter 5, apply. The #Special Natural Area District# includes any district whose designation begins with the letters "NA".

Special Ocean Parkway District (2/2/11)

The "Special Ocean Parkway District" is a Special Purpose District designated by the letters "OP" in which special regulations set forth in Article XI, Chapter 3, apply.

Special Park Improvement District (2/2/11)

The "Special Park Improvement District" is a Special Purpose District designated by the letters "PI" in which special regulations set forth in Article IX, Chapter 2, apply.

Special Planned Community Preservation District (2/2/11)

The "Special Planned Community Preservation District" is a Special Purpose District designated by the letters "PC" in which special regulations set forth in Article X, Chapter 3, apply.

Special Scenic View District (2/2/11)

The "Special Scenic View District" is a Special Purpose District designated by the letters "SV" in which the special regulations set forth in Article X, Chapter 2, apply.

Special Sheepshead Bay District (2/2/11)

The "Special Sheepshead Bay District" is a Special Purpose District designated by the letters "SB" in which special regulations set forth in Article IX, Chapter 4, apply.

Special South Richmond Development District (2/2/11)

The "Special South Richmond Development District" is a Special Purpose District designated by the letters "SR" in which special regulations set forth in Article X, Chapter 7, apply.

Special Southern Hunters Point District (2/2/11)

The "Special Southern Hunters Point District" is a Special Purpose District designated by the letters "SHP" in which special regulations set forth in Article XII, Chapter 5, apply.

Special Southern Roosevelt Island District (5/8/13)

The "Special Southern Roosevelt Island District" is a Special

Purpose District designated with the letters "SRI" in which regulations set forth in Article XIII, Chapter 3, apply.

Special St. George District (2/2/11)

The "Special St. George District" is a Special Purpose District designated by the letters "SG" in which special regulations set forth in Article XII, Chapter 8, apply.

Special Stapleton Waterfront District (2/2/11)

The "Special Stapleton Waterfront District" is a Special Purpose District designated by the letters "SW" in which special regulations set forth in Article XI, Chapter 6, apply.

Special Transit Land Use District (2/2/11)

A "Special Transit Land Use District" is a Special Purpose District designated by the letters "TA" in which special regulations set forth in Article IX, Chapter 5, apply.

Special Tribeca Mixed Use District (2/2/11)

The "Special Tribeca Mixed Use District" is a Special Purpose District designated by the letters "TMU" in which special regulations set forth in Article XI, Chapter 1, apply.

Special Union Square District (2/2/11)

The "Special Union Square District" is a Special Purpose District, designated by the letters "US" in which special regulations set forth in Article XI, Chapter 8, apply.

Special United Nations Development District (2/2/11)

The "Special United Nations Development District" is a Special Purpose District designated by the letter "U" in which special regulations set forth in Article VIII, Chapter 5, apply.

Special West Chelsea District (2/2/11)

The "Special West Chelsea District" is a Special Purpose District designated by the letters "WCh" in which special regulations set

forth in Article IX, Chapter 8, apply.

Special Willets Point District (2/2/11)

The "Special Willets Point District" is a Special Purpose District designated by the letters "WP" in which special regulations set forth in Article XII, Chapter 4, apply.

Story (2/2/11)

A "story" is that part of a #building# between the surface of a floor (whether or not counted for purposes of computing #floor area ratio#) and the ceiling immediately above. However, a #cellar# shall not be considered a #story#. Furthermore, attic space that is not #floor area# pursuant to Section 12-10 (DEFINITIONS) shall not be considered a #story#.

Street (2/2/11)

A "street" is:

- (a) a way established on the City Map; or
- (b) a way designed or intended for general public use, connecting two ways established on the City Map, that:
 - (1) performs the functions usually associated with a way established on the City Map;
 - (2) is at least 50 feet in width throughout its entire length; and
 - (3) is covenanted by its owner to remain open and unobstructed throughout the life of any #building# or #use# that depends thereon to satisfy any requirement of this Resolution; or
- (c) any other open area intended for general public use and providing a principal means of approach for vehicles or pedestrians from a way established on the City Map to a #building or other structure#, that:
 - (1) performs the functions usually associated with a way established on the City Map;
 - (2) is at least 50 feet in width throughout its entire length;

- (3) is approved by the City Planning Commission as a "street" to satisfy any requirement of this Resolution; and
 - (4) is covenanted by its owner to remain open and unobstructed throughout the life of any #building# or #use# that depends thereon to satisfy any requirement of this Resolution; or
- (d) any other public way that on December 15, 1961, was performing the functions usually associated with a way established on the City Map; or
- (e) a #covered pedestrian space# that directly links two parallel or substantially parallel ways established on the City Map, for which a #floor area# bonus may be awarded or was awarded pursuant to a prior definition of such amenity, that may, by certification of the City Planning Commission, be deemed to be a #street#, provided the Commission finds that:
- (1) no portion of such space is located within 50 feet of the intersection of two ways established on the City Map;
 - (2) such space is unobstructed for a minimum width of 15 feet and a minimum height of 15 feet, except for enclosures at the entrances;
 - (3) such space is located at an elevation no more than five feet above or below #curb level#; and
 - (4) the space functions as a #street# providing access to another #street#, shops and other #uses#, and that such access is graphically and visually evident to the pedestrian.

All provisions of this Resolution shall continue to be applicable to such space without being modified, varied or affected by the qualification of such space as a #street#.

The City Planning Commission may prescribe appropriate conditions and safeguards to achieve public utilization of the #street#.

For purposes of paragraphs (a), (b), (c) and (d) of this definition, a #private road#, or a driveway that serves only to give vehicular access to an #accessory# parking or loading

facility, or to allow vehicles to take on or discharge passengers at the entrance to a #building#, shall not be considered a #street#.

Street line (10/25/73)

A "street line" is a #lot line# separating a #street# from other land.

A #street setback line# supersedes the #street line# in the application of #yard#, height and setback, and #court# regulations.

Street, narrow (12/15/61)

A "narrow street" is any #street# less than 75 feet wide.

Street setback line (9/19/85)

A "street setback line" is a line shown on the City Map in the Borough of Staten Island, or in Community District 10 in the Borough of Queens. A #street setback line# shall not be located within a mapped #street# area.

A #street setback line# supersedes the #street line# in the application of #yard#, height and setback, and #court# regulations.

No #building or other structure# shall be erected within the area between #street setback lines# fronting on the same #street#, or between a #street setback line# and the opposite mapped #street line# if no #street setback line# exists. Any existing #building or other structure# within this area may be continued, changed, #extended# or structurally altered but shall not be #enlarged#.

Street wall (12/15/61)

A "street wall" is a wall or portion of a wall of a #building# facing a #street#.

A "street wall line" is that portion of a line drawn parallel to a #front lot line# at a distance equal to the shallowest depth between the #street wall# of a #building# and the #front lot line#, from which, when viewed directly from above, lines perpendicular to the #front lot line# may be drawn to a #street wall#.



"Street wall line level" is the mean level of the natural grade at the #street wall line#. On #corner lots#, #street wall line level# is the average of the mean levels of the natural grade of each #street wall line#. On #through lots#, #street wall line level# is determined separately for each #street# frontage to a distance midway between such #streets#.

Street, wide (12/19/11)

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 #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.

In Community District 7 in the Borough of Manhattan, the roadways of Broadway between West 94th and West 97th Streets which are separated by mapped #public park# shall each be considered a #wide street#.

Surface area (of a sign) (4/8/98)

The "surface area" of a #sign# shall be the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such #sign# from the background against which it is placed. In any event, the supports or uprights on which such #sign# is supported shall not be included in determining the #surface area# of a #sign#.

When two #signs# of the same shape and dimensions are mounted or displayed back to back and parallel on a single free-standing structural frame, only one of such #signs# shall be included in computing the total #surface area# of the two #signs#.

When a double-faced #sign# projects from the wall of a #building#, and its two sides are located not more than 28 inches apart at the widest point and not more than 18 inches apart at the narrowest point, and display identical writing or other representation, the #surface area# shall include only one of the sides. Any additional side of a multi-faced #sign# shall be considered as a separate #sign# for purposes of computing the total #surface area# of the #sign#.

Through block arcade (10/17/07)

A "through block arcade" is a continuous area within a #building# connecting one #street# with another #street#, #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#, #publicly accessible open area# or #arcade# that it adjoins.

Through lot - see Lot, through

Tourist cabin - see Motel

Trailer (12/15/61)

A "trailer" is a vehicle standing on wheels or rigid supports that is used for living or sleeping purposes.

Trailer camp (2/2/11)

A "trailer camp" is a #zoning lot# or portion thereof used or designated for the #use# of two or more #trailers#.

Transient hotel - see Hotel, transient

Two-family residence (2/2/11)

A "two-family residence" is a #building# containing not more than two #dwelling units#, and occupied by only two #families#.

Unenclosed sidewalk café - see Sidewalk café, unenclosed

Urban plaza - see Plaza, urban

Use (2/2/11)

A "use" is:

(a) any purpose for which a #building or other structure# or an

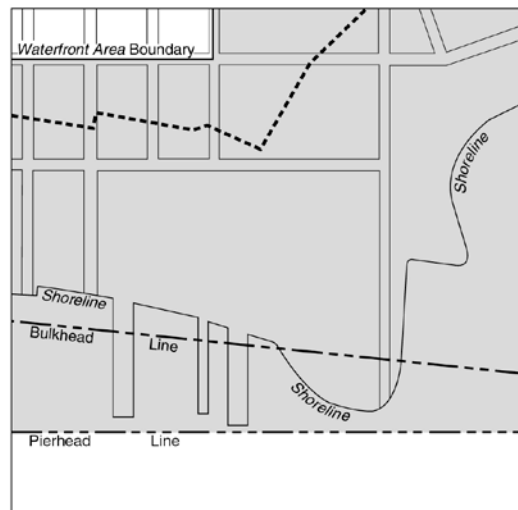
open tract of land may be designed, arranged, intended, maintained or occupied; or

- (b) any activity, occupation, business or operation carried on, or intended to be carried on, in a #building or other structure# or on an open tract of land.


Waterfront area (4/22/09)

The "waterfront area" is the geographical area comprising all #blocks# between the pierhead line and a line 800 feet landward from the #shoreline#. Where such line intersects a #block#, the entire #block# shall be included and the #waterfront area# boundary shall coincide with the centerline of the landward boundary #street# or other #block# boundary. Notwithstanding the above, any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not #abut# a waterfront public park shall not be included in the #waterfront area#.

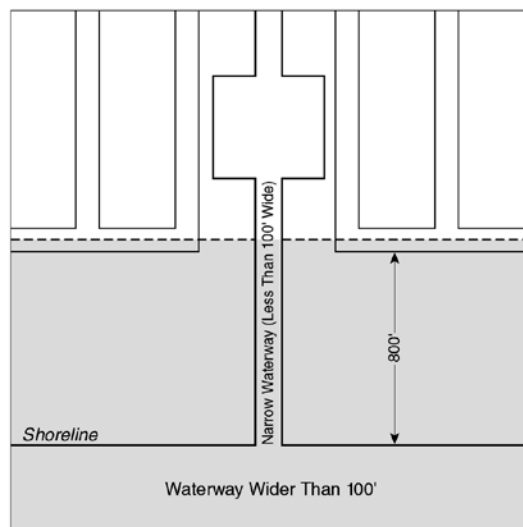
For the purposes of this definition, only #blocks# along waterways that have a minimum width of 100 feet between opposite #shorelines#, with no portion downstream less than 100 feet in width, shall be included within the #waterfront area#. However, #blocks# bounding the Gowanus Canal north of Hamilton Avenue, as shown on the City Map, Dutch Kills, and the portion of the Bronx River located south of the prolongation of East 172th Street, shall be included within the #waterfront area#.



----- 800' line from Shoreline (Mean High Water)

 Waterfront Area

Waterfront Area



----- Centerline of Street and/or Waterfront Area Boundary

 Waterfront Area

Narrow Waterway Exclusion

Wide street - see Street, wide

Width of outer court - see Court, width of outer

Yard (9/19/73)

A "yard" is that portion of a #zoning lot# extending open and unobstructed from the lowest level to the sky along the entire length of a #lot line#, and from the #lot line# for a depth or width set forth in the applicable district #yard# regulations.

Where a #street setback line# is shown on the City Map the #yard# extends along the entire length of the #street setback line#, and from the #street setback line# for a depth or width set forth in the applicable district #yard# regulations.

Yard equivalent, rear (12/15/61)

A "rear yard equivalent" is an open area which may be required on a #through lot# as an alternative to a required #rear yard#.

Yard, front (12/15/61)

A "front yard" is a #yard# extending along the full length of a #front lot line#.

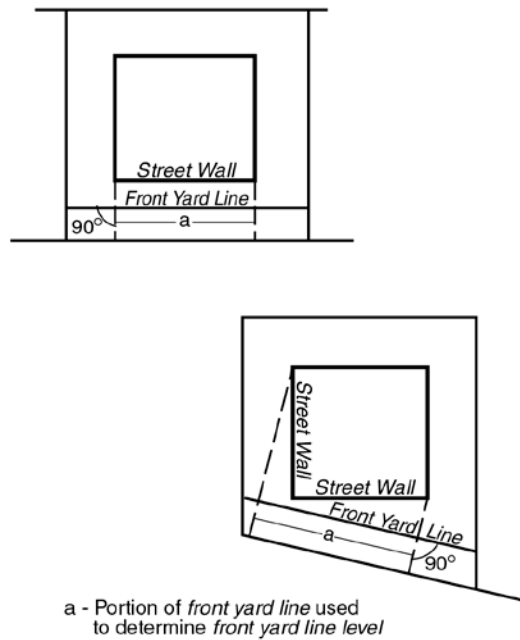
In the case of a #corner lot#, any #yard# extending along the full length of a #street line# shall be considered a #front yard#.

Yard line, front (12/15/61)

A "front yard line" is a line drawn parallel to a #front lot line# at a distance therefrom equal to the depth of a required #front yard#.

Yard line, front, level (of) (12/15/61)

The "front yard line level" is the mean level of that portion of the #front yard line# from which, when viewed directly from above, lines perpendicular to the #front yard line# may be drawn to a #street wall#. On #corner lots#, the #front yard line level# is the mean of the #front yard line levels#.



FRONT YARD LINE LEVEL

Yard line, rear (12/15/61)

A "rear yard line" is a line drawn parallel to a #rear lot line# at a distance therefrom equal to the depth of a required #rear yard#.

Yard, rear (12/15/61)

A "rear yard" is a #yard# extending for the full length of a #rear lot line#.

Yard, side (12/15/61)

A "side yard" is a #yard# extending along a #side lot line# from the required #front yard# (or from the #front lot line# if no

#front yard# is required) to the required #rear yard# (or to the #rear lot line#, if no #rear yard# is required). In the case of a #corner lot#, any #yard# which is not a #front yard# shall be considered a #side yard#.

Zero lot line building (2/2/11)

A "zero lot line building" is a #building# that #abuts# only one #side lot line# and does not #abut# another #building# on the same or an adjoining #zoning lot# and which is surrounded on all sides but one by #yards#, other open area or #street lines# on the #zoning lot#. However, #accessory buildings# permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) may be permitted to #abut# a #zero lot line building# on an adjoining #zoning lot#.

Zoning lot (2/2/11)

A "zoning lot" is either:

- (a) a lot of record existing on December 15, 1961 or any applicable subsequent amendment thereto;
- (b) a tract of land, either unsubdivided or consisting of two or more contiguous lots of record, located within a single #block#, which, on December 15, 1961 or any applicable subsequent amendment thereto, was in single ownership;
- (c) a tract of land, either unsubdivided or consisting of two or more lots of record contiguous for a minimum of ten linear feet, located within a single #block#, which at the time of filing for a building permit (or, if no building permit is required, at the time of the filing for a certificate of occupancy) is under single fee ownership and with respect to which each party having any interest therein is a party in interest (as defined herein); or
- (d) a tract of land, either unsubdivided or consisting of two or more lots of record contiguous for a minimum of ten linear feet, located within a single #block#, which at the time of filing for a building permit (or, if no building permit is required, at the time of filing for a certificate of occupancy) is declared to be a tract of land to be treated as one #zoning lot# for the purpose of this Resolution. Such declaration shall be made in one written Declaration of Restrictions covering all of such tract of land or in separate written Declarations of Restrictions covering parts of such tract of land and which in the aggregate cover the

entire tract of land comprising the #zoning lot#. Any Declaration of Restrictions or Declarations of Restrictions which individually or collectively cover a tract of land are referred to herein as "Declarations". Each Declaration shall be executed by each party in interest (as defined herein) in the portion of such tract of land covered by such Declaration (excepting any such party as shall have waived its right to execute such Declaration in a written instrument executed by such party in recordable form and recorded at or prior to the recording of the Declaration). Each Declaration and waiver of right to execute a Declaration shall be recorded in the Conveyances Section of the Office of the City Register or, if applicable, the County Clerk's Office of the county in which such tract of land is located, against each lot of record constituting a portion of the land covered by such Declaration.

A #zoning lot#, therefore, may or may not coincide with a lot as shown on the official tax map of the City of New York, or on any recorded subdivision plat or deed.

Parcels within City-owned tracts of land located in Broad Channel within the boundaries of Community Board 14 in the Borough of Queens that were numerically identified for leasing purposes on maps filed in the Office of Borough President prior to December 15, 1961, may be considered as individual lots of record as of September 10, 1981.

(e) For purposes of the provisions of paragraph (c) hereof:

- (1) Prior to issuing a building permit or a certificate of occupancy, as the case may be, the Department of Buildings shall be furnished with a certificate issued to the applicant therefor by a title insurance company licensed to do business in the State of New York showing that each party having any interest in the subject tract of land is a party in interest (as defined herein); except that where the City of New York is a fee owner, such certificate may be issued by the New York City Law Department; and
- (2) A "party in interest" in the tract of land shall include only (W) the fee owner thereof, (X) the holder of any enforceable recorded interest superior to that of the fee owner and which could result in such holder obtaining possession of all or substantially all of such tract of land, (Y) the holder of any enforceable recorded interest in all or substantially all of such tract of land which would be adversely affected by the development thereof and (Z) the holder of any

unrecorded interest in all or substantially all of such tract of land which would be superior to and adversely affected by the development thereof and which would be disclosed by a physical inspection of the tract of land.

(f) For purposes of the provisions of paragraph (d) hereof:

- (1) Prior to issuing a building permit or a certificate of occupancy, as the case may be, the Department of Buildings shall be furnished with a certificate issued to the applicant therefor by a title insurance company licensed to do business in the State of New York showing that each party in interest (excepting those parties waiving their respective rights to join therein, as set forth in this definition) has executed the Declaration and that the same, as well as each such waiver, have been duly recorded; except that where the City of New York is a fee owner, such certificate may be issued by the New York City Law Department;
- (2) The Buildings Department, in issuing a building permit for construction of a #building or other structure# on the #zoning lot# declared pursuant to paragraph (d) above or, if no building permit is required, in issuing a certificate of occupancy for such #building or other structure#, shall accept an application for same from and, if all conditions for issuance of same are fulfilled, shall issue same to any party to the Declaration;
- (3) By their execution and recording of a Declaration, the parties to the Declaration, and all parties who have waived their respective rights to execute such Declaration, shall be deemed to have agreed that no breach by any party to the Declaration, or any agreement ancillary thereto, shall have any effect on the treatment of the tract of land covered by the Declaration as one #zoning lot# for purposes of this Resolution and such tract of land shall be treated as one #zoning lot# unless such #zoning lot# is subdivided in accordance with the provisions of this Resolution; and
- (4) A "party in interest" in the portion of the tract of land covered by a Declaration shall include only (W) the fee owner or owners thereof, (X) the holder of any enforceable recorded interest in all or part thereof which would be superior to the Declaration and which could result in such holder obtaining possession of any

portion of such tract of land, (Y) the holder of any enforceable recorded interest in all or part thereof which would be adversely affected by the Declaration, and (Z) the holder of any unrecorded interest in all or part thereof which would be superior to and adversely affected by the Declaration and which would be disclosed by a physical inspection of the portion of the tract of land covered by the Declaration.

A #zoning lot# may be subdivided into two or more #zoning lots#, provided that all resulting #zoning lots# and all #buildings# thereon shall comply with all of the applicable provisions of this Resolution. If such #zoning lot#, however, is occupied by a #non-complying building#, such #zoning lot# may be subdivided provided such subdivision does not create a new #non-compliance# or increase the degree of #non-compliance# of such #building#.

Where ownership of a #zoning lot# or portion thereof was effected prior to the effective date of this amendment, as evidenced by an attorney's affidavit, any #development#, #enlargement# or alteration on such #zoning lot# may be based upon such prior effected ownership as then defined in the #zoning lot# definition of Section 12-10. Such prior leasehold agreements shall be duly recorded prior to August 1, 1978.

Prior to the issuance of any permit for a #development# or #enlargement# pursuant to this Resolution a complete metes and bounds of the #zoning lot#, the tax lot number, the block number and the ownership of the #zoning lot# as set forth in paragraphs (a), (b), (c) and (d) herein shall be recorded by the applicant in the Conveyances Section of the Office of the City Register (or, if applicable, the County Clerk's Office) of the county in which the said #zoning lot# is located. The #zoning lot# definition in effect prior to the effective date of this amendment shall continue to apply to Board of Standards and Appeals approvals in effect at the effective date hereof.

Zoning maps (12/15/61)

"Zoning maps" are the maps incorporated into the provisions of this Resolution in accordance with the provisions of Section 11-14 (Incorporation of Maps).

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article I: General Provisions

Chapter 3 - Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core

Effective date of most recently amended section of Article I Chapter 3: 07/24/13

Corrections: 13-043 and 13-30

Date of file creation: Web version of Article I Chapter 3: 10/23/14

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(5/8/13)

Chapter 3

Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core

(5/8/13)

13-00

GENERAL PURPOSES

The provisions of this Chapter establish comprehensive regulations for off-street parking in the #Manhattan Core#, as defined in Section 12-10.

These regulations reflect best practices to address sustainability goals, while accommodating the parking needs of residents and businesses in a balanced manner.

(5/8/13)

13-01

General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying zoning districts or special purpose districts shall remain in effect.

(5/8/13)

13-02

Definitions

Access zone

For the purposes of this Chapter, an "access zone" shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment, occupied by:

- (a) vehicular ramps between parking levels, or between a parking level and a vehicular entrance or exit, provided that such ramps are not used as parking spaces or associated

- maneuvering space;
- (b) vehicular elevators;
- (c) required reservoir spaces;
- (d) portions of required accessible pedestrian egress routes, including any associated ramps or elevators; or
- (e) bicycle parking spaces.

Automated parking facility

For the purposes of this Chapter, an "automated parking facility" shall refer to an #accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system. A parking facility with parking lift systems that require an attendant to maneuver a vehicle that is to be parked shall not be considered an #automated parking facility#.

Parking zone

For the purposes of this Chapter, a "parking zone" shall refer to the portion of an #accessory# off-street parking facility, #public parking garage# or an automobile rental establishment, occupied by permitted off-street parking spaces and associated maneuvering space, and any other portion of such parking facility not included in the #access zone#. In attended parking facilities with parking lift systems, the #parking zone# shall also include the lifted tray a vehicle is stored upon.

(5/8/13)

13-03

Maps

Maps are located in Section 13-141 of this Chapter for the purpose of specifying areas where special regulations and requirements set forth in this Chapter apply.

Map 1 - Area where #public parking lots# are not permitted in the midtown #Manhattan Core#

Map 2 - Area where #public parking lots# are not permitted

in the downtown #Manhattan Core#

(5/8/13)

13-04

Applicability

(5/8/13)

13-041

Applicability of parking regulations within the Manhattan Core

The provisions of this Chapter shall apply to #accessory# off-street parking facilities, #public parking lots#, #public parking garages# and automobile rental establishments, as listed in Use Group 8, in the #Manhattan Core#, as follows:

- (a) for #accessory# off-street parking facilities, #public parking garages# and #public parking lots# constructed prior to May 8, 2013, the number of parking spaces required or permitted shall be as set forth in Section 13-07 (Existing Buildings and Off-Street Parking Facilities);
- (b) for #accessory# off-street parking facilities, automobile rental establishments and #public parking lots developed# or #enlarged# after May 8, 2013, the as-of-right number of parking spaces permitted in a parking facility shall be as set forth in Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE). Special rules shall apply to all such #accessory# off-street parking spaces, automobile rental establishments and #public parking lots#, as set forth in Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES);
- (c) any increase in the number of off-street parking spaces in an #accessory# off-street parking facility or #public parking lot# resulting in a capacity not otherwise allowed under the applicable regulations of Section 13-10; or a new #public parking lot# in a location not permitted by Section 13-14 (Permitted Parking for Public Parking Lots), shall be permitted only by the City Planning Commission, pursuant to the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces);
- (d) #public parking garages developed# or #enlarged# after May 8, 2013, shall not be permitted as-of-right. Any

#development# or #enlargement# of such #public parking garages# shall only be permitted in C1-5, C1-6, C1-7, C1-8, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts by the City Planning Commission, pursuant to the applicable special permit in Section 13-45. Commercial vehicles may occupy spaces in permitted #public parking garages# in accordance with the provisions of Section 13-16 (Permitted Parking for Car Sharing Vehicles and Commercial Vehicles).

(5/8/13)

13-042

Applicability of special permits within the Manhattan Core

The following special permits shall not be applicable within the #Manhattan Core#:

Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities);

Section 74-512 (In other Districts);

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas), except as set forth in Section 13-06 (Previously Approved Special Permits and Authorizations); and

Section 74-53 (Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments).

(5/8/13)

13-043

Applicability of loading regulations within the Manhattan Core

The provisions of Section 13-30 (OFF-STREET LOADING REGULATIONS IN THE MANHATTAN CORE), inclusive, shall apply to all #accessory# off-street loading berths provided as part of #developments#, #enlargements#, #extensions# or changes of #use within the #Manhattan Core# after May 8, 2013.

(7/24/13)

13-05

Exceptions

The provisions of this Chapter shall not apply to Roosevelt Island, in Community District 8, or to Governors Island, in Community District 1, in the Borough of Manhattan. In the #Hudson Yards parking regulations applicability area#, as defined in Section 93-81, the provisions of this Chapter shall apply as specified in Section 93-80 (OFF-STREET PARKING REGULATIONS).

Additional modifications to the provisions of this Chapter are found in the following Special Purpose Districts:

- (a) the #Special Midtown District#, as set forth in Section 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, Section 81-44 (Curb Cut Restrictions) and paragraph (c) of Section 81-84 (Mandatory Regulations and Prohibitions);
- (b) the #Special Lincoln Square District#, as set forth in Section 82-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS);
- (c) the #Special Battery Park City District#, as set forth in Section 84-14 (Parking Regulations and Curb Cuts), inclusive;
- (d) the #Special United Nations Development District#, as set forth in Section 85-03 (Modifications of Use Regulations);
- (e) the #Special Lower Manhattan District#, as set forth in Section 91-50 (OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS), inclusive;
- (f) the #Special Park Improvement District#, as set forth in Section 92-05 (Maximum Number of Accessory Off-Street Parking Spaces);
- (g) the #Special Transit Land Use District#, as set forth in Section 95-09 (Special Regulations for Accessory Off-Street Parking and Curb Cuts);
- (h) the #Special Clinton District#, as set forth in Section 96-111 (Off-Street Parking Regulations);
- (i) the #Special Madison Avenue Preservation District#, as set forth in Section 99-06 (Off-Street Parking Regulations); and

- (j) the #Special Little Italy District#, as set forth in Sections 109-16 (Parking Regulations), 109-351 (Parking regulations), 109-352 (Curb cut regulations) and 109-521 (Modification of accessory off-street parking facilities).

(5/8/13)

13-06

Previously Filed or Approved Special Permits or Authorizations

If, before May 8, 2013, an application for an authorization or special permit relating to parking regulations in the #Manhattan Core# has been certified or referred by the City Planning Commission or has been filed with the Board of Standards and Appeals, such application may continue pursuant to the regulations in effect at the time such authorization or special permit was certified or referred by the Commission or filed with the Board. Such authorizations or special permits, if granted by the Commission or Board, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permits were certified or referred by the Commission or filed with the Board.

Any authorization or special permit relating to parking regulations in the #Manhattan Core# granted by the Commission or Board prior to May 8, 2013, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permit was granted.

All such authorizations or special permits shall be subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

Notwithstanding the foregoing, any subsequent modifications to such authorizations or special permits that involve an increase in the number of off-street parking spaces provided, shall be only as permitted by the applicable special permit provisions of Section 13-45 (Special Permits for Additional Parking Spaces).

(5/8/13)

13-07

Existing Buildings and Off-Street Parking Facilities

The provisions of this Section shall apply to existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, established prior to May 8, 2013, in the #Manhattan Core#, as applicable, and to existing #buildings developed# without the provision of parking.

(a) Existing parking facilities

Existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, established prior to May 8, 2013, shall continue to be subject to the applicable zoning district regulations in effect prior to May 8, 2013, except that:

- (1) any reduction or elimination of existing #accessory# off-street parking spaces that were required under the applicable provisions in effect prior to April 29, 1982, or for public or publicly assisted housing under the applicable provisions in effect prior to May 8, 2013, shall only be allowed by authorization of the City Planning Commission pursuant to Section 13-443 (Reduction in the number of required existing parking spaces);
- (2) #enlargements#, #extensions# or any increase in the number of off-street parking spaces within such off-street parking facilities shall only be permitted by special permit by the City Planning Commission pursuant to the applicable provisions of Section 13-45 (Special Permits for Additional Parking Spaces);
- (3) #conversions# shall be permitted to retain all spaces in existing parking facilities. Additional #accessory# off-street parking spaces shall only be permitted by special permit by the City Planning Commission, pursuant to the applicable special permit provisions of Section 13-45; and
- (4) an #accessory# off-street parking facility in possession of a license issued by the Department of Consumer Affairs, pursuant to Section 20-321 of the New York City Administrative Code, to maintain, operate or conduct a garage or parking lot (as defined therein) prior to January 1, 2012, may make #accessory# parking spaces available for public use in accordance with the provisions of Section 13-21 (Public Use and Off-Site Parking), provided that a copy of such license is filed with the Department of Buildings. However, any increase in the number of spaces in such a facility shall only

be permitted by special permit by the City Planning Commission, pursuant to the applicable provisions of Section 13-45.

(b) Existing #buildings developed# without parking

Within the #Manhattan Core#, existing #buildings developed# without the provision of parking may add up to 15 #accessory# off-street parking spaces only where the City Planning Commission authorizes such additional spaces pursuant to the provisions of Section 13-442 (Limited increase in parking spaces for existing buildings without parking).

(5/8/13)

13-10

PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE

No parking shall be required within the #Manhattan Core#. As-of-right off-street parking spaces located within #accessory# off-street parking facilities, automobile rental establishments and #public parking lots# in the #Manhattan Core# shall be permitted only as set forth in this Section, inclusive.

(5/8/13)

13-101

Calculating parking spaces in automated parking facilities

For the purposes of this Resolution, with regard to #automated parking facilities#, the term "tray" shall refer to the structural support for vehicle storage in both pallet and non-pallet vehicle storage systems.

For the purpose of calculating parking spaces in #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one off-street parking space. However, auxiliary parking trays may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are necessary to store and retrieve vehicles for the efficient operation of such #automated parking facility#.

(5/8/13)

13-11

Permitted Parking for Residences

#Accessory# off-street parking spaces are permitted for #residences# in #developments# or #enlargements#, as follows:

- (a) for Community Districts 1, 2, 3, 4, 5, and 6, #accessory# off-street parking spaces may be provided for not more than 20 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#, or 200 spaces, whichever is less;
- (b) for Community Districts 7 and 8, #accessory# off-street parking spaces may be provided for not more than 35 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#, or 200 spaces, whichever is less.

(5/8/13)

13-12

Permitted Parking for Non-Residential Uses

#Accessory# off-street parking spaces are permitted for non-#residential uses# in #developments# or #enlargements#, as follows:

- (a) #Transient hotels#

For #transient hotel developments# or #enlargements#, a maximum of 225 #accessory# off-street parking spaces shall be permitted. In no event may the number of parking spaces exceed 15 percent of the number of new #transient hotel# rooms;

- (b) Hospitals

For hospital #developments# or #enlargements#, a maximum of 100 #accessory# off-street parking spaces are permitted;

- (c) Retail #uses#

For #developments# or #enlargements# comprising #commercial uses# listed in Use Groups 6A, 6C or 10A, the maximum number of #accessory# off-street parking spaces permitted shall not exceed one space per 4,000 square feet of #floor area#, or

10 spaces, whichever is less;

- (d) Other #commercial#, #community facility# and #manufacturing uses#

For #developments# or #enlargements# comprising #community facility uses# other than hospitals, #commercial uses# other than those listed in paragraphs (a) and (c) of this Section, or #manufacturing uses#, the maximum number of #accessory# off-street parking spaces permitted shall not exceed one space per 4,000 square feet of such #community facility#, #commercial# or #manufacturing floor area# or 100 spaces, whichever is less.

(5/8/13)

13-13

Permitted Parking for Zoning Lots with Multiple Uses

Where a #development# or #enlargement# contains a combination of #uses# for which parking regulations are set forth in Sections 13-11 (Permitted Parking for Residences) and 13-12 (Permitted Parking for Non-Residential Uses), the number of #accessory# off-street parking spaces for all such #uses# shall not exceed the number of spaces permitted for each #use# in accordance with the provisions of such Sections. However, in no event shall the maximum number exceed 225 #accessory# off-street parking spaces.

(5/8/13)

13-14

Permitted Parking in Public Parking Lots

#Public parking lots#, with a maximum capacity of 150 spaces, are permitted in C2, C4, C6, C8, M1-5, M1-6, M2 and M3 Districts, except that:

- (a) no #public parking lots# shall be permitted within:
 - (1) the area shown on Map 1 (Area where public parking lots are not permitted in the midtown Manhattan Core) in Section 13-141;
 - (2) the area designated on Map 2 (Area where public parking lots are not permitted in the downtown Manhattan Core) in Section 13-141; and

- (3) the Preservation Area of the #Special Clinton District#, as shown on the map in Appendix A of Article IX, Chapter 6; and
- (b) for M1-5 or M1-6 Districts, #public parking lots# shall only be permitted in the following locations:
 - (1) north of 42nd Street and west of 10th Avenue;
 - (2) west of Ninth Avenue between 17th Street and 30th Street; and
 - (3) south of Canal Street.

In such districts, the City Planning Commission may permit a #public parking lot# in a location not allowed by this Section pursuant to the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces). Any such proposed #public parking lots# located in the Preservation Area of the #Special Clinton District# shall also be subject to the additional findings set forth in Section 96-111 (Off-street parking regulations).

(5/8/13)

13-141

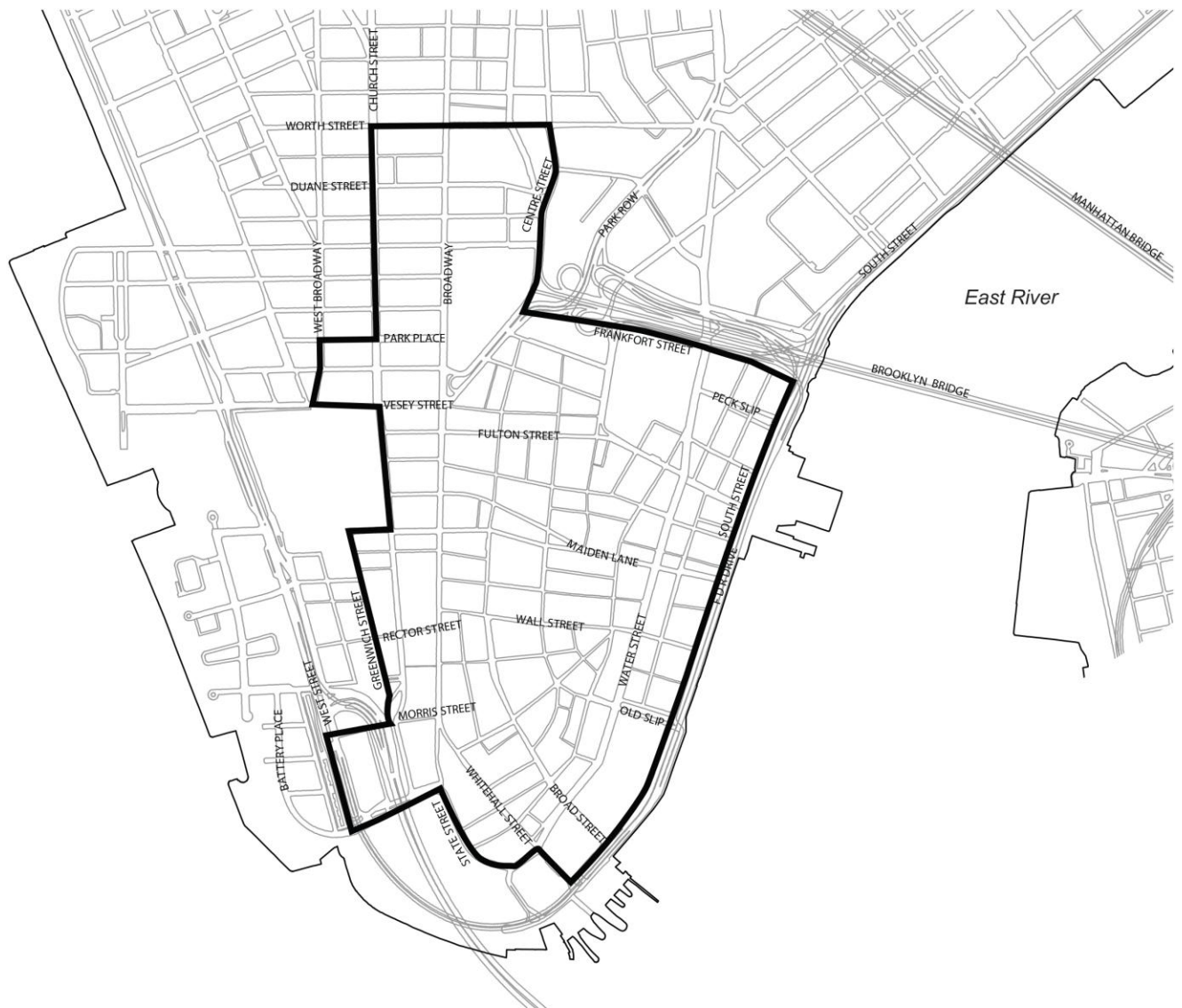
Areas where public parking lots are not permitted

#Public parking lots# shall not be permitted in the areas shown on the following maps, except where permitted by Section 13-45 (Special Permits for Additional Parking Spaces).

Map 1 - Area where public parking lots are not permitted in the midtown Manhattan Core



Map 2 - Area where public parking lots are not permitted in the downtown Manhattan Core



(5/8/13)

13-15

Permitted Parking for Automobile Rental Establishments

Automobile rental establishments, as listed in Use Group 8, are permitted, provided that:

- (a) in C2 Districts, the number of automobiles that may be stored in such establishments shall not exceed 150 spaces;
- (b) in C4, C6 and C8 Districts, the number of automobiles that may be stored in such establishments shall not exceed 225 spaces; and
- (c) in M1, M2 and M3 Districts, the number of automobiles that may be stored in such establishments shall not exceed 300 spaces.

(5/8/13)

13-16

Permitted Parking for Car Sharing Vehicles and Commercial Vehicles

#Car sharing vehicles# and commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted within #accessory# off-street parking facilities, #public parking garages# and #public parking lots#, as follows:

- (a) #Accessory# off-street parking facilities
 - #Car sharing vehicles# may occupy parking spaces in an #accessory# off-street parking facility, provided that such #car sharing vehicles# shall not exceed 20 percent of all parking spaces in such facility, or five spaces, whichever is greater;
- (b) #Public parking garages# and #public parking lots#
 - (1) In C1-5, C1-6, C1-7, C1-8, C1-9, C2 and C4 Districts, vehicles stored by automobile rental establishments and #car sharing vehicles# shall be permitted, provided such vehicles do not exceed, in total, 40 percent of

the total number of parking spaces permitted within the #public parking garage# or #public parking lot#;

- (2) In C5, C6, C8, M1, M2 and M3 Districts, vehicles stored by automobile rental establishments and #car sharing vehicles# shall be permitted, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#. In addition, commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted, provided that the total amount of parking spaces occupied by commercial vehicles, including any #car sharing vehicles# and automobile rental establishment vehicles, shall not exceed, in total, 50 percent of the total number of parking spaces permitted within the #public parking garage# or #public parking lot#.

(5/8/13)

13-20

SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES

All #accessory# off-street parking facilities, automobile rental establishments, and #public parking lots developed#, #enlarged# or #extended# in the #Manhattan Core# after May 8, 2013, shall comply with the applicable provisions of this Section, inclusive.

(5/8/13)

13-21

Public Use and Off-Site Parking

All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefor is made to the landlord.

No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

(5/8/13)

13-22

Applicability of Enclosure and Screening Requirements

(a) Screening

In addition to the screening provisions of paragraph (a)(1) of Section 13-221 (Enclosure and screening requirements), the ground floor #use# provisions of the following Sections shall apply:

- (1) Sections 32-431 (Ground floor use in C1-8A, C1-9A, C2-7A, C2-8A, C4-6A and C4-7A Districts) and 32-432 (Ground floor use in Community Board 7, Borough of Manhattan);
- (2) Section 37-35 (Retail Continuity);
- (3) Sections 81-42 (Retail Continuity along Designated Streets) and 81-531 (Special retail frontage requirements) in the #Special Midtown District#;
- (4) Section 82-21 (Restrictions on Street Level Uses) in the #Special Lincoln Square District#;
- (5) Section 91-12 (Uses on Designated Retail Streets) and the applicable Sections of 91-41 (Regulations for Designated Retail Streets), inclusive, in the #Special Lower Manhattan District#;
- (6) Section 95-08 (Special Use Regulations), inclusive, in the #Special Transit Land Use District#;
- (7) Section 96-21 (Special Regulations for 42nd Street Perimeter Area), paragraph (c), in the #Special Clinton District#;
- (8) Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) in the #Special West Chelsea District#;
- (9) Section 99-03 (Special Use Regulations), inclusive, in the #Special Madison Avenue Preservation District#;
- (10) Sections 109-11 (Special Use Regulations), inclusive, and 109-21 (Use Regulations), inclusive in the #Special Little Italy District#; and
- (11) Section 132-20 (SPECIAL USE REGULATIONS), inclusive, in the #Special Enhanced Commercial District#.

(b) Transparency

The transparency provisions of paragraph (a) (2) of Section 13-221 shall not apply to portions of ground floor level #street walls# that are subject to the following Sections:

- (1) Section 37-37 (Street Wall Articulation);
- (2) Section 81-42 (Retail Continuity along Designated Streets) in the #Special Midtown District#;
- (3) Section 82-23 (Street Wall Transparency) in the #Special Lincoln Square District#;
- (4) Section 91-412 (Access and glazing of required retail space) in the #Special Lower Manhattan District#;
- (5) Section 96-21 (Special Regulations for 42nd Street Perimeter Area), paragraph (c), in the #Special Clinton District#;
- (6) Section 98-14 (Ground Floor Use and Transparency Requirements on Tenth Avenue) in the #Special West Chelsea District#; and
- (7) Section 132-30 (SPECIAL TRANSPARENCY REGULATIONS), inclusive, in the #Special Enhanced Commercial District#.

(5/8/13)

13-221

Enclosure and screening requirements

(a) #Accessory# off-street parking facilities

All #accessory# off-street parking spaces shall be located within a #completely enclosed building#, with the exception of parking spaces #accessory# to a hospital, as listed in Use Group 4, and as provided in Section 13-45 (Special Permits for Additional Parking Spaces). In addition, such parking facilities shall comply with the following provisions:

(1) Screening

Any portion of an #accessory# off-street parking

facility, except for entrances and exits, that is located above #curb level# shall be located behind permitted #commercial#, #community facility# or #residential floor area# so that no portion of such facility is visible from adjacent public sidewalks or #publicly accessible open areas#. Such #floor area# shall have a minimum dimension of 30 feet, as measured perpendicular to the #street wall# of the #building#.

Alternatively, for parking facilities, or portions thereof, fronting upon a #narrow street# within a #Residence District#, off-street parking facilities may be screened by a densely-planted buffer strip, with a depth of at least 10 feet.

(2) Transparency

Portions of ground floor #commercial# and #community facility uses# screening the parking facility in accordance with the provisions of paragraph (a)(1) of this Section shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent materials may be provided anywhere on the portion of the ground floor level #street wall# occupied by such #uses#, except that:

- (i) the maximum width of a portion of the #ground floor level street wall# without transparency shall not exceed ten feet; and
- (ii) transparent materials shall occupy at least 50 percent of the surface area of such ground floor level #street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers; and shall have a minimum width of two feet.

However, for #buildings# where the #base flood elevation# is higher than the level of the adjoining sidewalk, all such transparency requirements shall be measured from a height of one foot above the height of the #base flood elevation#, instead of the level of the

adjoining sidewalk.

For #zoning lots# with multiple #street wall# frontages, the transparency provisions of this paragraph, (a)(2), need not apply to #street walls# that are located entirely beyond 100 feet of any portion of the #accessory# parking facility, as measured in plan view, perpendicular to such parking facility.

(b) Automobile rental establishments

All off-street parking within an automobile rental establishment shall be located within a #completely enclosed building# and shall comply with the screening provisions of paragraph (a) of this Section. #Accessory# office space and customer waiting areas associated with such establishments shall constitute #commercial floor area# for the purposes of such screening requirement.

(c) #Public parking lots# and certain permitted #accessory# parking lots

#Public parking lots# and open parking spaces #accessory# to a hospital shall provide screening in accordance with the provisions of 37-921 (Perimeter landscaping).

(5/8/13)

13-23

Floor Area

The definition of #floor area# in Section 12-10 shall be modified for purposes of this Chapter, as follows:

(a) Attended parking facilities with parking lift systems

For portions of an attended parking facility with parking lift systems, individual lifted trays upon which a vehicle is stored which, in operation, rise to a height in excess of 23 feet, as measured above #curb level#, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

(b) #Automated parking facilities#

Floor space used for off-street parking spaces in an #accessory automated parking facility# up to a height of 40

feet above #curb level# shall be exempt from the definition of #floor area# upon certification of the Chairperson of the City Planning Commission, pursuant to the provisions of Section 13-432 (Floor area exemption for automated parking facilities).

For portions of an #automated parking facility#, each tray upon which a vehicle is stored at a height in excess of 40 feet in parking facilities certified pursuant to Section 13-432, or 23 feet in all other #automated parking facilities#, shall be considered #floor area# in an amount of 153 square feet, or the size of such lifted tray, whichever is greater.

(5/8/13)

13-24

Curb Cut Restrictions

In addition to the provisions of this Section, inclusive, additional restrictions on curb cuts in the #Manhattan Core# are found in the following Special Purpose Districts:

- (a) the #Special Midtown District#, as set forth in Sections 81-44 (Curb Cut Restrictions) and 81-624 (Curb cut restrictions and loading berth requirements);
- (b) the #Special Lincoln Square District#, as set forth in paragraph (b) of Section 82-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS);
- (c) the #Special Battery Park City District#, as set forth in Sections 84-144 (Location of curb cuts) and 84-343 (Curb cuts);
- (d) the #Special Lower Manhattan District#, as set forth in Section 91-52 (Curb Cut Regulations);
- (e) the #Special Park Improvement District#, as set forth in Section 92-05 (Maximum Number of Accessory Off-Street Parking Spaces);
- (f) the #Special Transit Land Use District#, as set forth in Section 95-09 (Special Regulations for Accessory Off-Street Parking and Curb Cuts);
- (g) the #Special Clinton District#, as set forth in paragraph (f) of Section 96-21 (Special Regulations for 42nd Street Perimeter Area);

- (h) the #Special Madison Avenue Preservation District#, as set forth in Section 99-06 (Off-Street Parking Regulations); and
- (i) the #Special Little Italy District#, as set forth in Section 109-352 (Curb cut regulations).

(5/8/13)

13-241

Location of curb cuts

For #accessory# off-street parking facilities, automobile rental establishments and #public parking lots#, curb cuts are required for entry and exit to such parking facilities. Such curb cuts:

- (a) shall not be permitted within 50 feet of the intersection of any two #street lines#, except where the Commissioner of Buildings certifies that such location:
 - (1) is not hazardous to traffic safety;
 - (2) is not likely to create traffic congestion; and
 - (3) will not unduly inhibit surface traffic or pedestrian flow.

The Commissioner of Buildings may refer such matter to the Department of Transportation, or its successor, for a report;

- (b) shall not be located within two and one-half feet of any #side lot line# of the #zoning lot#, or prolongation thereof;
- (c) for #accessory# off-street parking facilities and automobile rental establishments, shall not be located on a #wide street#, except where authorized pursuant to Section 13-441 (Curb cuts); and
- (d) for #public parking lots#, shall not be permitted on the following #wide streets#, except where authorized pursuant to Section 13-441:
 - (1) 14th Street, from Fourth Avenue to Seventh Avenue;
 - (2) Avenue of the Americas, from 23rd Street to 32nd Street;

- (3) Canal Street, from the Bowery to West Broadway;
- (4) Church Street, from Park Place to Worth Street;
- (5) Delancey Street, from Clinton Street to the west side of Orchard Street;
- (6) Fifth Avenue;
- (7) Seventh Avenue, from 23rd Street to 32nd Street; and
- (8) Worth Street, from Centre Street to Church Street.

(5/8/13)

13-242

Maximum width of curb cuts

- (a) #Accessory# off-street parking facilities

For curb cuts accessing off-street parking spaces #accessory# to #residences# in the #Manhattan Core#, the provisions of Sections 25-631 (Location of curb cuts in certain districts) and 36-532 (Location and width of curb cuts accessing residential parking spaces in certain districts) shall apply, as applicable.

In addition, the maximum width of a curb cut shall be 22 feet for curb cuts accessing off-street parking spaces #accessory# to #residences# in R9 or R10 Districts, C1 and C2 Districts mapped within R9 and R10 Districts, and in all other #Commercial Districts# where, as set forth in the tables in Section 34-112 or 35-23, as applicable, the equivalent #Residential District# is R9 or R10. This maximum curb cut width of 22 feet shall also apply to curb cuts accessing off-street parking spaces #accessory# to #commercial# or #community facility uses#, and to curb cuts accessing off-street parking facilities with parking spaces #accessory# to a mix of #uses#.

- (b) Automobile rental establishments

For curb cuts accessing automobile rental establishments, the maximum width of a curb cut shall be 22 feet.

- (c) #Public parking lots#

For curb cuts accessing #public parking lots#, the curb cut provisions of paragraph (c) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply.

(5/8/13)

13-25

Reservoir Spaces

For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered to be one reservoir space. In no event shall the dimensions of any reservoir space be less than 18 feet long and 8 feet, 6 inches wide.

(a) Attended parking facilities

For attended #accessory# off-street parking facilities or #public parking lots# with more than 25 off-street parking spaces, off-street reservoir space at the vehicular entrance shall be provided to accommodate:

- (1) five percent of the total number of parking spaces provided in parking facilities with more than 25 parking spaces and up to 50 parking spaces;
- (2) ten percent of the total number of parking spaces provided in parking facilities with more than 50 parking spaces and up to 100 parking spaces;
- (3) ten parking spaces in parking facilities with more than 100 off-street parking spaces and up to 200 parking spaces; and
- (4) five percent of the total number of parking spaces provided in parking facilities with more than 200 off-street parking spaces. However such number of reservoir spaces need not exceed 50.

(b) #Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided at the rate set forth in paragraph (a) of this Section.

Each individual parking location where a driver is permitted to leave a vehicle for transfer to a mechanized automobile

storage and retrieval unit shall constitute one reservoir space. Additional reservoir spaces may be located where drivers queue to access such locations for vehicle transfer.

In addition, the number of reservoir spaces required pursuant to this Section may be reduced where the Commissioner of Buildings determines that the operational characteristics of such #automated parking facility# warrant such a reduction.

(c) Automobile rental establishments

For automobile rental establishments, off-street reservoir space at the vehicle entrance shall be provided at the rate set forth in paragraph (a) of this Section.

(d) Self-parking facilities

For self-parking #accessory# off-street parking facilities and #public parking lots# where entering vehicles are required to stop before a mechanically-operated barrier before entering such parking facility, such barrier shall be placed a minimum of 20 feet beyond the #street line#.

(5/8/13)

13-26

Pedestrian Safety and Access

For all #accessory# off-street parking facilities, the following safety features shall be provided at all vehicular exit points:

- (a) a stop sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and
- (b) a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:
 - (1) span the width of the vehicular travel lane;
 - (2) have a minimum height of two inches, as measured from the adjoining grade of the exit lane, and a maximum depth of twelve inches; and
 - (3) shall be located a minimum of four feet beyond the

#street line#, as measured perpendicular to the #street line#.

(5/8/13)

13-27

Minimum and Maximum Size of Parking Facilities

For all #accessory# off-street parking facilities and automobile rental establishments, the minimum and maximum size requirements for the #parking zone# for such parking facilities shall be set forth in this Section. The #access zone# of such parking facilities shall not have a minimum or maximum gross surface area.

For the purpose of calculating surface area in attended parking facilities with parking lift systems, the lifted tray upon which a vehicle is stored shall constitute surface area.

(a) Attended parking facilities

- (1) For attended parking facilities without parking lift systems, the minimum gross surface area, in square feet, of the #parking zone# shall be 180 times the number of off-street parking spaces provided, and the maximum gross surface area, in square feet, of the #parking zone# shall not exceed 200 times the number of off-street parking spaces provided.
- (2) For attended parking facilities with parking lift systems, the minimum and maximum surface area of the portion of the #parking zone# allocated to non-elevated parking spaces shall be calculated at the rate set forth in paragraph (a)(1) of this Section; and the surface area, in square feet, of the portion of the #parking zone# allocated to elevated parking spaces shall be 153 times the number of elevated spaces able to be provided on lifted trays.

(b) #Automated parking facilities#

No minimum or maximum surface area requirement shall be required in off-street parking facilities that the Commissioner of Buildings determines to be #automated parking facilities#.

(c) Automobile rental establishments

The maximum gross surface area, in square feet, of the #parking zone# of an automobile rental establishment, shall be established at the rate set forth in paragraph (a) of this Section.

(d) Self-park facilities

The gross surface area, in square feet, of the #parking zone# of a self-parking #accessory# off-street parking facility shall be a minimum of 300 times the number of off-street parking spaces provided, and a maximum of 350 times the number of off-street parking spaces provided. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings.

Such minimum and maximum #parking zone# requirements of this Section may be modified by the Chairperson of the City Planning Commission pursuant to the certification set forth in Section 13-431 (Reduction of minimum facility size).

(5/8/13)

13-30

OFF-STREET LOADING REGULATIONS IN THE MANHATTAN CORE

All #accessory# off-street loading berths provided as part of #developments#, #enlargements#, #extensions# or changes of #use# in the #Manhattan Core# after May 8, 2013, shall comply with the applicable provisions of this Section, inclusive.

In addition to the provisions of this Section, additional restrictions on loading berths in the #Manhattan Core# are found in the following Special Purpose Districts:

- (a) the #Special Midtown District#, as set forth in Sections 81-312 (Prohibitions of off-street parking or off-street loading facilities), 81-44 (Curb Cut Restrictions), 81-624 (Curb cut and loading berth requirements) and 81-84 (Mandatory Regulations and Prohibitions);
- (b) the #Special Lincoln Square District#, as set forth in Section 82-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS);
- (c) the #Special Battery Park City District#, as set forth in

Sections 84-143 and 84-342 (Off-street loading); and

- (d) the #Special Lower Manhattan District#, as set forth in Sections 91-52 (Curb Cut Regulations) and 91-53 (Waiver of Requirements for Accessory Off-Street Loading Berths).

(5/8/13)

13-31

Modification of Minimum Size of Loading Berth

For all permitted or required #accessory# loading berths, the minimum length requirements for hospitals and related facilities or prisons; hotels, offices or court houses; #commercial uses#; and wholesale, #manufacturing# or storage #uses#, set forth in Sections 36-681 (Size of required berths) and 44-581 (Size of required loading berths), shall be 37 feet.

(5/8/13)

13-32

Floor Area Exemption

In addition to the #floor area# exemption for #accessory# off-street loading berths set forth in Section 12-10 (DEFINITIONS), for #buildings# with a total #floor area# in excess of 100,000 square feet, up to 300 square feet of floor space may be exempted from the definition of #floor area# where such #buildings# allocate a permanent space for dumpster storage, and such storage space has a minimum dimension of 12 feet by 25 feet. Such dumpster storage space shall be adjacent to a #building's# loading berth.

(5/8/13)

13-33

Modification of Provisions for a Zoning Lot with Uses Subject to Different Loading Requirements

The provisions of Sections 36-63 and 44-53 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements) shall not apply.

(5/8/13)

13-34

Location of Access to the Street

In addition to the provisions of Sections 25-75, 36-682 and 44-582 (Location of Access to the Street), no entrance or exit to an #accessory# off-street loading berth shall be located on a #street# with a roadbed width that is less than 20 feet, as measured curb to curb.

(5/8/13)

13-35

Modification of Loading Berth Requirements

The provisions of Sections 25-75 (Location of Access to the Street), 36-65 and 44-55 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall be modified to allow the Commissioner of Buildings to reduce or waive the applicable loading berth requirements, provided that:

- (a) the #zoning lot# only has frontage upon a #street#, or portion thereof, where curb cuts or entrances and exits to #accessory# off-street loading berths are not permitted;
- (b) the #zoning lot# has frontage along a #street# where curb cuts accessing a loading berth are otherwise permitted, but there is no access to such #zoning lot# from the #street# due to the presence of:
 - (1) a #building#, existing on May 8, 2013, containing #residences#;
 - (2) a #non-residential building#, existing on May 8, 2013, that is three or more #stories# in height; or
 - (3) a #building# designated as a landmark or considered a contributing #building# in an Historic District designated by the Landmarks Preservation Commission; or
- (c) there are subsurface conditions, ventilation requirements from below-grade infrastructure or other site planning constraints that would make accommodating such loading berths infeasible.

In the case of paragraph (c), as set forth in this Section, the

Commissioner shall require a loading berth of not less than 33 feet in depth, if such a berth can be accommodated in consideration of the relevant site restraints. The Commissioner of Buildings may request reports from licensed engineers or registered architects in considering such reduction or waiver.

(5/8/13)

13-40

CERTIFICATIONS, AUTHORIZATIONS AND SPECIAL PERMITS IN THE MANHATTAN CORE

(5/8/13)

13-41

General Provisions

The City Planning Commission may grant certifications, authorizations and special permits in accordance with Section 13-40, inclusive. All such special permits and authorizations, in addition to meeting the requirements, conditions and safeguards prescribed by the Commission as specified in this Section, shall conform to and comply with all of the applicable regulations, except as otherwise specified herein.

(5/8/13)

13-42

Requirements for Applications

An application to the City Planning Commission for the grant of a certification, authorization or special permit under the provisions of Section 13-40 shall include a site plan showing the location of all existing and proposed #buildings or other structures# on the #zoning lot#, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

(5/8/13)

13-43

Certifications in the Manhattan Core

(5/8/13)

13-431

Reduction of minimum facility size

An off-street parking facility in the #Manhattan Core# may provide a gross unobstructed surface area less than the minimum size required by Section 13-27 (Minimum and Maximum Size of Parking Facilities) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the proposed layout of such parking facility, including, but not limited to, the arrangement of parking spaces, travel aisles and reservoir spaces, where applicable, is sufficient to accommodate the requisite vehicular navigation and turning movements associated with such a facility. In order to make such a determination, the applicant shall provide the Chairperson with dimensioned plan drawings that depict the proposed vehicular movement through the facility, including any relevant maneuverability or turning radius information.

Where the Chairperson certifies that an #accessory# off-street parking facility may be reduced in size because vehicles will be limited in length, such restriction shall be noted on the certificate of occupancy.

(5/8/13)

13-432

Floor area exemption for automated parking facilities

Floor space used for off-street parking spaces in an #accessory automated parking facility#, up to a height of 40 feet above #curb level#, shall be exempt from the definition of #floor area# upon certification of the Chairperson of the City Planning Commission to the Commissioner of Buildings that:

- (a) the entire #automated parking facility# will be contained within a #completely enclosed building#;
- (b) the portion of the #street wall# of such #automated parking facility# below a height of 14 feet, as measured above #curb level#, complies with the screening provisions of Section 13-221 (Enclosure and screening requirements), and the portion of the #street wall# above a height of 14 feet, will

be similar in composition to the portion of the #building's street wall# immediately above such #automated parking facility#, including but not limited to, the choice of building materials and arrangement and amount thereof; and

- (c) such #automated parking facility# is within a #building# with a #floor area ratio# of at least 2.0.

Any application for such certification shall include relevant plan, elevation and section drawings demonstrating compliance with the provisions of this Section.

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

(5/8/13)

13-44

Authorizations in the Manhattan Core

(5/8/13)

13-441

Curb cuts

The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts located on a #wide street#, provided the Commission finds that a curb cut at such a location:

- (a) is not hazardous to traffic safety;
- (b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular movement;
- (c) will not adversely affect pedestrian movement;
- (d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# or public transit

facilities; and

- (e) will not be inconsistent with the character of the existing streetscape.

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

(5/8/13)

13-442

Limited increase in parking spaces for existing buildings without parking

The City Planning Commission may, by authorization, allow an off-street parking facility in the #Manhattan Core# with a maximum capacity of 15 spaces in an existing #building developed# without the provision of parking, provided that the conditions of paragraph (a) and the findings of paragraph (b) of this Section are met.

(a) Conditions

As a condition for approval, the parking facility shall comply with the applicable provisions of Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES), except that such parking facility need not comply with the provisions of Section 13-221 (Enclosure and screening requirements).

(b) Findings

The Commission shall find that:

- (1) the location of the vehicular entrances and exits to the parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;
- (2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due

to the entering and leaving movement of vehicles;

- (3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
- (4) such parking facility will not be inconsistent with the character of the existing streetscape.

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

(5/8/13)

13-443

Reduction in the number of required existing parking spaces

For off-street parking facilities built prior to May 8, 2013, the City Planning Commission may authorize a reduction in the number of required #accessory# off-street parking spaces where the Commission finds that such reduction will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

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

(5/8/13)

13-45

Special Permits for Additional Parking Spaces

In accordance with the special permit provisions of Sections 13-451 through 13-455, the City Planning Commission may permit the off-street parking facilities listed in paragraph (a) of this Section, provided that such parking facilities comply with the conditions of paragraph (b) and the findings of paragraphs (c) and (d) of this Section.

- (a) Eligible parking facilities

The City Planning Commission may permit, subject to the otherwise applicable zoning district regulations:

- (1) #accessory# off-street parking facilities on-site or off-site, open or enclosed, with any capacity, where such facilities:
 - (i) are proposed #developments# or #enlargements# with a capacity not otherwise allowed under the applicable regulations of Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE); or
 - (ii) are existing prior to May 8, 2013, and increasing the number of parking spaces, pursuant to the provisions of Section 13-07 (Existing Buildings and Off-Street Parking Facilities);
- (2) #public parking lots#, where such facilities:
 - (i) are proposed #developments# or #enlargements# with any capacity not otherwise allowed under the applicable regulations of Section 13-10;
 - (ii) are existing prior to May 8, 2013, and increasing the number of parking spaces, pursuant to the provisions of Section 13-07; or
 - (iii) are proposed #developments# or #enlargements# in locations not permitted by Section 13-14 (Permitted Parking for Public Parking Lots);
- (3) #public parking garages#, where such facilities:
 - (i) are proposed #developments# or #enlargements# in the zoning districts permitted, pursuant to paragraph (d) of Section 13-041 (Applicability of parking regulations within the Manhattan Core); or
 - (ii) are existing prior to May 8, 2013, and increasing the number of parking spaces pursuant to the provisions of Section 13-07.

The Commission may also permit floor space in such #public parking garages# used for off-street parking spaces in any #story# located not more than 23 feet above #curb level# to be exempt from the definition of #floor area#, as set forth in Section 12-10.

(b) Conditions

The proposed parking facility shall comply with the applicable provisions of Section 13-20 (SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES). Proposed #public parking

garages# shall utilize the applicable regulations for #accessory# off-street parking facilities. However, applications to increase the number of parking spaces in parking facilities existing prior to May 8, 2013, need not comply with the provisions of Section 13-221 (Enclosure and screening requirements).

(c) Findings

The Commission shall find that:

- (1) the location of the vehicular entrances and exits to such parking facility will not unduly interrupt the flow of pedestrian traffic associated with #uses# or public facilities, including access points to mass transit facilities in close proximity thereto, or result in any undue conflict between pedestrian and vehicular movements, due to the entering and leaving movement of vehicles;
- (2) the location of the vehicular entrances and exits to such parking facility will not interfere with the efficient functioning of #streets#, including any lanes designated for specific types of users or vehicles, due to the entering and leaving movement of vehicles;
- (3) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (4) for #public parking garages#, that where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and
- (5) such parking facility will not be inconsistent with the character of the existing streetscape.

(d) Additional findings

The Commission shall also find that each proposed off-street parking facility complies with the additional findings set forth in one of the following Sections, as applicable:

- (1) Section 13-451 (Additional parking spaces for residential growth) shall apply to any such parking facility serving the parking needs of a predominantly #residential development# or #enlargement# on a tract of land that has or will have an area of less than 1.5

acres;

- (2) Section 13-452 (Additional parking spaces for health care, arts or public assembly uses) shall apply to any such parking facility serving the parking needs of any #use# listed in paragraph (a) of Section 13-452 on a tract of land that has or will have an area of less than 1.5 acres;
- (3) Section 13-453 (Additional parking spaces for economic development uses) shall apply to any such parking facility serving the parking needs of a non-#residential use# not otherwise listed in paragraph (a) of Section 13-452 on a tract of land that has or will have an area of less than 1.5 acres;
- (4) Section 13-454 (Additional parking spaces for large development sites) shall apply to any such parking facility serving the parking needs of a #large-scale development# or any other #development# or #enlargement# on a tract of land that has or will have an area of at least 1.5 acres; or
- (5) Section 13-455 (Additional parking spaces for existing accessory off-street parking facilities) shall apply to any such #accessory# parking facility existing prior to May 8, 2013.

In determining the amount of additional parking spaces to grant pursuant to such additional findings, the Commission may take into account levels of vacancy in existing off-street parking facilities within the area of the proposed parking facility.

(5/8/13)

13-451

Additional parking spaces for residential growth

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a predominantly #residential development# or #enlargement#, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that either:

- (a) the number of off-street parking spaces in such proposed

parking facility is reasonable and not excessive in relation to recent trends in close proximity to the proposed facility with regard to:

- (1) the increase in the number of #dwelling units#; and
 - (2) the number of both public and #accessory# off-street parking spaces, taking into account both the construction, if any, of new off-street parking facilities and the reduction, if any, in the number of such spaces in existing parking facilities. In making this determination, the Commission may take into account off-street parking facilities for which building permits have been granted, or which have obtained City Planning Commission special permits pursuant to Section 13-45; or
- (b) the proposed ratio of parking spaces to #dwelling units# in the proposed #development# or #enlargement# does not exceed:
- (1) 20 percent of the total number of #dwelling units#, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or
 - (2) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8.

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

(5/8/13)

13-452

Additional parking spaces for health care, arts or public assembly uses

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility would serve the parking needs of a health care, arts or public assembly #use#, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

- (a) the proposed parking facility is either in close proximity to or on the same #zoning lot# as one or more of the following #uses# being #developed#, #enlarged# or created

within existing #buildings#:

- (1) a hospital or related facility, as listed in Use Group 4;
 - (2) a museum, as listed in Use Group 3;
 - (3) a theater, as listed in Use Group 8, or other performing arts venue; or
 - (4) an arena, auditorium, trade exposition or stadium, as listed in Use Group 12 or, where permitted by special permit, pursuant to Section 74-41 or other government agency approvals;
- (b) an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of such health care, arts or public assembly #use#; and
- (c) reasonable measures to minimize parking demand have been identified. For existing or #enlarged# health care, arts or public assembly #uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue and, where necessary, improve upon and supplement such measures. For new health care, arts or public assembly #uses#, such measures shall be committed to in a form acceptable to the Commission.

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

(5/8/13)

13-453

Additional parking spaces for economic development uses

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a non-#residential use# not otherwise listed in paragraph (a) of Section 13-452, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

- (a) the proposed parking facility is in close proximity to or on the same #zoning lot# as a #commercial use#, #community facility use# or #manufacturing use# that is being #developed#, #enlarged# or created within an existing #building or other structure#, and such #use# is of significant importance to the economic well-being of the City of New York;
- (b) an increased number of permitted off-street parking spaces in such proposed parking facility is essential to the operation of such #use#; and
- (c) reasonable measures to minimize parking demand have been identified. For existing or #enlarged uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue, and where necessary, improve upon and supplement such measures. For new #uses#, such measures shall be committed to in a form acceptable to the Commission.

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

(5/8/13)

13-454

Additional parking spaces for large development sites

The City Planning Commission may permit a parking facility listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), where such parking facility serves the parking needs of a #large-scale development# or any other #development# or #enlargement# on a tract of land exceeding 1.5 acres, provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

- (a) where an increased number of permitted off-street parking spaces in such proposed parking facility would serve the parking needs of a predominantly #residential development# or #enlargement#, either finding (a) or finding (b) of Section 13-451 (Additional parking spaces for residential growth) is met; or
- (b) where such proposed parking facility would serve the parking needs of a predominantly non-#residential development# or #enlargement#, an increased number of permitted off-street

parking spaces in such proposed parking facility is essential to the operation of the non-#residential uses# in such #development# or #enlargement#; and

- (c) where a parking deficit is created by the relocation of parking users from off-street parking spaces that will be eliminated through the proposed #development# or #enlargement#, the availability of off-street parking in the vicinity of such proposed #development# or #enlargement# will be of insufficient capacity to accommodate such potential parking users;
- (d) reasonable measures to minimize parking demand have been identified. For existing or #enlarged uses#, such measures shall have been implemented, where feasible, prior to application, and a commitment by the applicant shall be made, in a form acceptable to the Commission, to continue, and where necessary, improve upon and supplement such measures. For new #uses#, such measures shall be committed to in a form acceptable to the Commission; and
- (e) where phased construction will occur in the #large-scale development#, or #development# or #enlargement# on a tract of land exceeding 1.5 acres, a phased parking plan has been provided that demonstrates that a reasonable and not excessive amount of additional parking spaces is provided in the proposed parking facility in relation to the amount of completed construction within each phase.

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

(5/8/13)

13-455

Additional parking spaces for existing accessory off-street parking facilities

The City Planning Commission may permit an increase in the number of spaces in an #accessory# off-street parking facility existing prior to May 8, 2013, as listed in paragraph (a) of Section 13-45 (Special Permits for Additional Parking Spaces), provided that, in addition to the conditions and findings set forth in Section 13-45, the Commission shall find that:

- (a) where such increased number of permitted off-street parking spaces in such existing parking facility would serve the

parking needs of a #zoning lot# or #zoning lots# comprised predominantly of #residential uses#, either:

- (1) finding (a) of Section 13-451 (Additional parking spaces for residential growth) is met; or
- (2) the sum of any existing off-street parking spaces, and the proposed increase, does not exceed:
 - (i) 20 percent of the total number of #dwelling units#, where such units are located within Community District 1, 2, 3, 4, 5 or 6; or
 - (ii) 35 percent of the total number of #dwelling units#, where such units are located within Community District 7 or 8; and
 - (iii) the number of parking spaces that would be permitted for existing conforming non-#residential uses#, if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section 13-10 (PERMITTED OFF-STREET PARKING IN THE MANHATTAN CORE), were applied.

Any #dwelling units# on the #zoning lot# or #zoning lots# which are #non-complying# as to density shall not be included in such calculation pursuant to paragraphs (a)(2)(i) or (a)(2)(ii) of this Section, and any #non-complying floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio in paragraph (a)(2)(iii) of this Section; or

- (b) where an increased number of permitted off-street parking spaces in such existing parking facility would serve the parking needs of a #zoning lot# or #zoning lots# comprised predominantly of conforming non-#residential uses#, the sum of any existing off-street parking spaces, and the proposed increase, does not exceed the number of parking spaces that would be permitted if the ratio of parking spaces to #floor area# for the applicable #use#, as specified in Section 13-10, were applied. Any #non-complying floor area# on such #zoning lot# or #zoning lots# shall be excluded in applying such ratio.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article I: General Provisions Chapter 4 - Sidewalk Cafe Regulations

Effective date of most recently amended section of Article I Chapter 4: 1/22/15

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(1/10/80)

Chapter 4

Sidewalk Cafe Regulations

(5/5/04)

14-00

GENERAL PURPOSES

The sidewalk cafe regulations as established in this Resolution are city-wide regulations, designed to encourage sidewalk cafes in locations where they are appropriate, discourage them in locations where they are inappropriate, and promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) To ensure adequate space for pedestrians on the sidewalk adjacent to sidewalk cafes.
- (b) To promote sidewalk cafes as visual amenities that better relate to the streetscape.
- (c) To preserve and enhance the character of neighborhoods throughout the City.
- (d) To simplify administrative regulations and strengthen enforcement procedures for sidewalk cafes and ensure that such requirements are effective, efficient and enforceable.
- (e) To promote the most desirable use of land and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

(5/5/04)

14-01

General Provisions

In harmony with the general purpose and intent of this Resolution, and the general purposes of the #sidewalk cafe# regulations, certain specified regulations concerning area eligibility, sidewalk locational criteria and physical criteria for #sidewalk cafes#, in general, and specifically for #enclosed sidewalk cafes#, are herein established.

The three types of #sidewalk cafes# that are permitted by the regulations of this Chapter and defined in Section 12-10 (DEFINITIONS) are #enclosed sidewalk cafes#, #unenclosed sidewalk cafes# and #small sidewalk cafes#.

The amendments to Article I, Chapter 4, adopted by the City Council on January 29, 2003, shall become effective March 27, 2003.

Physical criteria, including structural and operational requirements for #sidewalk cafes#, and #unenclosed sidewalk cafes# in particular, shall be regulated by the Department of Consumer Affairs and found in Title 6, Chapter 2, Subchapter F., of the Rules of the City of New York.

Licenses for all #sidewalk cafes# must be obtained from the Department of Consumer Affairs, or its successor.

(5/5/04)

14-011

Sidewalk cafe locations

#Sidewalk cafes# may be located in all R10H Districts, in all #Commercial Districts# other than C3 Districts and in all #Manufacturing Districts# only where eating or drinking establishments are permitted, as modified by special eligibility regulations set forth in Sections 14-40 through 14-45, inclusive. These sections identify #streets#, areas, special districts and malls or portions of #streets# for which special area eligibility regulations apply:

- Section 14-40 - (AREA ELIGIBILITY FOR SIDEWALK CAFES)
- Section 14-41 - (Locations Where Certain Sidewalk Cafes Are Not Permitted)
- Section 14-42 - (Locations Where Enclosed Sidewalk Cafes Are Not Permitted)
- Section 14-43 - (Locations Where Only Small Sidewalk Cafes Are Permitted)
- Section 14-44 - (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted)
- Section 14-45 - (Street Malls Where Certain Sidewalk Cafes Are Permitted).

#Sidewalk cafes# shall be permitted in Historic Districts or in designated landmark #buildings# only if such #sidewalk cafe# is approved by the Landmarks Preservation Commission.

(5/5/04)

14-10

ENCLOSED SIDEWALK CAFES

(2/2/11)

14-11

Locational Criteria for Enclosed Sidewalk Cafes

The regulations of this Section, governing clear path, clearance at intersection of #streets#, clearance from large obstructions and minimum distance between two cafes shall apply to all #enclosed sidewalk cafes#.

(a) Clear path

There shall be a minimum of 8 feet, 0 inches clear distance or 50 percent of the sidewalk width, whichever is greater, free of all obstructions, in order to allow adequate pedestrian movement.

The minimum distance shall be measured from the portion of the #enclosed sidewalk cafe# frontage that is nearest either the curb line or the nearest obstruction. In no event may recesses in the #enclosed sidewalk cafe# frontage be used to satisfy this unobstructed width requirement, except that the corners of the #enclosed sidewalk cafe# may be rounded or mitered. A clearance of 8 feet, 0 inches shall be maintained around the corners of #enclosed sidewalk cafes#, measured in radius.

For the purpose of the minimum clear path, but not the clearance from corners of #enclosed sidewalk cafes#, parking meters, traffic signs, and trees that have gratings flush to grade, without fences or guards, shall not count as obstructions.

In the case of a #street# for which a mall plan or other special plan has been adopted, the clear path requirements pursuant to this Section shall be deemed satisfied if there

is not less than an 8 feet, 0 inches clear path.

(b) Clearance at intersections of street line

There shall be a minimum of 9 feet, 0 inches clearance, free of all obstructions with no exception, measured from the outer edge of the #enclosed sidewalk cafe# to the curbside obstacle. The corner of the #enclosed sidewalk cafe# wall may be rounded or mitered. Such distance shall be measured from the outer edge of the #enclosed sidewalk cafe# to either the curb line or the nearest obstruction.

(c) Clearance from large obstructions

All #enclosed sidewalk cafes# shall be a minimum of 15 feet from large obstructions. For the purposes of this Section, large obstructions shall be bus stop shelters, newsstands, subway entrances or any other object greater than 15 square feet in area. The closed end of a subway entrance located along the #front lot line# may #abut# an #enclosed sidewalk cafe#.

(d) Minimum distance between enclosed sidewalk cafes

There shall be a minimum distance of 40 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor #commercial use#, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

There shall be a minimum distance of 15 feet between the near end walls of two #enclosed sidewalk cafes# if an entrance to a ground floor non-#commercial use#, or a #use# located above or below the ground floor, other than an entrance to the eating or drinking place associated with either #enclosed sidewalk cafe#, is located between them.

(5/5/04)

14-12

Physical Criteria for Enclosed Sidewalk Cafes

(5/5/04)

14-121

Structural requirements for enclosed sidewalk cafes

The regulations of this Section governing certain structural and operational requirements shall apply to all #enclosed sidewalk cafes#.

(a) Ceiling

The ceiling of an #enclosed sidewalk cafe# shall be of incombustible materials, including colored or colorless safety glass or fabric which has been treated to be fire resistant as approved by the Department of Buildings.

At no point shall the height of the ceiling of an #enclosed sidewalk cafe# be lower than 7 feet, 0 inches above the floor of the #sidewalk cafe#.

(b) Transparency - exterior walls

An #enclosed sidewalk cafe# may provide a base wall of opaque material up to a maximum height of 12 inches from the finished floor level. The base wall shall include any horizontal structural members that support transparent materials above.

All enclosing walls, doors and windows, except for the structural members, above finished floor level or base wall as provided in this Section, up to a height of 7 feet, 0 inches above finished floor level, must be of colorless, untinted, non-reflective, transparent material, as approved by the Department of Buildings. In order to maximize transparency, the horizontal as well as vertical structural members shall not be sized more than 10 inches wide.

At least 50 percent of the walls, up to a height of 7 feet, 0 inches above finished floor level, shall consist of operable transparent windows.

(c) Elevation

The #enclosed sidewalk cafe# floor shall not be more than seven inches above the level of the adjoining sidewalk.

In the event of a major grade change, however, the City Planning Commission may, by certification, permit the floor level to be more than seven inches above the level of the adjoining sidewalk.

(d) Designated boundaries

No portion of #enclosed sidewalk cafes#, such as doors, windows, walls or any objects placed within an #enclosed

sidewalk cafe#, shall swing or project beyond the designated exterior perimeter of the #enclosed sidewalk cafe#. However, fire exit doors that are used exclusively as emergency fire exit doors shall be exempt from this provision.

(e) Fixtures

The furnishings of the interior of an #enclosed sidewalk cafe# shall consist solely of moveable tables, chairs and decorative accessories. No objects, except lighting fixtures and HVAC installations, may be permanently affixed onto any portion of the wall of the #enclosed sidewalk cafe#. In no event shall such objects penetrate the exterior perimeter of the wall or the roof of the #enclosed sidewalk cafe# or impede the transparency as required by this Chapter. The exhaust for such HVAC installations on the adjacent walls shall not be less than 10 feet above #curb level#.

(f) Refuse storage area

No structure or enclosure to accommodate the storage of garbage may be erected or placed adjacent to or separate from the #enclosed sidewalk cafe# on the public right-of-way.

(5/5/04)

14-122

Access for persons with physical disabilities

An #enclosed sidewalk cafe# or its restaurant shall be directly accessible to persons with physical disabilities. In the event the main restaurant has provided such access, the #enclosed sidewalk cafe# shall be accessible to persons with disabilities from the interior of the restaurant.

In order to ensure access for persons with physical disabilities:

- (a) at least one door leading into the #enclosed sidewalk cafe# or restaurant from the adjoining sidewalk shall be not less than three feet wide, clear; and
- (b) a ramp with non-skid surface, if there is change of grade, having a minimum width of three feet and a slope of not greater than 1 in 12, shall be provided. Such ramp may be of portable type for #enclosed sidewalk cafes# that are six feet wide or less, except if such #sidewalk cafe# is at least 180 square feet in area.

(5/5/04)

14-123

Signage

No #signs# are permitted on an #enclosed sidewalk cafe#, except that the name and type of establishment may be placed upon the glass wall but shall not obscure the required transparency.

(5/5/04)

14-124

Music and noise amplification

Musical instruments or sound reproduction devices shall not be operated or used within an #enclosed sidewalk cafe# for any purpose.

(5/5/04)

14-13

Special Permit Modifications of Locational or Physical Criteria for Enclosed Sidewalk Cafes

In all #Commercial# or #Manufacturing Districts#, where #enclosed sidewalk cafes# are permitted in accordance with the provisions of this Chapter, the City Planning Commission may permit, upon application, modifications to the locational or physical criteria regulations for #enclosed sidewalk cafes#, except that there shall be no modification of Sections 14-41 (Locations Where Certain Sidewalk Cafes Are Not Permitted), 14-42 (Locations Where Enclosed Sidewalk Cafes Are Not Permitted), 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted) and 14-45 (Street Malls Where Certain Sidewalk Cafes Are Permitted), provided the Commission finds that:

- (a) the #enclosed sidewalk cafe# is developed consistent with the general purposes and objectives of this Chapter;
- (b) any proposed modification to the requirements of this Chapter will result in good overall design and enhance the general character of the #street# and the neighborhood;

- (c) any proposed modifications to the requirements of this Chapter will not cause a serious adverse effect on pedestrian traffic;
- (d) the restaurant or #enclosed sidewalk cafe# provides access for persons with disabilities;
- (e) where a proposed #enclosed sidewalk cafe# is located between two existing stoops, it will not project beyond the stoops; and
- (f) modifications to the provisions of paragraph (a) of Section 14-11 (Locational Criteria for Enclosed Sidewalk Cafes) shall be limited to the minimum clear path for a proposed #enclosed sidewalk cafe# that would be located on a #street# with a special pedestrian plan.

(5/5/04)

14-20

UNENCLOSED SIDEWALK CAFES

Physical criteria for #unenclosed sidewalk cafes#, including structural and operational requirements, shall be regulated by the Department of Consumer Affairs pursuant to the Rules of the City of New York as described in Section 14-01 (General Provisions). #Small sidewalk cafes#, however, shall also conform to the requirements of Section 14-30.

(5/5/04)

14-30

SMALL SIDEWALK CAFES

#Small sidewalk cafes# shall be subject to the regulations of Section 14-01 (General Provisions), and, in addition, shall comply with the requirements for the definition of #small sidewalk cafes# in Section 12-10 as well as the following physical criteria:

- (a) no form of serving station or any other type of furniture, other than the single row of tables and chairs set adjacent to the #street line#, may be placed within that space occupied by a #small sidewalk cafe#;
- (b) there shall be no railing, structure or other form of

barrier between a #small sidewalk cafe# and the remaining area of the sidewalk; and

- (c) there shall be no overhead coverage other than a retractable awning that is affixed to the #building# wall and does not extend further than 4 feet, 6 inches.

#Small sidewalk cafes# are permitted wherever #sidewalk cafes# may be located pursuant to the requirements of Section 14-011. Section 14-43 (Streets Where Only Small Sidewalk Cafes Are Permitted) lists specific #streets# and areas where no #sidewalk cafes# other than #small sidewalk cafes# may be located.

(5/5/04)

14-40

AREA ELIGIBILITY FOR SIDEWALK CAFES

Sections 14-40 through 14-45 identify those locations where specific area eligibility regulations apply.

For the purposes of Sections 14-40 through 14-45, the length of a #street# shall run the full #block# to the nearest intersections with cross #streets#, unless otherwise stated.

Areas bounded by #streets# shall include both sides of such #streets# and shall be subject to the regulations of this Chapter pertaining to such areas. When a #street# forms the boundary of a special district, however, only that side of the #street# located within the special district shall be subject to the regulations pertaining to the special district.

Sidewalk cafes shall only be allowed to locate along the length of a #street# or within the area bounded by #streets#, as set forth in Sections 14-40 through 14-45, where the applicable #use# regulations of the district allow eating and drinking establishments, either as-of-right, by certification or by authorization or special permit.

(5/5/04)

14-41

Locations Where Certain Sidewalk Cafes Are Not Permitted

No #enclosed# or #unenclosed sidewalk cafes# shall be permitted on any of the following #streets#, portions of #streets# and

areas, except that #small sidewalk cafes# may be permitted pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

City Wide:

All #streets# with elevated rail transit lines, unless specifically permitted in Section 14-43.

Manhattan:

All #streets# bounded by 38th Street on the south, 59th Street on the north, Third Avenue on the east and Eighth Avenue on the west

All #streets# within the M1-5A and M1-5B Districts south of Houston Street

Bowery - from East Broadway to Canal Street

Elizabeth Street - from Bayard Street to Canal Street

Pell Street - the entire length

Mott Street - from Park Row to Canal Street

Mulberry Street - from Worth Street to Canal Street

Bayard Street - the entire length

Doyers Street - the entire length

All streets facing Chatham Square

Canal Street - the entire length

Orchard Street - from Canal Street to Houston Street

Delancey Street - from Norfolk Street to the Bowery

Eighth Street - from Avenue A to Sixth Avenue

14th Street - from Second Avenue to Eighth Avenue

23rd Street - from the East River to Eighth Avenue

31st Street - from Fifth Avenue to Eighth Avenue

32nd Street - from Fifth Avenue to Eighth Avenue

33rd Street - from Fifth Avenue to Eighth Avenue

34th Street - from the East River to Eighth Avenue

42nd Street - from the East River to Eighth Avenue

All #streets# or portions of #streets# bounded by 43rd Street on the south, 45th Street on the north, Eighth Avenue on the east and, on the west, a line 150 feet west of Eighth Avenue

57th Street - from the East River to Eighth Avenue

58th Street - from the East River to Eighth Avenue

59th Street - from the East River to Fifth Avenue

59th Street - from Sixth Avenue to Columbus Circle

All #streets# bounded by 59th Street on the south, 61st Street on the north, Fifth Avenue on the west and, on the east, a line 125 feet east of Fifth Avenue

60th Street - from Third Avenue to Fifth Avenue

61st Street - from Third Avenue to Fifth Avenue

62nd Street - from Second Avenue to Fifth Avenue

63rd Street - from Second Avenue to Fifth Avenue

68th Street - from First Avenue to Fifth Avenue

72nd Street - from the East River to Fifth Avenue
77th Street - from First Avenue to Fifth Avenue
79th Street - from the East River to Fifth Avenue
86th Street - from the East River to Fifth Avenue
116th Street - from Malcolm X Boulevard to Frederick Douglass
Boulevard
First Avenue - from 48th Street to 59th Street
Third Avenue - from 59th Street to 62nd Street
Lexington Avenue - the entire length
Park Avenue - the entire length from 38th Street, northward
Madison Avenue - the entire length
Fifth Avenue - from Washington Square North to 61st Street
Sixth Avenue - from 31st Street to 38th Street
Broadway - from 31st Street to 38th Street
Seventh Avenue - from 31st Street to 38th Street
Eighth Avenue - from 31st Street to 38th Street
Herald Square.

Brooklyn:

13th Avenue - from 39th Street to New Utrecht Avenue
86th Street - from Third Avenue to Gowanus Expressway
Court Street - from Schermerhorn Street to Montague Street.

Queens:

82nd Street - from 34th Avenue to 41st Avenue
Austin Street - from Yellowstone Boulevard to Ascan Avenue
Junction Boulevard - from Northern Boulevard to 41st Avenue
Roosevelt Avenue - from Union Street to Prince Street
Skillman Avenue - from 43rd Street to 56th Street.

(5/5/04)

14-42

Locations Where Enclosed Sidewalk Cafes Are Not Permitted

No #enclosed sidewalk cafe# shall be permitted on any of the following #streets#.

Manhattan:

Bleecker Street - from Bank Street to Mercer Street
Central Park South - from Fifth Avenue to Sixth Avenue
Park Avenue South and Park Avenue - from 31st Street to 38th
Street.

(5/22/13)

14-43

Locations Where Only Small Sidewalk Cafes Are Permitted

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted. In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, notwithstanding any regulations set forth in Sections 14-41 or 14-42 prohibiting certain #sidewalk cafes# on such #streets#.

Manhattan:

Orchard Street - from Canal Street to Houston Street

Delancey Street - from Norfolk Street to the Bowery

Centre Street - from Canal Street to Spring Street

Lafayette Street - from Canal Street to Houston Street

Sixth Avenue - from Canal Street to a line 100 feet south of
Spring Street

Special Union Square District¹

14th Street - from Second Avenue to Irving Place

14th Street - from a line 100 feet west of University Place to
Eighth Avenue

23rd Street - from the East River to Eighth Avenue

31st Street - from Fifth Avenue to a line 200 feet east of
Broadway

34th Street - from the East River to Fifth Avenue

35th Street - from a line 150 feet east of Fifth Avenue to a line
150 feet east of Sixth Avenue

36th Street - from a line 150 feet east of Fifth Avenue to a line
150 feet west of Fifth Avenue

37th Street - from a line 150 feet east of Fifth Avenue to a line
150 feet west of Fifth Avenue

37th Street - from a line 150 feet east of Sixth Avenue to
Broadway

38th Street - from Third Avenue to Seventh Avenue

39th Street - from Exit Street to Seventh Avenue

40th Street - from a line 100 feet east of Exit Street to
Broadway

41st Street - from a line 100 feet east of Exit Street to Third
Avenue

42nd Street - from First Avenue to Third Avenue

42nd Street - from Fifth Avenue to a line 275 feet east of Sixth
Avenue

All #streets# bounded by 43rd Street on the south, 46th Street on
the north, a line 200 feet east of Third Avenue on the east
and Third Avenue on the west

43rd Street - from Fifth Avenue to Sixth Avenue

44th Street - from Fifth Avenue to Sixth Avenue

45th Street - from Fifth Avenue to Sixth Avenue
46th Street - from Fifth Avenue to Sixth Avenue
47th Street - from a line 200 feet east of Third Avenue to Third Avenue
48th Street - from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
49th Street - from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
50th Street - from a line 150 feet east of Third Avenue on the east and Sixth Avenue on the west
51st Street - from a line 150 feet east of Third Avenue to Eighth Avenue
52nd Street - from a line 160 feet east of Third Avenue to Eighth Avenue
53rd Street - from a line 160 feet east of Third Avenue to Eighth Avenue
54th Street - from a line 150 feet east of Third Avenue to Eighth Avenue
55th Street - from a line 100 feet west of Second Avenue to Eighth Avenue
56th Street - from a line 100 feet west of Second Avenue to Eighth Avenue
57th Street - from the East River to Eighth Avenue
58th Street - from the East River to Eighth Avenue
59th Street - from the East River to Second Avenue
59th Street (Central Park South) - from Sixth Avenue to Columbus Circle
60th Street - from Lexington Avenue to Fifth Avenue
61st Street - from Third Avenue to Fifth Avenue
62nd Street - from Second Avenue to Fifth Avenue
63rd Street - from Second Avenue to Fifth Avenue
86th Street - from First Avenue to a line 125 feet east of Second Avenue, south side only
116th Street - from Malcolm X Boulevard to Frederick Douglass Boulevard
Special 125th Street District - only as set forth in Section 97-13 (Permitted Small Sidewalk Cafe Locations)
First Avenue - from 48th Street to 56th Street
Third Avenue - from 38th Street to 62nd Street
Lexington Avenue - from a line 100 feet south of 23rd Street to a line 100 feet north of 34th Street
Lexington Avenue - the entire length from a line 100 feet north of 96th Street, northward
Park Avenue - from 38th Street to 40th Street
Park Avenue - from 48th Street to 60th Street
Park Avenue - the entire length from a line 100 feet north of 96th Street, northward
Madison Avenue - from 23rd Street to 38th Street
Madison Avenue - from 59th Street to 61st Street
Special Madison Avenue Preservation District²

Madison Avenue - the entire length from a line 100 feet north of
96th Street, northward
Fifth Avenue - from 12th Street to 33rd Street
Fifth Avenue - from 59th Street to 61st Street
Sixth Avenue - from 36th Street to 42nd Street
Sixth Avenue - from a line 150 feet north of 42nd Street to 48th
Street
Sixth Avenue - from 50th Street to Central Park South
Seventh Avenue - from 50th Street to Central Park South
Broadway - from 36th Street to 40th Street
Broadway - from 50th Street to Columbus Circle
Columbus Circle - from Eighth Avenue, westward, to Broadway.

¹ #Small sidewalk cafes# are not allowed on 14th Street

² #Small sidewalk cafes# are not allowed on 86th Street within
the #Special Madison Avenue District#

Queens:

Jackson Avenue, north side - from 44th Drive to the prolongation
of Dutch Kills Street

Queens Boulevard - from a line 100 feet west of 39th Place to
48th Street

Queens Plaza North - from 23rd Street to Northern Boulevard

Queens Plaza South - from 23rd Street to Jackson Avenue

Skillman Avenue, north side - from 45th Street to a line 100 feet
east of 51st Street, including that portion within the
#Special Planned Community Preservation District#

Skillman Avenue, south side - from 45th Street to 51st Street,
excluding that portion within the #Special Planned Community
Preservation District#

(1/22/15)

14-44

Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as
indicated, in the following special zoning districts, where
allowed by the underlying zoning. #Small sidewalk cafes#,
however, may be located on #streets# or portions of #streets#
within special zoning districts pursuant to the provisions of
Section 14-43 (Locations Where Only Small Sidewalk Cafes Are

Permitted).

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
125th Street District	No	No ⁴
Battery Park City District	Yes	Yes
Clinton District	No	Yes
Enhanced Commercial District 2 (Columbus and Amsterdam Avenues)	Yes	Yes
Enhanced Commercial District 3 (Broadway/Upper West Side)	Yes	Yes
Hudson Square District	Yes	Yes
Limited Commercial District	No	No ¹
Lincoln Square District	No	Yes
Little Italy District	No	Yes
Lower Manhattan District	No	Yes ²
Manhattanville Mixed Use District	No ³	Yes
Transit Land Use District	Yes	Yes
Tribeca Mixed Use District	Yes	Yes
United Nations Development District	No	Yes
West Chelsea District	No	Yes ⁵

¹ #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue

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

³ #Enclosed sidewalk cafes# are allowed in Subdistrict B

⁴ #Unenclosed sidewalk cafes# are allowed on the east side of
Malcolm X Boulevard between West 125th and West 126th
Streets, on the west side of Malcolm X Boulevard between
West 124th and West 125th Streets and on the east side of
Fifth Avenue between East 125th and East 126th Streets

⁵ #Unenclosed sidewalk cafes# are allowed only on #wide streets# except they are not allowed on the west side of Ninth Avenue between West 15th Street and West 16th Street

Brooklyn	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Bay Ridge District	Yes	Yes
Coney Island District	No	Yes
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Enhanced Commercial District 1 (Fourth Avenue)	No	Yes
Enhanced Commercial District 4 (Broadway, Bedford-Stuyvesant)	No	Yes
Mixed Use District-8 (Greenpoint-Williamsburg)	Yes	Yes
Ocean Parkway District ¹	Yes	Yes
Sheepshead Bay District	No	Yes

¹ #Sidewalk cafes# are not allowed on Ocean Parkway

The Bronx	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
City Island District	No	Yes

Queens	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
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Forest Hills District ¹	No	Yes
Downtown Jamaica District	No	Yes
Long Island City Mixed Use District ²	No	Yes
Southern Hunters Point District	No	Yes
Willets Point District	No	Yes

¹ #Sidewalk cafes# are not allowed on Austin Street

² See Appendix A in Article XI, Chapter 7

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Staten Island		
South Richmond Development District	Yes	Yes
St. George District	Yes	Yes
Stapleton Waterfront District	Yes	Yes

(5/5/04)

14-45

Street Malls Where Certain Sidewalk Cafes Are Permitted

#Sidewalk cafes# are permitted as indicated in the following malls where allowed by the underlying zoning.

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Manhattan		
Mulberry Street Mall	No	Yes
Nassau Street Mall	No	Yes
	#Enclosed Sidewalk	#Unenclosed Sidewalk

Brooklyn	Cafe#	Cafe#
Fulton Street Mall ¹	No	Yes

¹ #Enclosed sidewalk cafes# are allowed along DeKalb Avenue

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Queens		
Far Rockaway Beach 20th Street	No	Yes

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article I: General Provisions

Chapter 5 - Residential Conversion within Existing Buildings

Effective date of most recently amended section of Article I Chapter 5: 09/21/11

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(2/2/11)

Chapter 5

Residential Conversion within Existing Buildings

(2/2/11)

15-00

GENERAL PURPOSES

Special regulations for the conversion of non-residential floor area to residences have been established in order to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

- (a) to permit owners to increase the return on their investment in appropriate existing buildings by authorizing the conversion to residences without requiring such residences to conform to the provisions of Article II of this Resolution;
- (b) to reduce the deleterious effects on commercial and manufacturing uses caused by the reduction of land and floor area available to such uses permitted under the provisions of this Chapter by providing relocation incentives for such uses;
- (c) to protect important job-producing industries, particularly those with a unique social or economic relationship to the surrounding community;
- (d) to provide sufficient space for commercial and manufacturing activities which are an integral part of New York City's economy;
- (e) to provide for adequate returns to property owners by allowing more profitable residential use with a limited mix of commercial and manufacturing uses;
- (f) to provide a new housing opportunity of a type and at a density appropriate to these Community Districts;
- (g) to ensure the provision of safe and sanitary housing units in converted buildings; and
- (h) to ensure the provision of adequate amenities in conjunction with residential development.

(2/2/11)

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, #conversions# in #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, #conversions# in #buildings#, or portions thereof, erected prior to January 1, 1977 shall be subject to the provisions of this Chapter.

For the purposes of this Chapter, #conversion# shall mean the change of non-#residential floor area# to #residences# or #joint living-work quarters for artists#. #Conversions# shall also include the #conversion# of existing floor space used for mechanical equipment and not counted as #floor area# to #residences# or #joint living-work quarters for artists#.

All #conversions# to #residences# shall be permitted only in districts where #residential use# is allowed by the district regulations, or in those #Manufacturing Districts# where #residential use# is allowed pursuant to this Chapter or by authorization or special permit. All #conversions# to #joint living-work quarters for artists# shall be permitted only in districts where such #use# is allowed by the district regulations.

The provisions of Article II, Chapter 8, shall not apply to #buildings converted# pursuant to the provisions of this Chapter.

However, #conversions# that meet all the requirements for #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 are 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.

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

(2/2/11)

15-011

Applicability within Special Purpose Districts

The provisions of this Chapter shall apply in Special Purpose Districts in the Community Districts listed in Section 15-01, as may be modified in the provisions of such Special Purpose Districts, except that the Preservation Area of the #Special Clinton District# is excluded from the applicability of the provisions of this Chapter.

In Community Districts not listed in Section 15-01, the provisions of this Chapter shall apply in the following Special Purpose Districts:

any #Special Mixed Use District# as modified by Article XII, Chapter 3 (Special Mixed Use District);

the #Special Downtown Jamaica District# as modified by Article XI, Chapter 5 (Special Downtown Jamaica District);

the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District); and

the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

(9/21/11)

15-012

Applicability within C6-1G, C6-2G, M1-5A, M1-5B or M1-6D Districts

#Conversions# in #buildings#, or portions thereof, in C6-1G or C6-2G Districts shall be permitted only by special permit pursuant to Section 74-782 (Residential conversion within C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts).

Except as specifically set forth in Sections 15-013 and 15-026, the provisions of this Chapter are not applicable in M1-5A or M1-5B Districts.

In M1-6D Districts, the conversion to #dwelling units# of #non-residential buildings# erected prior to January 1, 1977, or portions thereof, shall be permitted, subject to Sections 15-11

(Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b), except as superseded or modified by the provisions of Section 42-481 (Residential uses).

(2/2/11)

15-013

Building permits and variances issued before the effective date of amendment

- (a) Building permits in Manhattan Community Districts 1, 2, 3, 4, 5 and 6

If, before April 9, 1981, a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before September 1, 1980, construction pursuant to such permit may be continued, at the option of the owner, without regard to the other provisions of this Chapter. In the event that the construction permitted herein is not completed within 2 years from the issuance of said building permit or prior to April 9, 1982, whichever is later, and a temporary or permanent certificate of occupancy has not been issued, the building permit shall automatically lapse for any portion of a #building# for which a permanent or temporary certificate of occupancy has not been obtained and the right to continue construction on such #floor area# shall terminate, except that the Board of Standards and Appeals may reinstate said permit pursuant to the provisions of paragraphs (a)(1) or (a)(2) of this Section:

- (1) for all #floor area# for which the Board has made a finding that, as of April 9, 1981;
- (i) there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit had been granted; and
- (ii) the completed construction demonstrated a physical commitment of the #floor area# to a layout as #residential# or #joint living-work quarters for artists use#, which construction could not be readily adapted to a non-#residential use# permitted by the Zoning Resolution.

A finding of substantial construction shall not be made unless, on April 9, 1981, the #floor area# was either vacant or occupied by #residential# or #joint living-

work quarters for artists use#, and unless the expenditures prior to April 9, 1981 were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or financing;

- (2) for all #floor area# for which the Board has made a finding that, as of the date said building permit lapsed, there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit has been granted. A finding of substantial construction shall not be made unless, as of the date said permit lapsed, the #floor area# was either vacant or occupied by #residential# or #joint living-work quarters for artists use#, and unless the expenditures prior to the date said permit lapsed were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or financing. Notwithstanding anything to the contrary above, the building permit shall only be reinstated pursuant to the provisions of this Section, provided that for any portion of the #building# for which said permit is reinstated:

- (i) the #conversion# shall comply with the provisions of Sections 15-12, 15-24 or 42-14, paragraph (D)(1)(e), as appropriate in the zoning district in which the #building# being #converted# is located, except that the Board may modify the requirements of Sections 15-12, 15-24 or 42-14, paragraph D.(1)(e), provided that the rooftop open space was not permitted under said building permit and the Board determines that the roof either is unsuited for open space #use# or cannot be made suitable for open space #use# at a reasonable cost;

- (ii) there shall be double glazing on all windows in all #dwelling units# or such other window treatment as the Board deems appropriate;

- (b) Building permits in Brooklyn Community Districts 1, 2, 6 and 8 and Queens Community Districts 1 and 2

If, before October 25, 1984, a building permit was lawfully issued for an alteration based upon plans filed and pending with the Department of Buildings on or before April 1, 1984, construction pursuant to such permit may be continued.

(c) Variances

If, before April 9, 1981, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or before October 25, 1984, in Brooklyn Community Districts 1, 2, 6 and 8 and Queens Community Districts 1 and 2, a variance to permit the #conversion# of a #building# or portion thereof, to #residential# or #joint living-work quarters for artists use#, which variance has not lapsed pursuant to the provisions of Section 72-23, and a building permit was issued in accordance with the terms of said variance for such #conversion# by the Department of Buildings within two years of the grant of said variance, construction pursuant to such permit may be continued, without regard to the other provisions of this Chapter.

#Dwelling units converted# pursuant to the provisions of this Section which are not subject to the provisions of this Chapter shall also not be subject to the provisions of Section 32-42 (Location within Buildings).

(4/9/81)

15-02

General Provisions

(2/2/11)

15-021

Special use regulations

- (a) In C5 and C6 Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all existing lawful #uses# in Use Groups 17B or E in #buildings# erected prior to December 15, 1961, shall be considered conforming. Such #uses# may be extended within such #buildings#.
- (b) In C6-2M and C6-4M Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all new #uses# listed in Use Groups 17B or E are permitted as-of-right in #buildings# erected prior to December 15, 1961, subject to the provisions of Section 32-42 (Location within Buildings).
- (c) In M1-5 and M1-6 Districts located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling units# which the Chairperson

of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted #use# provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

All #dwelling units# permitted pursuant to this paragraph (c) shall be required to comply with the requirements of Section 15-22 (Number of Permitted Dwelling Units) or Section 15-026 where applicable, and with Section 15-23 (Light and Air Provisions).

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 15-60 (REFERENCED COMMERCIAL AND MANUFACTURING USES), the Chairperson may permit that any #floor area# in the #building# be used for #dwelling units# provided that:

- (1) the total amount of #floor area# to be used for #dwelling units# does not exceed the amount of #floor area# occupied as #dwelling units# on September 1, 1980;
- (2) any #use# listed in Section 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;
- (3) any #residential# tenant who occupied a #dwelling unit# shall be relocated to a #dwelling unit# within the #building# with a #floor area# equal to not less than 95 percent of the amount of #floor area# in the #dwelling unit# previously occupied; and
- (4) as a result of such action by the Chairperson #residential uses# will be located on #stories# above #manufacturing uses#.

- (d) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:
- (1) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#.
 - (2) in any #building# for which an alteration application for conversion of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to convert to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this paragraph (d) shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued.
- (e) In C6-1G and C6-2G Districts, in all #manufacturing# and #commercial buildings# except police stations, courthouses and fire houses, or portions thereof, erected prior to December 15, 1961, #residential use# shall not be permitted unless the City Planning Commission has granted a special permit pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts). However, if the Chairperson of the City Planning Commission determines that #floor area# in such #buildings# was occupied for #residential use# on April 1, 1984, such #residential use# shall be permitted to remain and no special permit shall be required, provided that a complete application for determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than April 17, 1985.
- (f) In C8 and M1 Districts, no new #dwelling units# are permitted. However, within such districts in the following areas:

(1) Areas in Brooklyn Community District 1

- (i) bounded by South 10th Street, Berry Street, Division Avenue and Wythe Avenue;
- (ii) bounded by South 6th Street, Broadway, Driggs Avenue, South 8th Street and Wythe Avenue;
- (iii) bounded by South 4th Street, Driggs Avenue, South 5th Street and Berry Street;
- (iv) bounded by North 4th Street, Berry Street, North 3rd Street and Wythe Avenue;
- (v) bounded by Metropolitan Avenue, Havemeyer Street, Hope Street and Roebling Street; and

(2) Area in Brooklyn Community District 2, bounded by Water Street, Washington Street, Plymouth Street, Bridge Street, Front Street, Jay Street, York Street, Washington Street, Front Street and Dock Street;

#dwelling units# which the Commissioner of the Department of Buildings determines were occupied on June 4, 1981, and are located in a #building# in which more than 45 percent of the #floor area# consists of #dwelling units# that were occupied on June 4, 1981, shall be a permitted #use#, provided that a complete application for a determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than May 30, 1986.

Such a determination of #residential# occupancy on June 4, 1981 shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

The provisions of Section 15-025 (Double glazed windows) shall not apply to #dwelling units# permitted pursuant to this paragraph (f). All #dwelling units# permitted pursuant to this paragraph (f) shall be required to have double glazed windows.

(2/2/11)

15-022

Location within building

#Dwelling units converted# under the provisions of this Chapter are not subject to the provisions of Section 32-42 (Location Within Buildings).

(2/2/11)

15-023

Notice to residential tenants in mixed use buildings

The owner or developer of a #building converted# under the provisions of this Chapter and containing one or more #dwelling units# and one or more #commercial# or #manufacturing uses# above the first #story# shall be required to notify all prospective #residential# occupants of such #dwelling units# that:

- (a) such #dwelling units# are located in a #building# containing #commercial# or #manufacturing uses# which the City is committed to maintain; and
- (b) such prospective occupants should make any investigation they deem necessary to determine that the conditions existing or permitted to exist are not offensive to such prospective occupant.

Prior to the issuance of a building permit, the owner or developer shall file an affidavit with the Department of Buildings that such notice will be provided in all #residential# leases and offering plans.

(4/9/81)

15-024

Notice of filing to create dwelling units

Within ten days of filing an application with the Department of Buildings for an alteration permit for #dwelling units#, a duplicate copy of such application shall be sent to the Department of City Planning by the applicant for information purposes.

(2/2/11)

15-025

Double glazed windows

All #dwelling units# in #buildings# which contain one or more #uses# listed in Section 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.

(10/13/10)

15-026

Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings

- (a) The minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010), may be replaced by the requirements of this Section for #dwelling units#, #joint living-work quarters for artists# or #loft dwellings#:
 - (1) existing on September 1, 1980 for which a determination of #residential# or #joint living-work quarters for artists# occupancy has been made pursuant to Sections 15-021, paragraph (c), 15-215, 42-133, paragraph (a), 42-141, paragraph (b) or 74-782; or
 - (2) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
 - (3) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.
- (b) Unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law, #dwelling units# or #joint living-work quarters for artists# described in paragraph (a) and existing on such dates may not be divided subsequently into units or quarters of less than 1,200 square feet, and #loft dwellings# may not be divided subsequently into dwellings that do not meet the requirements of Section 111-40.

No #building# that meets the density requirements of Section 15-111 or paragraph (c) of Section 111-40, may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of this Section have been applied may subsequently add additional units or quarters except in accordance with the requirements of Sections 15-111.

- (c) In lieu of the stated minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and 111-40, the following regulations shall apply:
 - (1) The minimum size of a #dwelling unit#, #joint living-work quarters for artists#, or #loft dwelling# may be no less than 415 square feet of #floor area#, provided that all of the following requirements are met:
 - (i) the unit or quarters shall contain one or more windows that open onto a #street# or thirty foot #yard#;
 - (ii) the area of such required window shall be not less than eight percent of the #floor area# of the unit or quarters and 50 percent of the area of such required window shall be openable; and
 - (iii) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width; or
 - (2) The minimum size of a #dwelling unit#, #joint living-work quarters for artists#, or #loft dwelling# may be no less than 600 square feet of #floor area#, provided that all of the following requirements are met:
 - (i) the unit or quarters shall contain one or more windows that open onto either:
 - (a) a ten foot #yard#, where the window sill of such required window is at least 23 feet above #curb level#;
 - (b) a 15 foot #yard#, where the window sill of such required window is less than 23 feet above #curb level#;
 - (c) a #court# with a minimum dimension of 15 feet perpendicular to such required window and 375 square feet or more in area; or

(d) a #street#;

- (ii) the minimum horizontal distance between such required window opening onto a #yard# and any wall opposite such window on the same or another #zoning lot# shall be at least 15 feet;
- (iii) the area of such required window shall be no less than five percent of the #floor area# of the unit or quarters, and 50 percent of the area of such required window shall be openable;
- (iv) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width;
- (v) the average width of such unit or quarters shall be no less than 14 feet; and
- (vi) not less than two-thirds of the #floor area# of the unit or quarters shall have a floor-to-ceiling height of nine feet or more.

(2/2/11)

15-10

REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN RESIDENTIAL AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS

(2/2/11)

15-11

Bulk Regulations

For the #conversion# of non-#residential floor area# to #residences#, the applicable density requirements shall be modified in accordance with the provisions of Section 15-111 (Number of permitted dwelling units), and the regulations governing #open space ratio#, #yards#, the minimum distance between two or more #buildings# on a single #zoning lot# and the minimum distance between windows and walls or #lot lines# are hereby superseded and replaced by the requirements of Sections 15-112 (Light and air provisions) and 15-12 (Open Space Equivalent).

(2/2/11)

15-111

Number of permitted dwelling units

The maximum number of #dwelling units# permitted shall be determined in accordance with the applicable district regulations. However, where the total #floor area# on the #zoning lot# exceeds the maximum #floor area# permitted by the applicable district regulations, such excess #floor area# may be #converted# in its entirety to #residences#. Such excess #floor area# shall be included in the amount of #floor area# divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

For the #conversion# of non-#residential floor area# to #residences#, pursuant to Section 74-71 (Landmark Preservation), in C7, C8 and #Manufacturing Districts#, the maximum number of #dwelling units# shall equal the total #floor area# to be #converted# to #residential use# divided by the applicable factor listed in the following table. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one #dwelling unit#.

MAXIMUM NUMBER OF DWELLING UNITS

District	Factor
C7 C8-1 C8-2 M1-1 M1-2 M2-1 M2-3 M3	680
C8-3 C8-4 M1-4 M1-5 M2-2 M2-4	740
M1-6	790

In addition, the following provisions shall apply:

No #floor area# shall be #converted# to #rooming units#. #Dwelling units# may be distributed anywhere within a #building# provided that any portion of a #dwelling unit# located in a #cellar# shall also comply with the provisions of Section 15-112 (Light and air provisions.)

Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #dwelling units# provided that the gross area of such mezzanine does not exceed 33 1/3 percent of the #floor area# contained within such #dwelling unit#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less,

and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #dwelling unit# or for calculating #floor area# devoted to #dwelling units#.

The density provisions of this Section may be replaced by the regulations of Section 15-026 for #dwelling units# that are registered Interim Multiple Dwellings or are covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law or that the Loft Board determines were occupied for #residential use# on September 1, 1980.

(2/2/11)

15-112

Light and air provisions

(a) Spaces other than #rooms#:

- (1) Mezzanines shall be lit and ventilated in accordance with the provisions of Section 27-732 (Natural light requirements) and Article 6 (Standard of Natural Ventilation) of the New York City Building Code.
- (2) #Cellar# space is not permitted in #dwelling units# with three and one-half #rooms# or fewer, unless such #dwelling units# contain at least 1,200 square feet of interior #floor area#.
- (3) Spaces, other than "living rooms," kitchens, bathrooms or mezzanines, with a minimum width of five feet in the narrowest dimension measured perpendicular to a wall enclosing such space, are not permitted in #dwelling units# with two #rooms# or fewer, unless such #dwelling units# contain at least 1,200 square feet of interior #floor area#.

(b) Every #dwelling unit# shall meet the light and air requirements of Section 277 of the Multiple Dwelling Law.

(c) Width to depth ratio

Where there is more than one #dwelling unit# per #story#, the average width of each #dwelling unit# shall be at least one fourth of the depth. Depth is the farthest point within the #dwelling unit# from the exterior #building# wall containing windows used to meet the requirements of

paragraph (b) of this Section, measured perpendicular to such #building# wall. Width is the distance between exterior #dwelling unit# walls measured perpendicular to the depth.

(2/2/11)

15-12

Open Space Equivalent

At least 30 percent of the gross roof area of a #building# containing 15 #dwelling units# shall be provided for recreational use. For each additional #dwelling unit#, 100 square feet of additional roof area shall be provided 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.

(8/27/98)

15-13

Special Home Occupation Provision

- (a) In C6 Districts, the #home occupation# provisions of Section 12-10 (DEFINITIONS - Home occupation) shall apply, except that up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#.
- (b) In C5 and C6 Districts, in Manhattan, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, the #home occupation# provisions of Section 12-10 shall apply, except that up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#.

In addition:

- (1) businesses operated as #home occupations# may have up to three non-#residential# employees; and
- (2) notwithstanding the listing of specific #uses# prohibited in the definition of #home occupations# in Section 12-10, a #home occupation# may include any permitted #commercial use#, except beauty parlors,

veterinary medicine and those #uses# listed in Use Group 12.

Such #home occupation# may occupy more than 500 square feet of #floor area# and, for the purposes of this Section, mezzanines shall be counted as #floor area#.

(2/2/11)

15-20

REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS

- (a) The #lot area# requirements of the following Sections are hereby superseded and replaced with the requirements of Sections 15-21 and 15-22 for the #conversion# of non-#residential floor area# to #residences#:

Sections 23-20 through 23-26 (DENSITY REGULATIONS);

Section 24-20 (APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES));

Section 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS); and

Section 54-31 (Enlargements or Conversions).

In addition, the regulations governing #open space ratio#, #yards#, the minimum distance between two or more #buildings# on a single #zoning lot# and the minimum distance between windows and walls or #lot lines# are hereby superseded and replaced by the requirements of Sections 15-23 and 15-24.

- (b) In C6-2M, C6-4M, M1-5M and M1-6M Districts, the requirements of Section 15-21 (Use Regulations - Transfer of Preservation Obligations and Conversion Rights) may be waived by authorization of the City Planning Commission in connection with the #conversion# of all or any portion of a #building# to a #residential use#, provided that:

(1) such #building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;

(2) any alterations to the subject #building#, required in

connection with such #conversion# to #residential use#, have received a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission;

- (3) a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission; and
- (4) such #buildings#, or portions thereof, being #converted# to #residential use#, shall comply with the density requirements set forth in Section 74-711 (Landmark preservation in all districts), paragraph (a)(3).

In order to grant an authorization, the City Planning Commission shall find that such waiver shall have minimal adverse effects on the conforming #uses# located within the #building# and in the surrounding area.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #building# and to minimize adverse effects on the character of the surrounding area.

(2/2/11)

15-21

Use Regulations - Transfer of Preservation Obligations and Conversion Rights

In C6-2M, C6-4M, M1-5M and M1-6M Districts, the #conversion# of #floor area# to #residences# in existing #buildings#, or portions thereof is permitted subject to the certification by the Chairperson of the City Planning Commission that #floor area# has been preserved for #commercial# or #manufacturing uses# in accordance with the provisions of this Section. For the purposes of this Section only, the following mixed-#use# areas are defined:

Southeast Chelsea - All C6-2M, C6-4M, M1-5M and M1-6M Districts between 13th Street and 23rd Street, and Park and Eighth Avenues.

Garment Center East - The C6-4M District located between West 34th Street and West 35th Street, and between Seventh Avenue and Eighth Avenue.

(2/2/11)

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 15-51. Such #floor area# shall be comparable to the #floor area# to be #converted#, as required by Section 15-213.

Such #floor area# may be preserved in the #building# to be #converted#, or in any other #building# within the same mixed-#use# area, as defined in Section 15-21.

Except as provided in Section 15-215 (Modification for existing dwelling units), #floor area# may not be preserved on portions of floors. If the #floor area# which must be preserved includes a fraction of a floor, the next highest number of full floors must be preserved for permitted #commercial# or permitted #manufacturing uses#. #Floor area# used for #home occupations# may not be used to meet the requirements of #floor area# and #stories# which must be preserved for #commercial# or #manufacturing use#. No #accessory# living or sleeping accommodations shall be permitted in the #floor area# preserved for permitted #commercial# or permitted #manufacturing uses#.

All requirements for preservation of #floor area# shall be determined by the entire #lot area# of the #zoning lot#, and by the total #floor area# of the #building# to be #converted#, regardless of the amount of #floor area# being #converted# within the #building#. For the purposes of this Section, any portion of the #building# to be #converted# that has a #residential# certificate of occupancy shall be excluded from the #building's# total #floor area#.

Any #building# that has been partially #converted# pursuant to Section 15-21 and has complied with the preservation requirements of such Section, shall not be required to preserve additional #floor area# for any subsequent #conversion#.

TABLE I
FOR CONVERSION IN C6-2M OR C6-4M DISTRICTS
FLOOR AREA PRESERVED FOR PERMITTED COMMERCIAL OR
PERMITTED MANUFACTURING USE*

#Lot area#	Percentage of #building's# total #floor area# to be preserved
less than 5,000 sq. ft.	33.3
5,000 sq. ft. or more but less than 10,000 sq. ft.	50.0
10,000 sq. ft. or more	66.6

TABLE II
FOR CONVERSION IN M1-5M OR M1-6M DISTRICTS
FLOOR AREA PRESERVED FOR PERMITTED COMMERCIAL OR
PERMITTED MANUFACTURING USE*

#Lot area#	Percentage of #building's# total #floor area# to be preserved
less than 5,000 sq. ft.	33.3
5,000 sq. ft. or more but less than 10,000 sq. ft.	66.6
10,000 sq. ft. or more	66.6

- * All requirements for preservation of #floor area# shall be determined by the entire #lot area# of the #zoning lot#, and by the total #floor area# of the #building# to be #converted#, regardless of the amount of #floor area# being #converted# within the #building#.

(2/2/11)

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 15-60 (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 15-60, 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.

Such lease shall:

- (1) be for a period of not less than three years from the date of application for such certification with provision for two years renewal at the tenant's option; and
 - (2) not be subject to cancellation by the landlord.
- (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 15-60 for a period of five years from the date of such certification.
- (c) Where the preserved #floor area# will be occupied by a #use# listed in Section 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 15-60, in the legal commitment required pursuant to Section 15-214.

TABLE I
FOR CONVERSION IN C6-2M OR C6-4M DISTRICTS
REDUCED FLOOR AREA AND FLOORS PRESERVED FOR PERMITTED
COMMERCIAL OR PERMITTED MANUFACTURING USE*

#Lot area#	Percentage of #building's# total #floor area# to be preserved
	one floor, plus, in #buildings# of more than 6 #stories#, 25% of the #floor area# in excess of 6 #stories#
less than 5,000 sq. ft.	
5,000 sq. ft. or more but less than 10,000 sq. ft.	33.3
10,000 sq. ft. or more	50.0

TABLE II
FOR CONVERSION IN M1-5M OR M1-6M DISTRICTS
REDUCED FLOOR AREA AND FLOORS PRESERVED FOR PERMITTED
COMMERCIAL OR PERMITTED MANUFACTURING USE*

#Lot area#	Percentage of #building's# total #floor area# to be preserved
	one floor, plus, in #buildings# of more than 6 #stories#, 25% of the #floor area# in excess of 6 #stories#
less than 5,000 sq. ft.	
5,000 sq. ft. or more but less than 10,000 sq. ft.	50
10,000 sq. ft. or more	50

- * All requirements for preservation of #floor area# shall be determined by the entire #lot area# of the #zoning lot#, and by the total #floor area# of the #building# to be #converted#, regardless of the amount of #floor area# being #converted# within the #building#.

(2/2/11)

15-213 Comparability

Where the #floor area# to be preserved is not located within the

#building# to be #converted#, such #floor area# must be comparable to #floor area# in the #building# to be #converted#. Comparability, shown by an affidavit from a professional engineer or a registered architect, licensed under the laws of the State of New York, shall exist where the #floor area# to be preserved meets the following criteria:

(a) Elevators: load and number

The load and number requirements of this paragraph shall not apply when the #floor area# to be preserved is located on the ground floor or has level access to a #street# or loading facility.

(1) Load

Each elevator shall have a minimum load of 2,000 pounds. The total load of all elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:

<u>Total load</u>	is greater	<u>Total load</u>
Gross #floor area# of #building# to be preserved	than or equal to 80% of	Gross #floor area# of #building# to be #converted#

(2) Number

There shall be a minimum of two elevators. The number of elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:

<u>Number of elevators</u>	is greater	<u>Number of elevators</u>
Gross #floor area# of #building# to be preserved	than or equal to 80% of	Gross #floor area# of #building# to be #converted#

Notwithstanding the above, where there is only one elevator servicing the #floor area# to be #converted#, there may be one elevator servicing the #floor area# to be preserved if the following exist:

- (i) the #floor area# to be serviced by the elevator in the #building# to be preserved does not exceed the #floor area# serviced by the elevator in the #building# to be #converted# by more than 10

percent; and

- (ii) the ratio of the volume of the elevator servicing the #floor area# to be preserved to the #floor area# to be preserved is at least 90 percent of the ratio of the volume of the elevator servicing the #floor area# to be #converted# to the #floor area# to be #converted#.

If the number of elevators required pursuant to the above ratio includes a fraction of an elevator, this fraction shall be rounded to the nearest whole number.

(b) Floor load

The floors shall have a minimum live load capacity of 100 pounds per square foot (100 psf).

(c) Size of floors

- (1) The #floor area# shall be located on floors of not less than 3,000 square feet or 50 percent of the size of the floors in the #building# to be #converted#, which ever is greater.
- (2) #Floor area# may not be preserved on portions of floors.

(d) Loading facilities

The loading facilities shall be at least equal in number to those in the #building# to be #converted#. In addition, if such #building# has an off-street loading dock, the #building# containing the #floor area# to be preserved must have such off-street loading facilities.

(e) Column spacing

There shall be a minimum distance between columns of 15 feet, measured on center. In addition, the average distance between columns shall not be less than 90 percent of the average distance between columns in the #building# to be #converted#.

(f) Height of #stories#

The #stories# shall have an average minimum height of ten feet.

The Chairperson of the City Planning Commission may authorize a

modification of the requirements listed in paragraphs (a), (c)(1) or (d) of this Section, pursuant to the regulations of Section 15-30 (MINOR MODIFICATIONS) paragraph (c).

(2/2/11)

15-214

Certification and other requirements of preservation and conversion

- (a) Prior to the issuance of an alteration permit for the #conversion# of #floor area# to #residential use#, the Chairperson of the City Planning Commission shall certify compliance with the requirements of Section 15-21 upon proof of a legal commitment to preserve and maintain the required #floor area# for permitted #commercial# or permitted #manufacturing use#. Such legal commitment shall be executed by all parties having any interest in the #floor area# to be preserved as shown by a certificate issued by a title insurance company licensed to do business in the State of New York showing all such parties in interest.

A "party in interest" in the tract of land shall include only (W) the fee owner thereof, (X) the holder of any enforceable recorded interest superior to that of the fee owner and which could result in such holder obtaining possession of all or substantially all of such tract of land, (Y) the holder of any enforceable recorded interest in all or substantially all of such tract of land which would be adversely affected by the preservation as required herein, and (Z) the holder of any unrecorded interest in all or substantially all of such tract of land which would be superior to and adversely affected by the preservation required herein and which would be disclosed by a physical inspection of the tract of land.

A copy of the legal commitment required herein shall be recorded in the Conveyances Section of the Office of the City Register of New York County upon certification.

- (b) The #floor area# to be preserved shall not already have been preserved by a legal commitment under the provisions of Section 15-21, as evidenced by the report from the title company issued pursuant to (a) above.
- (c) When preservation obligations pursuant to Section 15-211 or 15-212 are transferred between #buildings#, the amount of #floor area# required to be preserved shall not be reduced

by the existence of a previously issued legal commitment for preservation on a portion of the #floor area# in the #building#.

- (d) Any #building# that has been partially #converted# pursuant to Section 15-21 and has complied with the preservation requirements of such Section, shall not be required to preserve additional #floor area# for any subsequent #conversion#.

(2/11/92)

15-215

Modification for existing dwelling units

The requirements of Section 15-211 or 15-212 regarding the amount or configuration of #floor area# to be preserved for permitted #commercial# or permitted #manufacturing uses# may be modified by the Chairperson of the City Planning Commission provided that:

- (a) such #floor area# has a #residential# certificate of occupancy, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law, or was occupied as #dwelling units# as of September 1, 1980 and a complete application for determination of occupancy has been filed with the Department of City Planning by the owner of the #building# or the occupant of a #dwelling unit# in the #building# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #floor area#; and
- (b) as a result of such #residential# occupancy, the remaining amount of #floor area# in the #building# is less than the amount required to be preserved for permitted #commercial# or #manufacturing uses# pursuant to Section 15-211 or 15-212, or consists of portions of floors.

Such modification of the preservation requirement shall be the minimum necessary in order to permit the legalization of existing #dwelling units# for which a determination of occupancy has been made.

Notwithstanding the above, the Chairperson of the City Planning Commission shall not issue a certification pursuant to Section

15-21 until an application for such certification and modification is submitted by the owner of the #building#.

(2/2/11)

15-22

Number of Permitted Dwelling Units

- (a) In #buildings# where #floor area# is #converted# to #residences# under Section 15-21 (Use Regulations - Transfer of Preservation Obligations and Conversion Rights) where there is more than one #dwelling unit# per #story#, there shall be a minimum #dwelling unit# size of 1,200 square feet of interior #floor area# unless modified pursuant to Section 15-30 (MINOR MODIFICATIONS).

However, the minimum #dwelling unit# size requirement may be replaced by the requirements of Section 15-026 for #dwelling units# existing on September 1, 1980

- (1) for which the Chairperson of the City Planning Commission has made a determination of #residential# occupancy on September 1, 1980 pursuant to Sections 15-021(c) or 15-215; or
- (2) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
- (3) that the Loft Board determines were occupied for #residential use# on September 1, 1980.

#Dwelling units# existing on September 1, 1980 may not be subsequently divided into units of less than 1,200 square feet, unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

- (b) For the purposes of this Section only, mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #dwelling units# provided that the gross area of such mezzanine does not exceed 33 and 1/3 percent of the #floor area# contained within such #dwelling unit#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for

the purpose of calculating the minimum required size of a #dwelling unit# or for calculating #floor area# devoted to #dwelling units#.

(2/2/11)

15-23

Light and Air Provisions

- (a) Every #dwelling unit# shall meet the light and air requirements of Section 277 of the Multiple Dwelling Law.
- (b) Mezzanines shall be lit and ventilated in accordance with the provisions of Section 27-732 (Natural light requirements) and Article 6 (Standard of Natural Ventilation) of the New York City Building Code.
- (c) Width to depth ratio

Where there is more than one #dwelling unit# per #story#, the average width of each #dwelling unit# shall be at least one-fourth of the depth. Depth is the farthest point within the #dwelling unit# from the exterior #building# wall containing windows used to meet the requirements of Section 15-23, paragraph (a), measured perpendicular to such #building# wall. Width is the distance between exterior #dwelling unit# walls measured perpendicular to the depth.

(2/2/11)

15-24

Open Space Equivalent

At least 30 percent of the gross roof area of a #building# containing 15 #dwelling units# shall be provided for recreational #use#. For each additional #dwelling unit#, 100 square feet of additional roof area shall be provided 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.

(4/9/81)

15-25

Home Occupations

A #home occupation# may occupy a #dwelling unit# as an #accessory use# in excess of the #floor area# limitations of Section 12-10 (DEFINITIONS), and subject to the following:

- (a) Businesses operated as #home occupations# may have up to three non-#residential# employees.
- (b) In addition to the #uses# listed in Section 12-10, a #home occupation# may include a permitted #commercial# or permitted #manufacturing use#. It shall not include the sale of merchandise produced elsewhere.
- (c) The Commissioner of Buildings may issue rules and regulations setting forth appropriate standards to implement the intent of this Section.

(2/2/11)

15-26

Collection of Residential and Commercial Refuse

All #residential# trash shall be consolidated with the trash from the #commercial# or #manufacturing use# tenants and collected in the same manner as the trash from such #commercial# or #manufacturing# tenants. Such collection shall be the responsibility of the owner of the #building# or portion thereof.

(2/2/11)

15-30

MINOR MODIFICATIONS

On application, the Chairperson of the City Planning Commission may grant minor modifications to the following provisions of this Chapter:

- (a) The requirements of Section 15-22 paragraph (a), relating to #dwelling unit# size may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the division of one or more #stories# into #dwelling units# with an area of at least 1,200 square feet cannot be accomplished without practical difficulties because the #floor area# of such

#story#, exclusive of exterior walls, and common areas, is within five percent of a multiple of 1,200 square feet.

- (b) The requirements of Section 15-12 and Section 15-24 relating to the #open space# equivalent may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the roof either is unsuited for open space use or cannot be made suitable for open space use at reasonable cost.
- (c) The requirements of paragraphs (a) or (d) of Section 15-213 (Comparability) relating to comparability of elevators or loading facilities may be modified provided that the Chairperson of the City Planning Commission has administratively certified to the Department of Buildings that the elevators or loading facilities serving the #floor area# to be preserved provide facilities for #manufacturing# or #commercial uses# that are equivalent or superior to those serving the #floor area# to be #converted#.

The requirements of paragraph (c)(1) of Section 15-213 relating to comparability of size of floors may be modified provided that the Chairperson of the City Planning Commission has administratively certified to the Department of Buildings that the #floor area# to be preserved consists of floors that are of equivalent or larger size than the floors in the #building# to be #converted#.

A developer must send a copy of any request for modification pursuant to this Section to the applicable Community Board at least 20 days prior to the next regularly scheduled Board meeting. If the Community Board chooses to comment on such requests it must do so within 31 days of such notification.

(10/17/07)

15-40 AUTHORIZATION

(2/2/11)

15-41 Enlargements of Converted Buildings

In all #Commercial# and #Residence Districts#, for #enlargements# of #buildings converted# to #residences#, the City Planning

Commission may authorize:

- (a) a waiver of the requirements of Section 15-12 (Open Space Equivalent) for the existing portion of the #building# #converted# to #residences#; 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
- (4) the #enlarged building# will not adversely affect 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.

(10/17/07)

15-50
SPECIAL PERMIT

(10/17/07)

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).

(10/17/07)

15-60

REFERENCED COMMERCIAL AND MANUFACTURING USES

The following #uses# shall be applicable to Sections 15-021, 15-025, 15-212 and 73-53.

In Use Group 7B:

Exterminators

Gun repair

Sailmaking establishments

Taxidermists' shops

Trade embalmers

Window cleaning contracting establishments

In Use Group 8B:

Upholstering shops

In Use Group 9A:

Blueprinting or photostating establishments

Medical or dental laboratories

Musical instrument repair shops

Plumbing, heating or ventilating equipment showrooms

Printing establishments

Studios - art, music, dancing or theatrical

Typewriter or other small business machine sales, rental or repairs

Umbrella repair shops

In Use Group 9B:

Hair products for head wear, wholesaling

In Use Group 10A:

Depositories for storage of office records, etc.

Photographic or motion picture production studios, radio or television studios.

In Use Group 10B:

All #uses#

In Use Group 11A:

All #uses#

In Use Group 11B:

All #uses#

In Use Group 16A:

Blacksmith shops

Carpentry, custom woodworking or furniture making shops

Electrical, glazing, heating, painting, paperhanging, plumbing, roofing or ventilating contractors establishments

Household or office equipment or machinery repair shops

Machinery rental or sales establishments

Mirror silvering or glass cutting shops

Poultry or rabbit killing establishments

Sign painting shops

Silver plating shops

Soldering or welding shops

Tool, die or pattern-making establishments or similar small machines

In Use Group 16D:

Carpet cleaning establishments

Dry cleaning or cleaning and dyeing establishments

Laundries

Linen, towel or diaper supply establishments

Moving or storage offices

Packing or crating establishments

Photographic developing or printing establishments

Warehouses

Wholesale establishments

In Use Group 17A:

Building material and contractor's yards

Produce or meat markets, wholesale

In Use Group 17B:

All #uses#

In Use Group 17C:

Trucking terminals or motor freight stations

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article I: General Provisions

Chapter 6 - Comprehensive Off-Street Parking Regulations in the
Long Island City Area

Effective date of most recently amended section of Article I Chapter 6: 05/08/13

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(5/8/13)

Chapter 6

Comprehensive Off-Street Parking Regulations in the Long Island City Area

(5/8/13)

16-00

GENERAL PURPOSES

The provisions of this Chapter establish special comprehensive regulations for off-street parking in the #Long Island City area#, as defined in Section 16-02 (Definitions).

These regulations will allow parking to be provided in a manner that supports a mass transit and pedestrian-oriented central mixed use district.

(5/8/13)

16-01

General Provisions

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

(5/8/13)

16-02

Definitions

Long Island City area

For the purposes of this Chapter, "Long Island City area" shall refer to the area within the boundaries shown on the map in Section 16-03.

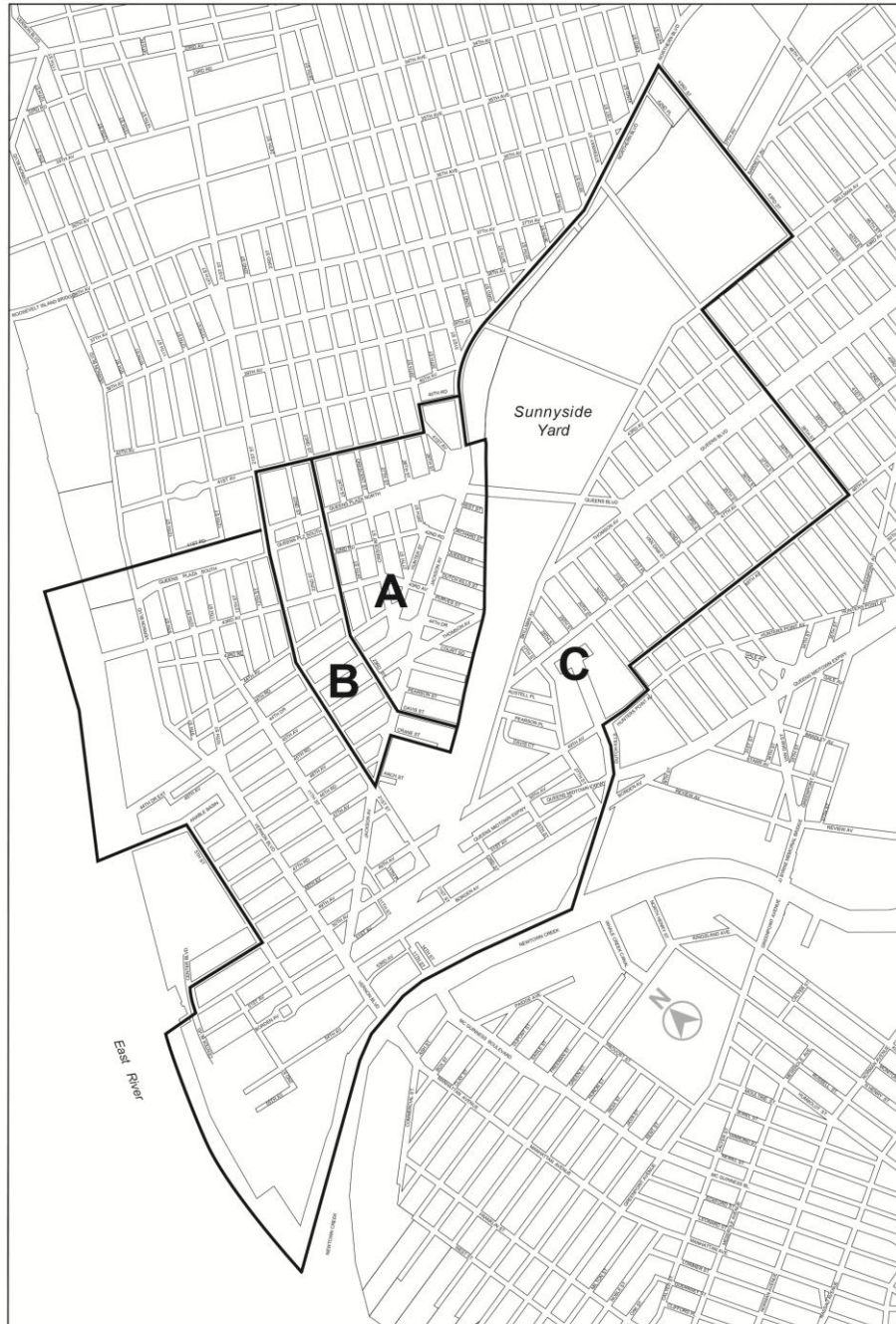
(5/8/13)

16-03

Map of Long Island City area

The #Long Island City area# is shown on the following map for the purpose of specifying areas where special regulations and requirements set forth in this Chapter apply.

Long Island City Area



(5/8/13)

16-04

Areas A, B and C

Areas A, B and C are established within the #Long Island City area#, the boundaries of which are shown on the map in Section 16-03.

(5/8/13)

16-05

Applicability

(5/8/13)

16-051

Applicability of parking regulations within the Long Island City area

The provisions of this Chapter shall apply to #accessory# off-street parking facilities, #public parking lots# and #public parking garages#, as set forth in this Section.

- (a) For #accessory# off-street parking facilities, #public parking garages# and #public parking lots# constructed prior to October 25, 1995, the number of parking spaces required or permitted shall be set forth in Section 16-07 (Existing Buildings and Off-Street Parking Facilities).
- (b) For #accessory# off-street parking facilities, #public parking lots# and #public parking garages developed# or #enlarged# after October 25, 1995, the number of parking spaces permitted in a parking facility shall be as set forth in Section 16-10 (PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA). Special rules shall apply to all such #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, as set forth in Section 16-20.
- (c) Any increase in the number of off-street parking spaces in an #accessory# off-street parking facility, #public parking lot# or #public parking garage# resulting in a capacity not otherwise allowed under the applicable regulations of Section 16-10, shall be permitted only by the City Planning Commission, pursuant to the applicable special permit in

Section 16-35 (Special Permits), inclusive.

(5/8/13)

16-052

Applicability of parking regulations for large-scale residential developments within the Long Island City area

The provisions of this Chapter shall not apply to #large-scale residential developments# utilizing Sections 78-41 (Location of Accessory Parking Spaces) or 78-42 (Parking Regulations for Commercial and Community Facility Uses).

(5/8/13)

16-053

Applicability of Special Purpose Districts within the Long Island City area

In addition to the provisions of this Chapter, further requirements relating to the #Long Island City area# can be found in the following Special Purpose Districts:

- (a) the #Special Long Island City Mixed Use District#, as set forth in Section 117-54 (Off-Street Parking and Loading Regulations); and
- (b) the #Special Southern Hunters Point District#, as set forth in Section 125-50 (PARKING REGULATIONS), inclusive.

(5/8/13)

16-06

Previously Approved Special Permits or Authorizations

Any authorization or special permit relating to parking regulations in the #Long Island City area# granted by the City Planning Commission or Board of Standards and Appeals prior to October 25, 1995, may be started or continued, in accordance with the terms thereof, or as such terms may subsequently be modified, pursuant to the regulations in effect at the time such authorization or special permit was granted. Such authorizations or special permits shall be subject to the provisions of Sections

11-42 (Lapse of Authorization of Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit). However, the provisions of this Chapter shall apply to the renewal of any special permit or authorization for a #public parking lot#.

Any subsequent modifications to such authorizations or special permits that involve an increase in the number of off-street parking spaces provided shall only be permitted by the applicable special permit provisions of Section 16-35.

(5/8/13)

16-07

Existing Buildings and Off-Street Parking Facilities

The provisions of this Section shall apply to existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages#, established prior to October 25, 1995, in the #Long Island City area#, as applicable, and to existing #buildings developed# without the provision of parking.

(a) Existing parking facilities

Within the #Long Island City area#, existing required or permitted #accessory# off-street parking spaces, #public parking lots# and #public parking garages# established prior to October 25, 1995, shall be subject to the applicable zoning district regulations in effect prior to October 25, 1995, except that:

- (1) any reduction or elimination of existing #accessory# off-street parking spaces that were required under the applicable provisions in effect prior to October 25, 1995, shall not be permitted; and
- (2) #enlargements#, #extensions# or any increase in the number of off-street parking spaces within such off-street parking facilities that result in a capacity not otherwise allowed under the applicable regulations of Section 16-10 (PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA) shall only be permitted by special permit by the City Planning Commission pursuant to the applicable provisions of Section 16-35 (Special Permits).

(b) Existing #buildings developed# without parking

Within the #Long Island City area#, existing #buildings developed# without the provision of parking may add up to 15 #accessory# off-street parking spaces only where the City Planning Commission authorizes such additional spaces pursuant to the provisions of Section 16-341 (Limited increase in parking spaces for existing buildings without parking).

(5/8/13)

16-10

PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA

No parking shall be required for the #Long Island City area#. Off-street parking spaces located within #accessory# off-street parking facilities, #public parking lots# and #public parking garages# in the #Long Island City area# shall be allowed only as set forth in this Section, inclusive.

All such parking facilities shall be subject to the applicable regulations set forth in Section 16-20.

(5/8/13)

16-11

Permitted Parking for Residences

#Accessory# off-street parking spaces are permitted for #residences# in #developments# or #enlargements#, as follows:

- (a) within Area A, as shown on the map in Section 16-03, #accessory# off-street parking spaces may be provided for not more than 50 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#, or 200 spaces, whichever is less.
- (b) within Areas B and C, as shown on the map, #accessory# off-street parking spaces may be provided for not more than 100 percent of the total number of new #dwelling units# contained in the #development# or #enlargement#.

All such #accessory# off-street parking spaces shall be used exclusively by the occupants of the #residential development# or #enlargement#.

(5/8/13)

16-12

Permitted Parking for Non-Residential Uses

#Accessory# off-street parking spaces are permitted for non-#residential uses# in #developments# or #enlargements#, as follows:

(a) #Transient hotels#

For #transient hotel developments# or #enlargements#, a maximum of 150 #accessory# off-street parking spaces are permitted if there is only one entrance to the #accessory group parking facility# and a maximum of 225 #accessory# off-street parking spaces are permitted if there are two or more entrances. In no event may the number of parking spaces exceed 50 percent of the number of new #transient hotel# rooms. All such parking spaces shall be used primarily for the personnel, guests and occupants of the #transient hotel#.

(b) Hospitals

For hospital #developments# or #enlargements# in Area A, as shown on the map in Section 16-03, a maximum of 150 #accessory# off-street parking spaces, open or enclosed, are permitted if there is only one entrance to the #accessory# group parking facility and a maximum of 225 #accessory# off-street parking spaces, open or enclosed, are permitted if there are two or more entrances.

For hospital #developments# or #enlargements# within Areas B and C, as shown on the map, #accessory# off-street parking may be provided in accordance with the underlying district regulations.

All such parking spaces are to be used exclusively by the hospital staff, patients and visitors.

(c) Other #commercial#, #community facility# and #manufacturing uses#

For #developments# or #enlargements# in Area A containing #community facility uses# other than hospitals, #commercial uses# other than #transient hotels#, or #manufacturing uses#, the maximum number of #accessory# off-street parking spaces permitted shall not exceed one space per 4,000 square feet of such #community facility#, #commercial# or

#manufacturing floor area#, or 100 spaces, whichever is less. All such parking spaces shall be used exclusively by the tenants or employees of the #development# or #enlargement# and shall not be available to the public.

Within Areas B and C, the maximum number of #accessory# off-street parking spaces permitted for each #development#, #enlargement# or alteration shall not exceed one space per 4,000 square feet of #floor area#, or 100 spaces, whichever is less. In the event that the permitted number of #accessory# off-street spaces would be less than 15 spaces, an #accessory# parking facility of up to 15 spaces may be provided. All spaces shall be used exclusively by the tenants or employees of the #development# or #enlargement# and shall not be available to the public.

(5/8/13)

16-13

Permitted Parking for Zoning Lots with Multiple Uses

Where a #development# or #enlargement# contains a combination of #uses# for which parking regulations are set forth in Sections 16-11 (Permitted Parking for Residences) and 16-12 (Permitted Parking for Non-Residential Uses), the number of #accessory# off-street parking spaces for all such #uses# shall not exceed the number of spaces permitted for each #use# in accordance with the provisions of such Sections. However, in no event shall the maximum number exceed 225 #accessory# off-street parking spaces. The exclusive or primary #use# provisions of Sections 16-11 and 16-12 shall be applicable to the number of spaces provided for each #use#.

(5/8/13)

16-14

Permitted Public Parking Lots

#Public parking lots# shall not be permitted within the #Long Island City area#, except where authorized by the City Planning Commission in accordance with the provisions of Section 16-342.

(5/8/13)

16-15

Permitted Public Parking Garages

Within Areas A or B, as shown on the map in Section 16-03, #public parking garages# shall be permitted only in accordance with the special permit provisions of Section 16-352. However, notwithstanding any underlying district regulations, within Subarea C, as shown on the map, #public parking garages# with a maximum capacity of 150 spaces shall be permitted as-of-right within any zoning district.

(5/8/13)

16-16

Permitted Parking for Car Sharing Vehicles and Commercial Vehicles

#Car sharing vehicles# and commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted, as follows:

(a) #Accessory# off-street parking facilities

#Car sharing vehicles# may occupy parking spaces in an #accessory# off-street parking facility, provided that such #car sharing vehicles# shall not exceed 20 percent of all parking spaces in such facility, or five spaces, whichever is greater. #Accessory residential# off-street parking spaces shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after a written request therefor is made to the landlord.

(b) #Public parking garages# and #public parking lots#

(1) #Car sharing vehicles# shall be permitted within #public parking garages# and, where authorized pursuant to Section 16-342, #public parking lots#, provided such vehicles do not exceed, in total, 40 percent of the total number of parking spaces permitted.

(2) Commercial vehicle parking for motor vehicles not exceeding a length of 20 feet shall be permitted within #public parking garages# and, where authorized pursuant to Section 16-342, #public parking lots#, provided that the total amount of parking spaces occupied by commercial vehicles shall not exceed 10 percent of the total number of parking spaces permitted, or 10 spaces, whichever is less.

(5/8/13)

16-20

SPECIAL RULES FOR PARKING FACILITIES WITHIN THE LONG ISLAND CITY AREA

All #accessory# off-street parking facilities, #public parking lots# and #public parking garages developed# or #enlarged# after October 25, 1995, in the #Long Island City area# shall comply with the applicable provisions of this Section, inclusive.

(5/8/13)

16-21

Off-Site Parking

No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.

(5/8/13)

16-22

Enclosure, Surfacing and Screening Requirements

All #accessory# off-street parking spaces shall be located within a #completely enclosed building#, with the exception of:

- (a) parking spaces #accessory# to a hospital, as listed in Use Group 4; and
- (b) up to 15 off-street parking spaces #accessory# to #commercial uses# other than a #transient hotel#, as listed in Use Group 5, #community facility uses# other than hospitals, or #manufacturing uses#.

(5/8/13)

16-23

Curb Cut Restrictions

In the #Long Island City area#, for #accessory# off-street parking facilities and #public parking garages#, curb cuts accessing entrances and exits to such parking facilities shall not be permitted at the following locations:

- (a) within 50 feet of the intersection of any two #street lines#, except where the Commissioner of Buildings certifies that such location is not hazardous to traffic safety, is not likely to create traffic congestion and will not unduly inhibit surface traffic or pedestrian flow. The Commissioner of Buildings may refer such matter to the Department of Transportation, or its successor, for a report;
- (b) for #accessory# off-street parking facilities, on 21st Street, 44th Drive, Jackson Avenue, Queens Boulevard, Queens Plaza (North, South and East), Skillman Avenue or Thomson Avenue, except by authorization of the City Planning Commission, pursuant to Section 16-343;
- (c) for #public parking garages#, on 21st Street, 44th Drive, Jackson Avenue, Queens Boulevard, Queens Plaza (North, South and East) or Vernon Boulevard, except by authorization, pursuant to Section 16-343.

(5/8/13)

16-24

Minimum and Maximum Size of Parking Facilities

The gross unobstructed surface area, in square feet, of a permitted #accessory group parking facility# including stalls, aisles, driveways and maneuvering areas shall not exceed 200 times the number of #accessory# off-street parking spaces provided. This size limitation shall not be applicable to off-street parking spaces permitted under the provisions of paragraph (c) of Section 16-12 (Permitted Parking for Non-Residential Uses) where such spaces are exclusively #accessory#, no-charge, self-parking spaces in enclosed facilities with a capacity limited to 100 automobiles. In such facilities, the gross unobstructed surface area, in square feet, shall not exceed 300 times the number of #accessory# off-street parking spaces provided.

(5/8/13)

16-30

AUTHORIZATIONS AND SPECIAL PERMITS

(5/8/13)

16-31

General Provisions

The City Planning Commission may grant authorizations and special permits, pursuant to Sections 16-34, inclusive, and 16-35, inclusive.

All such special permits and authorizations, in addition to meeting the requirements, conditions and safeguards prescribed by the Commission, shall conform to and comply with all of the applicable zoning district regulations of the Zoning Resolution, except as otherwise specified herein.

(5/8/13)

16-32

Requirements for Applications

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

(5/8/13)

16-33

Relationship to Public Improvement Projects

In all cases, the City Planning Commission shall deny a special permit application or authorization whenever the #use# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the City Council or the Commission, as determined from the calendar of each agency issued prior to the date of the public meeting on the application for a special permit or authorization.

(5/8/13)

16-34

Authorizations

(5/8/13)

16-341

Limited increase in parking spaces for existing buildings without parking

The City Planning Commission may, by authorization, subject to the otherwise applicable zoning district regulations, allow on-site enclosed #accessory# off-street parking facilities with a maximum capacity of 15 spaces in existing #buildings#, provided that the Commission finds that:

- (a) the #building# does not have #accessory# off-street parking spaces;
- (b) such parking spaces are needed for and will be used exclusively by the occupants of the #use# to which they are #accessory#, except that #car sharing vehicles# may occupy #accessory# off-street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater. For the purposes of this paragraph, (b), such need shall exist where there are special circumstances and there are no reasonably viable alternatives to on-site enclosed parking spaces;
- (c) the parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic;
- (d) the parking spaces will not adversely affect pedestrian movement;
- (e) the parking spaces will not be incompatible with, or adversely affect, adjacent #uses# including #uses# within the #building#; and
- (f) the curb cut accessing such parking spaces will not be inconsistent with the character of the existing streetscape.

(5/8/13)

16-342

Public parking lots

The City Planning Commission may authorize #public parking lots# with a capacity of not more than 150 spaces in the #Long Island City area#, provided that the otherwise applicable regulations set forth in Sections 36-55 or 44-44 (Surfacing), and Sections 36-56 or 44-45 (Screening) are met.

As a condition for authorizing any such #public parking lots#, the Commission shall make the following findings:

- (a) such #use# will not be incompatible with, or adversely affect, the growth and development of #uses# comprising vital and essential functions in the general area within which such #use# is to be located;
- (b) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;
- (c) such #use# is so located as to draw a minimum of vehicular traffic to and through local #residential streets#; and
- (d) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, or requirements for shielding of floodlights and for locations of entrances and exits.

(5/8/13)

16-343

Curb cuts

The City Planning Commission may authorize curb cuts located on a #street# designated in Section 16-23 (Curb Cut Restrictions), provided the Commission finds that a curb cut at such location:

- (a) is not hazardous to traffic safety;
- (b) will not create or contribute to serious traffic congestion

or unduly inhibit vehicular movement;

- (c) will not adversely affect pedestrian movement;
- (d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# and public transit facilities; and
- (e) will not be inconsistent with the character of the existing streetscape.

(5/8/13)

16-35

Special Permits

(5/8/13)

16-351

Accessory off-street parking spaces

The City Planning Commission may, by special permit, subject to the otherwise applicable zoning district regulations, allow on-site or off-site, open or enclosed, #accessory# off-street parking facilities with any capacity not otherwise allowed under Section 16-10 (PERMITTED OFF-STREET PARKING IN THE LONG ISLAND CITY AREA), provided the Commission finds that:

- (a) such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the #use# to which they are #accessory#, except that #car sharing vehicles# may occupy #accessory# off-street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater;
- (b) within the vicinity of the site, there are insufficient parking spaces available;
- (c) the facility will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement;
- (d) the facility is so located as to draw a minimum of vehicular traffic to and through local #residential streets#; and

- (e) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this finding.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including traffic improvements, if necessary, and limitations on #signs# or requirements for shielding or floodlights or for locations of entrances and exits.

(5/8/13)

16-352

Public parking garages and public parking lots

The City Planning Commission may, by special permit, allow #public parking garages# and #public parking lots# not otherwise permitted, pursuant to the applicable provisions of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article II: Residence District Regulations Chapter 1 - Statement of Legislative Intent

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(12/15/61)

Article II

Residence District Regulations

Chapter 1

Statement of Legislative Intent

(2/26/67)

21-00

GENERAL PURPOSES OF RESIDENCE DISTRICTS

The Residence Districts established in this Resolution are designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) To provide sufficient space in appropriate locations for residential development to meet the housing needs of the City's present and expected future population, with due allowance for the need for a choice of sites.
- (b) To protect residential areas against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
- (c) To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds.
- (d) To protect residential areas against congestion, as far as possible, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces; to require the provision of open space in residential areas wherever practicable; and to encourage the provision of additional open space by permitting moderately higher bulk and density with better standards of open space, in order to open up residential areas to light and air, to provide open areas for rest and recreation, and to break the monotony of continuous building bulk, and thereby to provide a more desirable environment for urban living in a congested metropolitan area.
- (e) To protect the character of certain designated areas of historic and architectural interest, where the scale of

building development is important, by limitations on the height of buildings.

- (f) To provide for access of light and air to windows and for privacy, as far as possible, by controls over the spacing and height of buildings and other structures.
- (g) To provide appropriate space for those educational, religious, recreational, health, and similar facilities which serve the needs of the nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences.
- (h) To provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms.
- (i) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

(12/15/61)

21-10

PURPOSES OF SPECIFIC RESIDENCE DISTRICTS

(12/15/61)

21-11

R1 and R2 - Single-Family Detached Residence Districts

These districts are designed to provide a suitable open character for single-family detached dwellings at low densities. These districts also include community facilities and open uses that serve the residents of these districts or benefit from an open residential environment.

(8/14/08)

21-12

R2X - Single-Family Detached Residence District

This district is designed to provide for large single-family detached dwellings on narrow zoning lots. This district also includes community facilities and open uses that serve the residents of the district or benefit from a residential environment.

This district may be mapped only within the Special Ocean Parkway District and Community District 14 in the Borough of Queens.

(12/5/90)

21-13

R3A, R3X and R4A - Detached Residence Districts

These districts are designed to provide for single- or two-family detached dwellings on zoning lots of specified lot widths. R3A Districts also permit zero lot line buildings. These districts also include community facilities and open uses that serve the residents of these districts or benefit from a residential environment.

(12/5/90)

21-14

R3-1 and R4-1 - Detached and Semi-Detached Residential Districts

These districts are designed to provide for single- or two-family detached or semi-detached dwellings. R4-1 Districts also permit zero lot line buildings. These districts also include community facilities and open uses that serve the residents of these districts or benefit from a residential environment.

(7/26/01)

21-15

R3-2, R4, R4B, R5, R6, R7, R8, R9 and R10 - General Residence Districts

These districts are designed to provide for all types of residential buildings, in order to permit a broad range of housing types, with appropriate standards for each district on

density, open space, and spacing of buildings. However, R4B Districts are limited to single- or two-family dwellings, and zero lot line buildings are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B) Districts. The various districts are mapped in relation to a desirable future residential density pattern, with emphasis on accessibility to transportation facilities and to various community facilities, and upon the character of existing development. These districts also include community facilities and open uses which serve the residents of these districts or benefit from a residential environment.

R7-3 and R9-1 Districts may be mapped only within the waterfront area and in the Special Mixed Use Districts and, in addition, R7-3 Districts may be mapped in the Special Long Island City Mixed Use District.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article II: Residence District Regulations Chapter 2 - Use Regulations

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(12/15/61)

Chapter 2 Use Regulations

(3/26/14)

22-00 GENERAL PROVISIONS

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4 and 6, including each #use# listed separately therein, are permitted in #Residence Districts# as indicated in Sections 22-11 to 22-15, inclusive.

The following chart sets forth the Use Groups permitted in the #Residence Districts#.

USE GROUPS PERMITTED IN RESIDENCE DISTRICTS

		Use Groups			
		Residential		Community Facilities	
		1	2	3	4
Districts					
#Single-family detached residences#	R1				
	R2	x		x	x
#Single-# and #two-family detached# and #zero lot line residences#	R3A	x	x	x	x
	R3X				
#Single-# and #two-family detached residences#	R4A	x	x	x	x
	R5A				
#Single-# and #two-family detached# and #semi-detached residences#	R3-1	x	x	x	x

#Single-# and #two-family detached#,#semi-detached# and #zero lot line residences#	R4-1	x	x	x	x
#Single-# and #two-family residences# of all types	R4B	x	x	x	x
General #residences#*	R3-2 R4-R10	x	x	x	x

* #Zero lot line buildings# are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B and R5D) Districts

Whenever a #use# is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive #use# listing, either in the same or another Use Group, the more specific listing shall control.

The #uses# listed in the various Use Groups set forth in Sections 22-11 to 22-15, inclusive, are also listed in alphabetical order in the Index at the end of this Resolution for the convenience of those using this Resolution. Whenever there is any difference in meaning or implication between the text of these Use Groups and the text of the Index, the text of these Use Groups shall prevail.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

In R10H Districts, an eating or drinking establishment, permitted pursuant to Section 72-21 (Findings Required for Variances), that operates a #sidewalk cafe# pursuant to the provisions of Article I, Chapter 4, may be #enlarged# into any open area that may exist between the #street wall# and the #street line#.

For the purposes of this Chapter, any #residence# and any #accessory building abutting# such #residence# on the same #zoning lot#, shall be considered a single #building#.

(12/15/61)

22-10

USES PERMITTED AS-OF-RIGHT

(2/2/11)

22-11

Use Group 1

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 1 consists of #single-family detached residences#.

A. #Residential uses#

#Single-family detached residence#

B. #Accessory uses#

(2/2/11)

22-12

Use Group 2

R3 R4 R5 R6 R7 R8 R9 R10

Use Group 2 consists of all other types of #residences#.

A. #Residential uses#

#Residences# of all kinds, including #apartment hotels# and #non-profit residences for the elderly#, except that:

- (1) in R3A, R3X, R4A and R5A Districts, #residential uses# shall be limited to #single-# or #two-family detached residences# except that in R3A Districts single- or two-family #zero lot line buildings# are also permitted;
- (2) in R3-1 and R4-1 Districts, #residential uses# shall be limited to #single-# or #two-family residences detached# or #semi-detached# except that in R4-1 Districts single- or two-family #zero lot line buildings# are also permitted;
- (3) in R4B Districts, #residential uses# shall be limited to #single-# or #two-family residences# in #detached#, #semi-detached#, #attached#, or #zero lot line buildings#.

B. #Accessory uses#

(2/2/11)

22-13

Use Group 3

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 3 consists of community facilities that:

- (1) may appropriately be located in #residential# areas to serve educational needs or to provide other essential services for the residents; or
- (2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent industrial or general service #uses#; and
- (3) do not create significant objectionable influences in #residential# areas.

A. #Community facilities#

Colleges or universities¹, including professional schools but excluding business colleges or trade schools

College or school student dormitories and fraternity or sorority student houses¹

Domiciliary care facilities for adults^{2,3} under the jurisdiction of the New York State Board of Social Welfare which have secured certification by such agency

Libraries, museums or non-commercial art galleries

Monasteries, convents or novitiates, without restrictions as to use for living purposes or location in relation to other #uses#

#Non-profit hospital staff dwellings# located on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# that is immediately contiguous thereto or would be contiguous but for its separation by a #street# or a #street# intersection

Nursing homes and health-related facilities³ as defined in Section 10 NYCRR 700.2(a) of the New York State Hospital Code, each of which have secured certification by the

appropriate governmental agency. Nursing homes and health-related facilities are not permitted within the boundaries of any Community District in which one or more of the conditions set forth in Section 22-42 (Certification of Certain Community Facility Uses) applies except by special permit as set forth in Section 74-90

Philanthropic or non-profit institutions with sleeping accommodations⁴

Sanitariums³

#Schools#

B. #Accessory uses#

¹ Not permitted in R1 or R2 Districts as-of-right

² Permitted only by special permit by the City Planning Commission pursuant to Section 74-903

³ Nursing homes, health related facilities, domiciliary care facilities for adults and sanitariums that are proprietary facilities are not permitted in R1 or R2 Districts

⁴ The number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for such purposes shall not exceed 25 percent of the total #floor area#, or, in R8, R9 or R10 Districts, 25,000 square feet, whichever is greater

(2/2/11)

22-14

Use Group 4

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

- (1) may appropriately be located in #residential# areas to provide recreational, religious, health, and other essential services for the residents; or
- (2) can perform their activities more effectively in a

#residential# environment, unaffected by objectionable influences from adjacent medium and heavy industrial #uses#; and

- (3) do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also included.

A. #Community facilities#

Ambulatory diagnostic or treatment health care facilities¹, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, #physical culture or health establishments#, or ophthalmic dispensing. In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor

Clubs², except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs;
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; or
- (d) any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10

Community centers or settlement houses

Houses of worship, rectories or parish houses

Monasteries, convents or novitiates used only for living purposes, provided that such #use# is to be part of a group of #buildings# accommodating house of worship activities, #schools# or other house of worship facilities that existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# that is contiguous thereto or directly across the #street# on which such #buildings# face

Non-commercial recreation centers

#Non-profit hospital staff dwellings# restricted to location on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# immediately contiguous thereto

Non-profit or voluntary hospitals and related facilities, except animal hospitals

Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4, provided that the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for central office purposes shall not exceed 25 percent of the total #floor area# or 25,000 square feet, whichever is greater, except that in R1, R2, R3, R4, R5, R6 or R7 Districts, the amount of #floor area# used for central office purposes shall in no event exceed 25 percent of the total #floor area#

Proprietary hospitals and related facilities², except animal hospitals

Seminaries

Welfare centers²

B. Open #uses#

Agricultural #uses#, including greenhouses, nurseries, or truck gardens, provided that no offensive odors or dust are created, and that there is no sale of products not produced on the same #zoning lot#

Cemeteries²

Golf courses

Outdoor tennis courts or ice skating rinks², provided that all lighting shall be directed away from nearby #residences#

#Public parks# or playgrounds or private parks

Railroad or transit rights-of-way³

C. #Accessory uses#

¹ Not permitted in R1 or R2 Districts. In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, such #use# shall be limited to a maximum of 1,500 square feet of #floor area#. However, in R3A, R3X, R3-1, R4A or R4-1 Districts in #lower density growth management areas#, ambulatory diagnostic or treatment health care facilities shall be limited, on any #zoning lot#, to 1,500 square feet of #floor area#, including #cellar# space, except that where a #zoning lot# contains a hospital or nursing home, as defined in the New York State Hospital Code, such 1,500 square feet restriction shall not include #cellar# space

² Not permitted in R1 or R2 Districts as-of-right

³ Use of #railroad or transit air space# is subject to the provisions of Section 22-41 (Air Space over Railroad or Transit Rights-of-Way or Yard)

(3/26/14)

22-15

Use Group 6C

R6 R7 R8 R9 R10

In the districts indicated, when located within Community District 1 in the Borough of Brooklyn, Use Group 6C, as set forth in Section 32-15 (Use Group 6), shall be limited to docks for ferries, other than #gambling vessels#, with a vessel capacity of up to 399 passengers, and docks for water taxis, with a vessel capacity of up to 99 passengers, provided that such docks are certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). Vessel capacity is the U.S. Coast Guard certified capacity of the largest vessel using a

dock.

(12/15/61)

22-20

USES PERMITTED BY SPECIAL PERMIT

(9/9/04)

22-21

By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

R3A, R3X, R3-1, R4A, R4B, R4-1

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited to a maximum of 10,000 square feet of #floor area#.

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Camps, overnight or outdoor day [PRC-H]

R1 R2

Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#;
- (d) any activities or #uses# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10

R1 R2

Colleges or universities, including professional schools, but excluding business colleges or trade schools

R1 R2

College or school student dormitories or fraternity or sorority

student houses

R1 R2

Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residential zoning lots#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Public utility or public service facilities

Electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet

Electric utility substations, limited to a site of not less than 10,000 square feet nor more than 40,000 square feet

Public transit or railroad electric substations, limited in each case to a site of not less than 10,000 square feet nor more than 40,000 square feet

Public utility stations for oil or gas metering or regulating

Telephone exchanges or other communications equipment structures

Terminal facilities at river crossings for access to electric, gas, or steam lines

Water or sewage pumping stations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Radio or television towers, non-#accessory#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Riding academies or stables [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Sand, gravel, or clay pits

R1 R2

Welfare centers

(3/26/14)

22-22

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by

special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4, or as otherwise indicated in this Section.

R3 R4 R5 R6 R7 R8 R9 R10

Docks for ferries or water taxis as listed in Use Group 6 pursuant to Section 62-832 (Docks for ferries or water taxis in Residence Districts), except in R6 through R10 Districts in Community District 1 in the Borough of Brooklyn

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Domiciliary care facilities for adults

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Fire stations [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Non-commercial clubs with outdoor swimming pools less than 500 feet from any #lot line#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Non-commercial outdoor swimming pool clubs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

#Non-profit hospital staff dwellings# located not more than 1,500 feet from the non-profit or voluntary hospital

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Nursing home and health-related facilities in Community Districts in which the conditions set forth in Section 22-42 (Certification of Certain Community Facility Uses) apply. However, proprietary nursing homes, proprietary health-related facilities and proprietary domiciliary care facilities for adults are not permitted in R1 and R2 Districts and the special permit provisions shall not apply to such facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Police stations [PRC-C]

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Public transit, railroad, or electric utility substations, limited in each case to a site of not less than 40,000 square feet and not more than 10 acres

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Railroad passenger stations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Seaplane bases

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
Sewage disposal plants

R10-H
#Transient hotels#

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
#Uses# listed in a permitted Use Group for which #railroad or
transit air space# is #developed#

(4/8/98)

22-30

SIGN REGULATIONS

(5/22/63)

22-31

Definitions

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

(4/8/98)

22-32

Permitted Non-Illuminated Accessory Signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, non-#illuminated accessory signs#
are permitted as set forth in this Section, subject to the
provisions of Section 22-34 (Additional Regulations).

(2/2/11)

22-321

Nameplates or identification signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) For all #buildings# containing #residences#, one nameplate,

with an area not exceeding one square foot and indicating only the name or address of the occupant or a permitted occupation, is permitted for each #dwelling unit# or #rooming unit#.

- (b) For multiple dwellings, including #apartment hotels#, or for permitted #non-residential buildings or other structures# exclusive of hospitals and related facilities, one identification #sign#, with an area not exceeding 12 square feet and indicating only the name of the permitted #use#, the name or address of the #building#, or the name of the management thereof, is permitted. For #community facility uses#, except hospitals and related facilities, a bulletin board, with an area not exceeding 16 square feet, is also permitted. For any #sign# on awnings or canopies, the height of letters on any side of such awnings or canopies shall not exceed 12 inches.
- (c) For hospitals and related facilities, any number of identification or directional #signs# are permitted, provided the total #surface area# in square feet of all such #signs# shall not exceed 25 square feet on any one #street# frontage or 15 percent of such #street# frontage in feet, whichever is less. However, for #zoning lots# with more than one #building# that front upon the same #street#, each such #building# shall be permitted a #surface area# of 25 square feet. In addition to the aforementioned #signs#, either one directory or bulletin board, or combination thereof, is permitted, not to exceed 50 square feet.

(12/15/61)

22-322

"For sale" or "for rent" signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

"For sale" or "for rent" #signs#, with an area not exceeding 12 square feet, are permitted. If located on vacant land, such a #sign# shall not be within 15 feet of the #street line#, nor within six feet of any other #lot line#.

(9/29/10)

22-323

Signs for parking areas

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

One #sign#, with an area not exceeding two square feet, designating each entrance to or exit from an off-street parking area, open or enclosed, is permitted. No such #sign# shall be higher than seven feet above #curb level#.

In addition, an off-street parking facility that contains #car sharing vehicles# may provide #signs# that in the aggregate total no more than two square feet in area identifying organizations that have #car sharing vehicles# available at such parking area. No such #sign# shall be located higher than seven feet above #curb level#.

(4/8/98)

22-33

Signs on Lots Containing Certain Community Facilities

(2/2/11)

22-331

Permitted illuminated accessory signs for hospitals and related facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for hospitals and related facilities, #illuminated# non-#flashing accessory signs# are permitted in all districts, subject to Section 22-34 (Additional Regulations). Any number of #illuminated# non-#flashing# identification or directional #signs# are permitted, provided that the total #surface area# in square feet of said #illuminated signs# or the combined total #surface area# in square feet of the #illuminated# and non-#illuminated# identification or directional #signs# does not exceed 25 square feet on any one #street# frontage or 15 percent of such #street# frontage in feet, whichever is less, and provided further that the Commissioner of Buildings determines that such #signs# are so located as to cause a minimum amount of light to be projected onto abutting or adjacent #residences#. However, for #zoning lots# with more than one #building# that front upon the same #street#, each such #building# shall be permitted a #surface area# of 25 square feet.

In addition to #illuminated# or non-#illuminated accessory

signs#, one illuminated non-flashing directory or bulletin board or combination thereof is permitted in lieu of a non-illuminated directory or bulletin board or combination thereof provided that the total #sign# area does not exceed 50 square feet and provided further that the Commissioner of Buildings determines that such #sign# is so located as to minimize the amount of light projected on the abutting or adjacent #residences#.

(4/8/98)

22-332

Flags, banners or pennants on lots containing certain community facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, flags, banners or pennants other than those that are #advertising signs#, located on any #zoning lot# used primarily for #community facility uses# of a civic, philanthropic, educational or religious nature, are permitted without limitation.

(4/8/98)

22-34

Additional Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, any #sign# permitted under the provisions of Sections 22-32 (Permitted Non-illuminated Accessory Signs) and 22-331 (Permitted Illuminated Accessory Signs for Hospitals and Related Facilities) shall conform to the regulations set forth in this Section.

(12/15/61)

22-341

Projecting signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

No #sign# shall project across a #street line# more than 12 inches.

(12/15/61)

22-342

Height of signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

No #sign# shall extend above the ground floor ceiling, or more than 20 feet above #curb level#, whichever is less.

(8/26/65)

22-343

Number of signs

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Except as otherwise provided in Section 22-32 (Permitted Non-Illuminated Accessory Signs) or Section 22-33 (Permitted Illuminated Accessory Signs for Hospitals and Related Facilities), not more than one #sign# is permitted for each #use#, #building# or #dwelling unit#, and not more than two #signs# for each professional office. On a #corner lot# or #through lot#, one #sign# (or for professional offices, two #signs#) is permitted on each #street#.

(4/8/98)

22-35

Advertising Signs on Waterways

No moving or stationary "advertising sign" shall be displayed on a vessel plying waterways adjacent to #Residence Districts# and within view from an arterial highway. For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings" and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply. For the purposes of this Section "advertising sign" is a sign that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

(9/27/62)

22-40

SUPPLEMENTARY USE REGULATIONS

(2/22/90)

22-41

Air Space over a Railroad or Transit Right-of-way or Yard

(9/27/62)

22-411

Definitions

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

(2/2/11)

22-412

Use of railroad or transit air space

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) In all districts, as indicated, #railroad or transit air space# may be #developed# or used only for a permitted #use accessory# to the railroad or transit right-of-way or yard, a #use# permitted by the City Planning Commission as set forth in Section 74-681 (Development within or over a railroad or transit right-of-way or yard), or a railroad passenger station permitted by the City Planning Commission as set forth in Section 74-62 (Railroad Passenger Stations) unless the right-of-way or yard or portion thereof is no longer required for railroad or transit #use# as set forth in paragraph (b) of this Section.

If any #building or other structure# constructed in such #railroad or transit air space# in accordance with the provisions of Section 74-681 (Development within or over a

railroad or transit right-of-way or yard) is #enlarged# or replaced by a new #building or other structure#, the provisions of this Section shall apply to such #enlargement# or replacement.

However, any #use# legally established in such #railroad or transit air space# in accordance with the provisions of Section 74-681 (Development within or over a railroad or transit right-of-way or yard) may be changed to another #use# listed in a permitted Use Group, and no additional special permit from the City Planning Commission shall be required for such change of #use#.

Any #building or other structure# within or over a railroad or transit right-of-way or yard, which #building or other structure# was completed prior to September 27, 1962, or constructed in accordance with the applicable provisions of Sections 11-31 to 11-34, inclusive, prior to December 5, 1991, may be #enlarged# or replaced in accordance with the applicable district regulations without any requirement for a special permit from the City Planning Commission. Ownership of rights permitting the #enlargement# or replacement of such a #building or other structure# shall be deemed to be equivalent to ownership of a #zoning lot# or portion thereof, provided that such #enlargement# or replacement will be on one #block# and the rights are in single ownership and recorded prior to February 22, 1990. Such ownership of rights shall be deemed to include alternative arrangements specified in the #zoning lot# definition in Section 12-10 (DEFINITIONS).

#Enlargement# or replacement utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a #zoning lot#.

- (b) When the #use# of a railroad or transit right-of-way or yard or portion thereof has been permanently discontinued or terminated and a #large-scale residential development#, #large-scale community facility development# or #large-scale general development# requiring one or more special permits is proposed, no use or #development# of the property shall be allowed until the City Planning Commission has authorized the size and configuration of all #zoning lots# on such property. As a condition for such authorization, the Commission shall find that:

- (1) the proposed #zoning lots#, indicated by a map describing the boundaries of and the total area of each lot, are not excessively large, elongated or irregular in shape and that no #development# on any #zoning lot#

would result in the potential for an excessive concentration of #bulk# that would be incompatible with allowable #development# on adjoining property; and

- (2) each resulting #zoning lot# has direct access to one or more #streets#.

No subsequent alteration in size or configuration of any #zoning lot# approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such #zoning lot# designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate cover the entire tract of land comprising the #zoning lot# and which is executed and recorded as specified in the definition of #zoning lot# in Section 12-10 (DEFINITIONS).

Prior to granting any #zoning lot# authorization relating to the above mentioned right-of-way or yard, the City Planning Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use such property or portion thereof for a railroad or transit #use#.

(2/2/11)

22-42

Certification of Certain Community Facility Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all #Residence Districts#, for any nursing homes and health-related facilities or #enlargement#, #extension# or change in #use# thereof, the City Planning Commission shall certify to the Department of Buildings, prior to the filing of any plans by the applicant for a building permit for such #use#, that none of the following conditions applies to the Community District within which such #use# or #enlargement#, #extension# or change in such #use# is to be located:

- (a) the ratio between the number of beds for such #uses# in existence, under construction or approved toward construction by the appropriate Federal or State

governmental agency, to the population of the Community District compared to such ratio for other Community Districts shows a relative concentration of facilities covered in this Section in the affected district; or

- (b) a scarcity of land for general community purposes exists; or
- (c) the incidence of construction of facilities for the last three years warrants review over these facilities because they threaten to disrupt the land use balance in the community.

If the Commission finds that one or more of the conditions set forth in this Section applies to the Community District within which such #use# or #enlargement#, #extension# or change in such #use# is to be located, a special permit pursuant to Section 74-90 shall be required.

(2/2/11)

22-43

Detached and Semi-Detached Two-Family Residences

R3-1 R3A R3X R4-1 R4A

In R3A, R3X or R4A Districts, a #detached two-family residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below the other, and in R3-1 or R4-1 Districts, each #semi-detached two-family residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below the other.

The City Planning Commission may, upon application, authorize the waiver of these requirements, provided that:

- (a) the #development# is compatible with the scale and character of the surrounding area; and
- (b) in R3A, R3X or R4A Districts, the design does not give the appearance of a #semi-detached building#; or
- (c) in R3-1 or R4-1 Districts, the design does not give the appearance of an #attached building#; and each #dwelling unit# has a perimeter wall with windows facing a #side yard#.

Applications for authorizations shall be referred to the affected

Community Board for a period of at least 30 days for comment.
The City Planning Commission shall grant in whole or in part or
deny the application within 60 days of the completion of the
Community Board review period.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article II: Residence District Regulations

Chapter 3 - Residential Bulk Regulations in Residence Districts

Effective date of most recently amended section of Article II Chapter 3: 11/25/14

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DEPARTMENT OF CITY PLANNING

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(2/2/11)

Chapter 3

Residential Bulk Regulations in Residence Districts

(12/15/61)

23-00

APPLICABILITY AND GENERAL PURPOSES

(10/9/13)

23-01

Applicability of This Chapter

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any #building or other structure#, other than a #community facility building# or the #community facility# portion of a #building# used for both #residential# and #community facility uses#. The #bulk# regulations of Article II, Chapter 4, shall apply to a #zoning lot# containing a #community facility building# or to the #community facility# portion of a #building# used for both #residential# and #community facility uses#. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale residential developments# or #residential uses# in #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII.

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# of non-#residential floor area# to #residences# in #buildings# erected prior to December 15, 1961 or January 1, 1977, as applicable, shall be subject to the provisions of Article 1, Chapter 5 (Residential Conversions

within Existing Buildings), unless such #conversions# meet the requirements for #residential developments# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

(2/2/11)

23-011

Quality Housing Program

R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building or other structure# shall comply with the applicable district #bulk# regulations set forth in this Chapter and any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). However, the provisions of Article II, Chapter 8, shall not apply to #buildings converted# pursuant to Article I, Chapter 5.

In R5D Districts, only certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

R6 R7 R8 R9 R10

- (b) In the districts indicated without a letter suffix, the #bulk# regulations applicable to #Quality Housing buildings# may, as an alternative, be applied to #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to all of the requirements of the Quality Housing Program. Such #buildings# may be subsequently #enlarged# only pursuant to the Quality Housing Program. In these districts, the Quality Housing #bulk# regulations may apply to #developments# or #enlargements# on #zoning lots# with existing #buildings# to remain, if:
- (1) the existing #buildings# contain no #residences# and the entire #zoning lot# will comply with the #floor area ratio# and density standards applicable to #Quality Housing buildings#; or
 - (2) the existing #buildings# contain #residences#, and such

#buildings# comply with the maximum base heights and maximum #building# heights listed in the tables in Sections 23-633 or 35-24 for the applicable district, and the entire #zoning lot# will comply with the #floor area ratio#, #lot coverage# and density standards applicable to #Quality Housing buildings#.

R6 R7 R8 R9 R10

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

(1) Article VII, Chapter 8 (Large Scale Residential Developments);

(2) Special Purpose Districts, except the following:

#Special 125th Street District#;

#Special Downtown Brooklyn District#;

#Special Downtown Jamaica District#;

#Special Grand Concourse Preservation District#;

#Special Limited Commercial District#;

#Special Long Island City Mixed Use District#;

#Special Lower Manhattan District#, as modified in Section 91-05;

#Special Ocean Parkway District#;

#Special Transit Land Use District#; or

#Special Tribeca Mixed Use District#;

(3) #zoning lots# in R6 or R7 Districts within the study areas set forth in this paragraph, (c)(3), and occupied, as of August 14, 1987, by a #single-#, #two-# or three-#family detached# or #semi-detached residence# where 70 percent or more of the aggregate length of the #block# fronts in #residential use# on both sides of the #street# facing each other are occupied by such #residences#. For any #building# on such #zoning lot#, the #floor area ratio# and density requirements of the underlying district shall apply. On a #narrow street# that intersects with a #wide

street#, the 70 percent #residential use# requirement on a #narrow street# shall be measured from a distance of 100 feet from its intersection with a #wide street#.

The study areas are:

In the Borough of The Bronx:

Soundview Area

The area bounded by Story Avenue, the Bronx River, Westchester Avenue, Bronx River Avenue and Rosedale Avenue.

Castle Hill Area

The area bounded by Castle Hill Avenue, Westchester Avenue and East Tremont Avenue.

In the Borough of Brooklyn:

Midwood Area

The area bounded by Avenue M, Coney Island Avenue, Avenue O, and a line midway between East 10th Street and Coney Island Avenue.

Brighton Beach Area

The area bounded by Shore Parkway, NYCTA Brighton Right-of-Way, Brighton Beach Avenue and Ocean Parkway.

In the Borough of Queens:

Elmhurst/Corona Area

The area bounded by Roosevelt Avenue, 114th Street, 34th Avenue and 112th Street.

Forest Hills Area

The area bounded by Queens Boulevard, Union Turnpike, Austin Street and 76th Road.

Flushing Area

The area bounded by 35th Avenue, 149th Street, Northern Boulevard, 147th Street, Ash Avenue, Parsons Boulevard, Franklin Avenue, Bowne Avenue, Cherry Avenue, Kissena Boulevard, Elder Avenue, Main Street, Dahlia Avenue, Saull Street, Maple Avenue, Frame Place, 41st Avenue, College Point

Boulevard, Roosevelt Avenue and Prince Street.

(1/18/11)

23-012

Lower density growth management areas

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45	(Authorizations or Permits in Lower Density Growth Management Areas)
Section 12-10	(DEFINITIONS - Floor area; Lower density growth management area; Private road)
Section 22-14	(Use Group 4 - Ambulatory diagnostic or treatment health care facilities)
Section 23-12	(Permitted Obstructions in Open Space)
Section 23-141	(Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts)
Section 23-32	(Minimum Lot Area or Lot Width for Residences)
Section 23-33	(Special Provisions for Existing Small Lots)
Section 23-35	(Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas)
Section 23-44	(Permitted Obstructions in Required Yards or Rear Yard Equivalents)
Section 23-462	(Side yards for all other residential buildings)
Section 23-532	(Required rear yard equivalents)
Section 23-631	(Height and setback in R1, R2, R3, R4 and R5 Districts)
Section 23-711	(Standard minimum distance between

buildings)

Section 23-881	(Minimum distance between lot lines and building walls in lower density growth management areas)
Section 24-011	(Exceptions to the bulk regulations of this Chapter)
Section 24-04	(Modification of Bulk Regulations in Certain Districts)
Section 25-028	(Applicability of regulations to certain community facility uses in lower density growth management areas)
Section 25-22	(Requirements Where Individual Parking Facilities Are Provided)
Section 25-23	(Requirements Where Group Parking Facilities Are Provided)
Section 25-31	(General Provisions)
Section 25-331	(Exceptions to application of waiver provisions)
Section 25-62	(Size and Location of Spaces)
Section 25-621	(Location of parking spaces in certain districts)
Section 25-622	(Location of parking spaces in lower density growth management areas)
Section 25-624	(Special parking regulations for certain community facility uses in lower density growth management areas)
Section 25-631	(Location and width of curb cuts in certain districts)
Section 25-632	(Driveway and curb cut regulations in lower density growth management areas)
Section 25-64	(Restrictions on Use of Open Space for Parking)
Section 25-66	(Screening)

Section 26-00	(APPLICABILITY OF THIS CHAPTER)
Section 26-30	(SPECIAL REGULATIONS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS), inclusive
Section 32-11	(Use Groups 1 and 2)
Section 32-433	(Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)
Section 37-10	(APPLICABILITY OF ARTICLE II, CHAPTER 6, TO DEVELOPMENTS WITH PRIVATE ROADS)
Section 37-20	(SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND, inclusive
Section 54-313	(Single- or two-family residences with non-complying front yards or side yards)
Section 105-702	(Applicability of lower density growth management area regulations)
Section 107-412	(Special bulk regulations for certain community facility uses)
Section 107-421	(Minimum lot area and lot width for zoning lots containing certain community facility uses)
Section 107-464	(Side yards for permitted non-residential use)
Section 107-62	(Yard, Court and Parking Regulations)
Section 119-05	(Applicability of Parking Location Regulations)
Section 119-214	(Tier II requirements for driveways and private roads)
Section 128-052	(Applicability of Article I, Chapter 2)

(3/1/06)

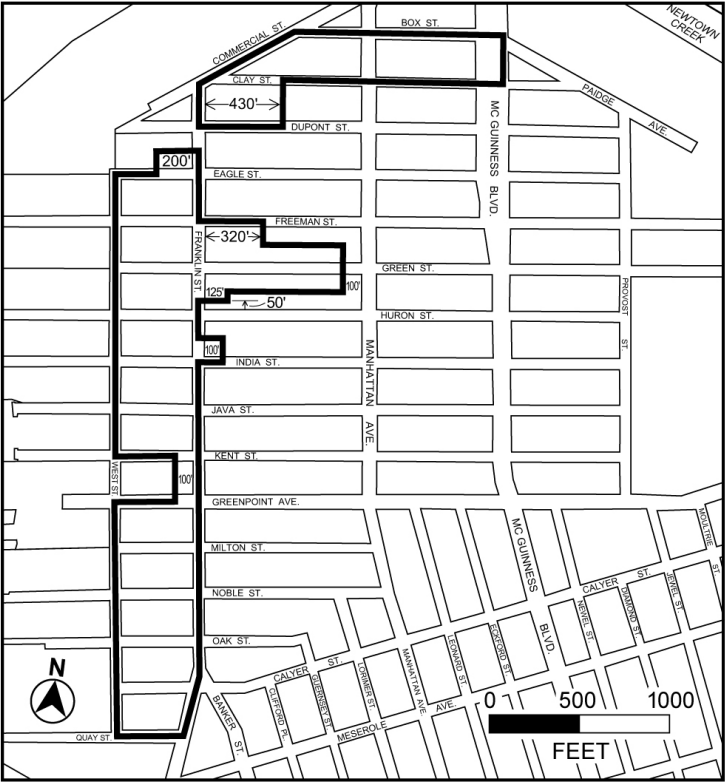
23-013
Harassment

Within the Greenpoint-Williamsburg #anti-harassment areas# in Community District 1, Borough of Brooklyn, as shown in the diagrams in this Section, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (Harassment) shall apply as modified in this Section.

For the purposes of this Section, the following definitions in Section 93-90, paragraph (a), shall be modified:

Anti-harassment area

“Anti-harassment area” shall mean the Greenpoint-Williamsburg #anti-harassment areas# as shown in the diagrams:



— Anti-harassment area



— Anti-harassment area

Greenpoint-Williamsburg Anti-Harassment Areas (23-013.2)

Referral date

"Referral date" shall mean October 4, 2004.

In addition, Section 93-90, paragraph (d)(3), is modified as follows:

No portion of the #low income housing# required under this Section shall qualify to:

- (i) increase the #floor area ratio# pursuant to the provisions of Sections 23-90 or 62-352 (Inclusionary Housing); or

- (ii) increase the maximum height of a #building# or the height above which the gross area per #residential story# of a #building# is limited pursuant to the provisions of Section 62-354 (Special height and setback regulations), paragraphs (b)(2) and (d); or
- (iii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

(8/14/87)

23-02

General Purposes of Residential Bulk Regulations

The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of density as well as of the physical volume of buildings is established.

(2/2/11)

23-03

Street Tree Planting in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:
 - #Special Bay Ridge District#;
 - #Special Clinton District#;
 - #Special Downtown Brooklyn District#;

#Special Downtown Jamaica District#;

#Special Grand Concourse District#;

#Special Hillside Preservation District#;

#Special Long Island City Mixed Use District#;

#Special Ocean Parkway District#;

#Special South Richmond Development District#;

- (c) #enlargements#, pursuant to the Quality Housing Program, of #single-# or #two-family residences# by 20 percent or more;
- (d) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or
- (e) construction of a detached garage that is 400 square feet or greater.

(2/2/11)

23-04

Planting Strips in Residence Districts

R1 R2 R3 R4 R5

In the districts indicated, the following shall provide and maintain a planting strip in accordance with Section 26-42:

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, planting strips shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraph (b) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Downtown Jamaica District#;

#Special Hillside Preservation District#;

#Special Ocean Parkway District#;

#Special South Richmond Development District#;

- (c) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or
- (d) construction of a detached garage that is 400 square feet or greater.

(12/15/61)

23-10

OPEN SPACE AND FLOOR AREA REGULATIONS

(8/18/87)

23-11

Definitions

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

(4/30/12)

23-12

Permitted Obstructions in Open Space

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the following obstructions shall be permitted in any #open space# required on a #zoning lot#:

- (a) Air conditioning condensation units, #accessory#, for #single-# or #two-family residences#, provided that such units, if located between a #street wall#, or prolongation thereof, and a #street line#, are not more than 18 inches from a #street wall#, and fully screened from the #street# by vegetation;
- (b) Awnings and other sun control devices. However, when located at a level higher than the first #story#, excluding a #basement#, all such devices:
 - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

- (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (c) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (d) Breezeways;
- (e) Driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed the percentages set forth in Section 25-64 (Restrictions on Use of Open Space for Parking);
- (f) Eaves, gutters or downspouts, projecting into such #open space# not more than 16 inches or 20 percent of the width of such #open space#, whichever is the lesser distance;
- (g) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #open space# width, up to a maximum thickness of eight inches;
- (h) Parking spaces, off-street, enclosed, #accessory#, not to exceed one space per #dwelling unit#, when #accessory# to a #single-family#, #two-family# or three-#family residence#, provided that the total area occupied by a #building# used for such purposes does not exceed 20 percent of the total required #open space# on the #zoning lot#. However, two such spaces for a #single-family residence# may be permitted in #lower density growth management areas# and in R1-2A Districts;
- (i) Solar energy systems:
 - (1) on the roof of an #accessory building#, limited to 18 inches in height as measured perpendicular to the roof surface; or
 - (2) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (j) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear

yard# or #rear yard equivalent#;

- (k) Terraces, unenclosed, fire escapes or planting boxes, provided that no such items project more than six feet into or over such #open space#.

However, any such #open space# that is part of a required #yard#, #rear yard equivalent# or #court# may contain an obstruction listed in this Section only where such obstruction is permitted, pursuant to Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) or 23-87 (Permitted Obstructions in Courts), as applicable.

(8/14/87)

23-13 Balconies

(2/2/11)

23-131 Balconies in R1 through R5 Districts

R1 R2 R3 R4 R5

In the districts indicated, balconies that are:

- (a) unenclosed except for a parapet not exceeding 3 feet, 8 inches in height, or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height; and
- (b) located at or above the floor level of the second #story# provided that such balcony is not lower than seven feet above #curb level# or adjacent natural grade, whichever is higher;

may, as permitted in this Section, project into or over any required open area set forth in the following Sections:

- (1) #front yards#, as defined in Section 12-10 (DEFINITIONS);
- (2) #rear yards# or #rear yard equivalents#, as defined in Section 12-10;
- (3) #open space#, as defined in Section 12-10, excluding:
 - (i) #side yards#, as defined in Section 12-10;

- (ii) required minimum dimensions of #courts#, as defined in Section 12-10; and as set forth in Section 23-80 (COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES); and
- (iii) required distances between #buildings#, as set forth in Section 23-71 (Minimum Distance between Buildings on a Single Zoning lot).

If the depth of the #front yard# is greater than 12 feet, balconies may project six feet into such #front yard# provided that, in R1, R2 or R3 Districts, the aggregate width of such balconies does not exceed 50 percent of the width at that level of the plane surface of the #building# wall from which they project and, in R4 or R5 Districts, such aggregate width does not exceed 67 percent.

If the depth of the #front yard# is 12 feet or less, balconies may project to a distance equal to one-half the depth of such #front yard# provided the aggregate width of such balconies does not exceed 50 percent of the width at that level of the plane surface of the #building# wall from which they project.

Balconies may, by a distance not to exceed eight feet, project into a #rear yard# or other #open space# not specifically excluded in paragraphs (2) and (3) of this Section. At the level of the second #story#, the aggregate width of such balconies is not limited but at the level of the third #story# or higher such aggregate width shall not exceed 50 percent of the width at that level of the plane surface of the #building# wall from which the balconies project.

In addition, balconies may be enclosed by #building# walls provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet not exceeding 3 feet, 8 inches in height, or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height. The portion of a balcony enclosed by #building# walls shall not exceed six feet in depth.

(2/2/11)

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 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 shall:

- (a) not project by a distance greater than seven feet as measured from the plane surface of the #building# wall from which it projects;
- (b) not project into the minimum required distance between #buildings# on the same #zoning lot#;
- (c) not cover more than ten percent of the area designated as outdoor recreation space pursuant to Section 28-30 (RECREATION SPACE AND PLANTING AREAS);
- (d) be unenclosed except for a parapet not exceeding 3 feet, 8 inches in height or a railing not less than 50 percent open and not exceeding 4 feet, 6 inches in height. However, such balconies may be recessed into a #building# wall up to a maximum depth of six feet provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet or railing;
- (e) be located at or higher than the floor level of the third #story# of a #building# or at least 20 feet above #curb level#, except that for #buildings# containing #residences# not more than 32 feet in height, such balcony may be located at or higher than the floor level of the second #story# provided that such balcony is located not lower than seven feet above #curb level# or seven feet above natural grade, whichever is higher; and
- (f) have an aggregate width, at the level of any #story#, not exceeding 50 percent of the width at that level of the plane surface of the #building# wall from which it projects.

(2/2/11)

23-14

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

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as otherwise provided in Section 23-17 (Special Provisions for Zoning Lots Divided by District Boundaries), for any #zoning lot#, the minimum required #open space# or #open space ratio# shall not be less than set forth in this Section, and the maximum #lot coverage# shall not exceed the

#lot coverage# as set forth in this Section. Any given #lot area# or area of #open space# shall be counted only once in determining the #floor area ratio#, the amount of #open space# or the #open space ratio#.

In addition to complying with the provisions of this Section, all #zoning lots# shall be subject to the provisions set forth in Section 23-22 (Maximum Number of Dwelling Units or Rooming Units) as well as all other applicable #bulk# regulations as set forth in this Chapter.

(2/2/11)

23-141

Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts

R1 R2 R3 R4 R5

Except as otherwise provided in paragraph (a) of Section 23-147 (For non-profit residences for the elderly), in the districts indicated, the minimum required #open space# or #open space ratio#, the maximum #lot coverage# and the maximum #floor area ratio# for any #zoning lot# shall be as set forth in the following tables:

(a)

District	Minimum Required #Open Space Ratio#	Maximum #Floor Area Ratio#
R1* R2*	150.0	0.50

* R1-2A, R2A and R2X are subject to the provisions of paragraph (b) of this Section

(b)

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R1-2A	30	70	.50
R2A	30	70	.50
R2X	governed by #yard# requirements		.85
R3-1 R3-2	35	65	.50
R3A R3X	governed by #yard# requirements		.50

R4		45	55	.75
R4A	R4-1	governed by #yard# requirements		.75
R4B		55	45	.90
R5		55	45	1.25
R5A		governed by #yard# requirements		1.10
R5B		55	45	1.35
R5D		60*	40*	2.00

* For #corner lots#, the maximum #lot coverage# shall be 80 percent and the minimum required #open space# shall be 20 percent

In addition, the following rules shall apply:

- (1) In R2X, R3, R4, R4A and R4-1 Districts, except R3, R4A and R4-1 Districts within #lower density growth management areas#, the #floor area ratio# in the table in this paragraph, (b), may be increased by up to 20 percent provided that any such increase in #floor area# is located directly under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between five and eight feet.
- (2) In R3, R4A and R4-1 Districts in #lower density growth management areas#, the #floor area ratio# in the table in this Section may be increased by up to 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.
- (3) In R3, R4 and R5 Districts, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence developed# after June 30, 1989, may be increased by up to 300 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12 (Permitted Obstructions in Open Space), paragraph (e), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).
- (4) In R1-2A Districts and in R3, R4A and R4-1 Districts within #lower density growth management areas#, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence# may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces

are in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12, paragraph (e), 23-441 or 23-442, except that in R1-2A Districts, such parking spaces need not be located in the #side lot ribbon#.

- (5) In R2A Districts, the permitted #floor area# may be increased by up to 300 square feet for a detached garage located in a #rear yard#, except where a parking space is provided within a #building# containing #residences#.

- (c) The maximum #floor area ratio# and #lot coverage# and the minimum required #open space# for any #zoning lot# utilizing the special optional regulations of a #predominantly built-up area# are set forth in the following table:

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R4	55	45	1.35
R5	55	45	1.65

- (d) In R3 Districts, except for #zoning lots# containing #single-#, #two-#, or three-#family residences#, 50 percent of the required #open space# on a #zoning lot#, except such #open space# in a #front yard#, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed #accessory# off-street parking spaces or open or enclosed #accessory# off-street loading berths.
- (e) In R4 and R5 Districts, except for #zoning lots# containing #single-#, #two-# or three-#family residences#, 33 percent of the required #open space# on a #zoning lot#, except such #open space# in a #front yard# or, in R5D Districts, open area between the #street line# and #street wall# of a #building# or its prolongation, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed #accessory# off-street parking spaces, or open or enclosed #accessory# off-street loading berths.

(11/13/12)

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 designated areas where the Inclusionary Housing Program is applicable)

Section 23-145 (For Quality Housing buildings)

Section 23-146 (Optional provisions for certain R5 and R6 Districts in Brooklyn)

Section 23-147 (For non-profit residences for the elderly);

Section 23-148 (For tower-on-a-base buildings in R9 Districts); and

Section 23-149 (Special floor area regulations for certain sites in Community District 9, Borough of Manhattan).

In the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be as set forth in the following table for #zoning lots# with the #height factor# indicated in the table.

MINIMUM REQUIRED OPEN SPACE RATIO
AND MAXIMUM FLOOR AREA RATIO

R6 through R9 Districts

For #zoning lots# with a #height factor# of	In R6 Districts		In R7 Districts		In R8 Districts		In R9 Districts	
	Min. Req. #open space ratio#	Max. #floor area ratio#	Min. Req. #open space ratio#	Max. #floor area ratio#	Min. Req. #open space ratio#	Max. #floor area ratio#	Min. Req. #open space ratio#	Max. #floor area ratio#
1	27.5	0.78	15.5	0.87	5.9	0.94	1.0	0.99
2	28.0	1.28	16.0	1.52	6.2	1.78	1.4	1.95
3	28.5	1.62	16.5	2.01	6.5	2.51	1.8	2.85
4	29.0	1.85	17.0	2.38	6.8	3.14	2.2	3.68
5	29.5	2.02	17.5	2.67	7.1	3.69	2.6	4.42

6	30.0	2.14	18.0	2.88	7.4	4.15	3.0	5.08
7	30.5	2.23	18.5	3.05	7.7	4.55	3.4	5.65
8	31.0	2.30	19.0	3.17	8.0	4.88	3.8	6.13
9	31.5	2.35	19.5	3.27	8.3	5.15	4.2	6.54
10	32.0	2.38	20.0	3.33	8.6	5.38	4.6	6.85
11	32.5	2.40	20.5	3.38	8.9	5.56	5.0	7.09
12	33.0	2.42	21.0	3.41	9.2	5.71	5.4	7.30
13	33.5	2.43	21.5	3.42	9.5	5.81	5.8	7.41
14	34.0	2.43	22.0	3.44	9.8	5.92	6.2	7.52
15	34.5	2.43	22.5	3.42	10.1	5.95	6.6	7.52
16	35.0	2.42	23.0	3.41	10.4	5.99	7.0	7.52
17	35.5	2.42	23.5	3.40	10.7	6.02	7.4	7.52
18	36.0	2.40	24.0	3.38	11.0	6.02	7.8	7.46
19	36.5	2.39	24.5	3.36	11.3	6.02	8.2	7.41
20	37.0	2.38	25.0	3.33	11.6	6.02	8.6	7.35
21	37.5	2.36	25.5	3.30	11.9	5.99	9.0	7.25

(2/2/11)

23-143

For high buildings in R6, R7, R8 or R9 Districts

R6 R7 R8 R9

Except as otherwise provided in paragraph (a) of Section 23-147 (For non-profit residences for the elderly), in the districts indicated, for #zoning lots# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

OPEN SPACE RATIO FOR HIGH BUILDINGS

District	Minimum Required #Open Space Ratio# at #Height Factor# of 21	Additional Required #Open Space Ratio# for each Additional #Height Factor#
----------	---	---

R6	37.5	0.5
R7	25.5	0.5
R8	11.9	0.3
R9	9.0	0.4

For such #zoning lots#, the maximum #floor area ratio# shall be such as can be attained at the required #open space ratio# for the #height factor#.*

* The #floor area ratio# attainable at a given #height factor# and a given #open space ratio# may be computed from the following formula:

$$\frac{1}{\text{F.A.R.}} = \frac{\text{O.S.R.}}{100} + \frac{1}{\text{H.F.}}$$

(11/13/12)

23-144

In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in [APPENDIX F](#) (Inclusionary Housing Designated Areas) of this Resolution.

(2/2/11)

23-145

For Quality Housing buildings

R6 R7 R8 R9 R10

In the districts indicated, the maximum #residential lot coverage# and the maximum #floor area ratio# for a #zoning lot# where #Quality Housing buildings# are #developed# or #enlarged# shall be as set forth in the following table. The maximums for #zoning lots#, or portions thereof, 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 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
R7D	80	65	4.20
R7X	80	70	5.00
R8 R8A R8X	80	70	6.02
R8*	80	70	7.20
R8B	80	70	4.00
R9 R9A	80	70	7.52
R9D R9X	80	70	9.00
R10	100	70	10.00

(2/2/11)

23-146

Optional provisions for certain R5 and R6 Districts in Brooklyn

R5 R6

Within the area bounded by 39th Street, Dahill Road, Ditmas Avenue,

McDonald Avenue, Bay Parkway, 61st Street and Fort Hamilton Parkway in Community Board 12, in the Borough of Brooklyn, special optional regulations as set forth in this Section are applicable for #zoning lots# containing #buildings# used exclusively as one-, #two-# or three-#family residences#, provided such #zoning lot# complies with all of the provisions of this Section. Except as modified by the express provisions of this Section, the regulations of R5 and R6 Districts remain in effect.

- (a) #Floor area#, #lot coverage#, #open space#, density and #height factor# regulations

The regulations of Article II, Chapter 3, relating to #floor area ratio#, #open space#, density and #height factor# are hereby made inapplicable. In lieu thereof, the maximum #floor area ratio# for a #corner lot# shall not exceed 1.65 and the maximum #floor area ratio# for an #interior# or #through lot# shall not exceed 1.8 in R5 Districts and 1.95 in R6 Districts. Notwithstanding the definition of #floor area# in Section 12-10, the lowest #story# shall be included in the definition of #floor area#, and floor space used for #accessory# off-street parking spaces shall be included in the definition of #floor area# unless such spaces are located in a #cellar#. The #lot coverage# for a #corner lot# shall not exceed 55 percent and the #lot coverage# for an #interior# or #through lot# shall not exceed 60 percent in R5 Districts and 65 percent in R6 Districts.

- (b) #Building# height

No #building# shall exceed a height of 35 feet above #curb level#, or three #stories#, whichever is less. The regulations of Article II, Chapter 3, relating to height and setback, are hereby made inapplicable.

- (c) #Front yards#

In R5 Districts, the following #front yard# regulations are applicable. A #front yard# shall be provided with a depth of not less than five feet, provided that for #corner lots#, one #front yard# with a depth of not less than 10 feet is required. If the depth of the #front yard# exceeds 10 feet, such #front yard# shall have a depth of not less than 18 feet. In R6 Districts, a #front yard# is not required.

- (d) #Side yards#

In R5 Districts, the following #side yard# regulations shall apply:

- (1) Where an existing #building# on an adjacent #zoning lot# is located on the common #side lot line#, no #side yard# is required. However, if an open area extending along such common #side lot line# is provided, it shall be at least eight feet wide.
- (2) Where an existing #building# on an adjacent #zoning lot# is located less than eight feet from, but not on, the common #side lot line#, a #side yard# at least four feet wide is required. However, in no case shall the distance between a new or #enlarged building# and an existing #building# across a common #side lot line# on an adjacent #zoning lot# be less than eight feet.
- (3) Where an adjacent #zoning lot# is vacant or where an existing #building# on an adjacent #zoning lot# is located more than eight feet from the common #side lot line#, a #side yard# at least four feet wide is required.
- (4) In R6 Districts, a #side yard# is not required. However, when a #building# is 62 feet in depth or more, an eight foot #side yard# or an #outer court# as set forth in paragraph (f) of this Section is required.
- (5) Notwithstanding the provisions of paragraphs (d)(1) and (d)(3), #detached# one-, #two-# and three-#family residences# on #corner lots# shall provide #side yards# of five feet and 20 feet. #Semi-detached# one-, #two-# and three-#family residences# on #corner lots# shall provide one #side yard# of 20 feet.

(e) #Rear yards#

#Single-# or #two-family residences# consisting of #detached#, #semi-detached# or #zero lot line buildings# may project up to ten feet into a required #rear yard# or #rear yard equivalent#, provided that there is a #side yard# of at least eight feet for such #semi-detached# or #zero lot line buildings#, and that the total width of #side yards# for a #detached building# is at least eight feet.

(f) #Outer court# and minimum distance between #legally required windows# and walls or #lot lines#

In R6 Districts, the #outer court# provisions of Section 23-84 are modified as follows: an #outer court# shall have a minimum width of 10 feet and a depth of not more than twice the width.

Where a #building# is attached, along a common #side lot line#, to a portion of an existing or new #building# on an adjacent

#zoning lot#, there may be a joint #outer court# across such common #side lot line# with a minimum width of 10 feet. The requirements of Section 23-86 are hereby made inapplicable.

(g) Off-street parking in R5 and R6 Districts

No #accessory# off-street parking is required in R5 and R6 Districts.

(2/2/11)

23-147

For non-profit residences for the elderly

R3 R4 R5 R6 R7

- (a) In the districts indicated, except R5D Districts, the minimum required #open space ratio# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table:

Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#	Districts
0.95	66.5	R3
1.29	39.4	R4
1.95	23.1	R5
3.90	17.7	R6
5.01	12.8	R7

In R5D Districts, the #open space# and #floor area# regulations set forth in Section 23-141 shall apply to #non-profit residences for the elderly#.

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

R6A R6B R7A R7B R7D R7X

- (b) 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 FLOOR AREA RATIO
FOR
NON-PROFIT RESIDENCES FOR THE ELDERLY
(in percent)

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

(2/2/11)

23-148

For tower-on-a-base buildings in R9 Districts

In R9 Districts, for #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to the tower-on-a-base provisions of Section 23-651, the maximum #floor area ratio# shall be 7.52, and the maximum #lot coverage# shall be 80 percent on a #corner lot# and 70 percent on an #interior lot#.

(11/13/12)

23-149

Special floor area regulations for certain sites in Community District 9, Borough of Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program and are subject to the #floor area# regulations set forth in Section 23-145 (For Quality Housing buildings).

(2/2/11)

23-15

Maximum Floor Area Ratio in R10 Districts

R10

In the district indicated, except in #Inclusionary Housing designated areas#, the #floor area ratio# on a #zoning lot# shall not exceed 10.0, except as provided in Section 23-17 (Special Provisions for Zoning Lots Divided By District Boundaries) and Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0. However, within the boundaries of Community District 7 in the Borough of Manhattan, in R10 Districts, except R10A or R10X Districts, the maximum #floor area ratio# shall 10.0.

(10/17/07)

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 #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 #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

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

In all districts, no existing #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 74-761 (Elimination or reduction in size of bonused public amenities).

Regulations Applying in Special Situations

(2/2/11)

23-17

Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

(7/26/01)

23-20

DENSITY REGULATIONS

(2/2/11)

23-21

Required Floor Area per Dwelling Unit or Floor Area per Rooming Unit

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

This Section shall apply to existing #buildings# in which the number of #rooming units# or #dwelling units# is increased as well as to all new #development#.

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

In all districts, as indicated, the #floor area# requirement per

#dwelling unit# or #rooming unit# shall not be less than as set forth in this Section, except as provided in Sections 23-24 (Special Provisions for Buildings Used Partly for Non-Residential Uses) or Section 23-25 (Special Provisions for Existing Small Zoning Lots).

(2/2/11)

23-22

Maximum Number of Dwelling Units or Rooming Units

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum number of #dwelling units# or #rooming units# shall equal the maximum #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. In R1 through R5 Districts, no #rooming units# shall be permitted and any #dwelling unit# shall be occupied by only one #family#. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit# or #rooming unit#.

For the purposes of this Section, where a #floor area ratio# is determined pursuant to Sections 23-142 or 23-143, notwithstanding the #height factor# of the #zoning lot#, the maximum #residential floor area ratio# shall be 2.43 in an R6 District within 100 feet of a #wide street#, 3.44 in an R7 District, and 6.02 in an R8 District. In an R6 District beyond 100 feet of a #wide street#, the maximum #residential floor area ratio# shall be as specified in Sections 23-142 or 23-143, or 2.2, whichever is greater.

FACTOR FOR DETERMINING MAXIMUM NUMBER OF DWELLING UNITS OR ROOMING UNITS

District	Factor for #Dwelling Units#	Factor for #Rooming Units#
R1-1	4,750	
R1-2	2,850	
R2, R2A	1,900	
R2X	2,900	
R3-1 R3-2*	625	
R3A	710	
R3-2 R4 R4-1 R4B	870	

R3X	1,000	
R4A	1,280	
R4** R5** R5B	900	
R5, R5D	760	
R5A	1,560	
R5B***	1,350	
R6 R7 R8B	680	500
R8 R8A R8X R9 R9A	740	530
R9-1 R9X R10	790	600

* for #single-# and #two-family detached# and #semi-detached residences#

** for #residences# in a #predominantly built-up area#

*** for #zoning lots# with less than 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#

(6/29/06)

23-221

Maximum number of dwelling units or rooming units for non-profit residences for the elderly

R3-2 R4 R5 R6 R7

In the districts indicated, except R4-1, R4A, R4B and R5A Districts, the maximum number of #dwelling units# or, where permitted, #rooming units# for #non-profit residences for the elderly#, shall equal the maximum #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. No #rooming units# shall be permitted in R3-2, R4 or R5 Districts. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit# or #rooming unit#.

FACTOR FOR DETERMINING MAXIMUM NUMBER OF DWELLING UNITS OR ROOMING UNITS

Factor for	Factor for
------------	------------

District	#Dwelling Units#	#Rooming Units#
R3-2	680	
R4 R5B	680	
R5 R5D	700	
R6 R7	710	570

(2/2/11)

23-23

Minimum Size of Dwelling Units

R3 R4 R5

- (a) In the districts indicated, for all #buildings# other than #non-profit residences for the elderly#, each #dwelling unit# shall contain at least 300 square feet of #floor area#.

R3 R4A R4-1

- (b) In the districts indicated, for all two-family #detached# and, where permitted, two-family #semi-detached# and #zero lot line buildings#, one #dwelling unit# shall contain at least 925 square feet.

Regulations Applying in Special Situations

(7/26/01)

23-24

Special Provisions for Buildings Used Partly for Non-Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, if a #building# is used partly for #residences# and partly for non-#residential uses# (other than #community facility uses#, the provisions for which are set forth in Article II, Chapter 4), the maximum number of #dwelling units# or #rooming units# permitted on the #zoning lot# shall equal the total #residential floor area# permitted on the #zoning lot# after deducting any non-#residential floor area#, divided by the applicable factor in Section 23-22 (Maximum Number of Dwelling Units

or Rooming Units).

(7/26/01)

23-25

Special Provisions for Existing Small Zoning Lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, notwithstanding the provisions of Section 23-22 (Maximum Number of Dwelling Units or Rooming Units), one #single-family detached residence# or, where permitted, one #single-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land that was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit.

(2/2/11)

23-26

Special Provisions for Zoning Lots Divided by District Boundaries

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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 requirements for density, the provisions set forth in Article VII, Chapter 7, shall apply.

(12/15/61)

23-30

LOT AREA AND LOT WIDTH REGULATIONS

Definitions and General Provisions

(2/20/64)

23-31

Definitions

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

Basic Regulations

(6/29/06)

23-32

Minimum Lot Area or Lot Width for Residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as provided in Section 23-33 (Special Provisions for Existing Small Lots), no #residence# is permitted on a #zoning lot# with a total #lot area# or #lot width# less than as set forth in the following table:

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of #Residence#	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)	District
#Single- family detached#	9,500	100	R1-1
	5,700	60	R1-2
	3,800	40	R2 R2A
	2,850	30	R2X
#Single-# or #two-family detached# or #zero lot line# where permitted	3,800	40	R3-1 R3-2 R4-R10
	3,325	35	R3X
	2,850	30	R4A* R5A
	2,375	25	R3A* R4B R4-1* R5B R5D
Any other permitted	1,700	18	R3-R10*

- * In #lower density growth management areas#, for #two-family detached# and #two-family zero lot line residences#, where permitted, in R3A, R4A and R4-1 Districts, and for #two-

family semi-detached residences# in R3-1, R3-2 and R4-1 Districts, the minimum #lot area# shall be 3,135 square feet and the minimum #lot width# shall be 33 feet.

However, in #lower density growth management areas# in the Borough of Staten Island, the following rules shall apply:

- (a) Where two or more #buildings# that are #single-# or #two-family detached# or #semi-detached residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement set forth in the table in this Section shall be multiplied by the number of such #buildings# on the #zoning lot#.
- (b) The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that the applicable #lot width#, in feet, set forth in the table shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum lot width, in feet, set forth in the table.

Regulations Applying in Special Situations

(2/2/11)

23-33

Special Provisions for Development of Existing Small Lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, either one #single-family detached residence# or, where permitted, one #single-# or #two-family residence# may be #developed# upon a #zoning lot# that:

- (a) has less than the prescribed minimum #lot area# or #lot width# or, in #lower density growth management areas# in the Borough of Staten Island, does not comply with the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences);
- (b) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit or, in R2X, R3A, R3X or R4A Districts, both on the effective date of establishing such district on the #zoning maps# and on the date of application for a building permit or, in #lower density growth management

areas#, both on December 8, 2005, and on the date of application for a building permit; and

- (c) if #developed# as a #two-family residence#, meets the applicable density requirement of the zoning district in which such #zoning lot# is located.

(12/15/61)

23-34

Special Provisions for Zoning Lots Divided by District Boundaries R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different requirements for minimum #lot area# or #lot width# for #residences#, the provisions set forth in Article VII, Chapter 7, shall apply.

(1/18/11)

23-35

Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A Districts in #lower density growth management areas#, the minimum #lot area# and #lot width# regulations of this Section shall apply to any #zoning lot# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
- (b) child care service, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing

child care services shall be 10,000 square feet. Where such #uses# are located in the same #building#, the minimum #lot area# shall be 10,000 square feet. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

(12/15/61)

23-40

YARD REGULATIONS

Definitions and General Provisions

(9/19/85)

23-41

Definitions

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

(12/15/61)

23-42

Level of Yards

In all #Residence Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#, except that natural grade level need not be disturbed in order to comply with this requirement. No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent#, except as otherwise provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(12/15/61)

23-43

Measurement of Yard Width or Depth

In all #Residence Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

(4/30/12)

23-44

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Residence Districts#, the following obstructions shall be permitted within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:
 - (1) Air conditioning condensation units, #accessory#, for #single-# or #two-family residences#, provided that such units, if located between a #street wall#, or prolongation thereof, and a #street line#, are not more than 18 inches from a #street wall#, and fully screened from the #street# by vegetation;
 - (2) Arbors or trellises;
 - (3) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
 - (i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
 - (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
 - (4) Balconies, unenclosed, of a #building# containing #residences# subject to the applicable provisions of Section 23-13. Such balconies are not permitted in required #side yards#;
 - (5) Canopies;
 - (6) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;

- (7) Eaves, gutters or downspouts projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
- (8) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;

Where #buildings# that have added exterior wall thickness, pursuant to this Section, are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;

- (9) Fences, not exceeding four feet in height above adjoining grade in any #front yard#, except that for #corner lots#, a fence may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;
- (10) Fire escapes, projecting into a #front yard#, only in such cases where the fire escape is required for the #conversion# of a #building# in existence before December 15, 1961;
- (11) Flagpoles;
- (12) Overhanging portions of a #building# in R4 and R5 Districts, except R4A, R4-1, R4B, R5A, R5B or R5D Districts, which are above the first #story# including the #basement# and which project not more than three feet into the required 18 foot #front yard#. In no case shall the lowest level of the projected portion be less than seven feet above the level of the #front yard# at the face of the #building#. Supports for the projected portion of any #building# are permitted obstructions within the required #front yard#, provided that the total area occupied by such supports does not exceed 15 percent of the area

underneath the projected portion. No support may extend beyond the three-foot projection;

- (13) Parking spaces for automobiles or bicycles, off-street, open, #accessory#, within a #side# or #rear yard#;
- (14) Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a #building# containing #residences#, provided that:
 - (i) in R1, R2, R3A, R3X, R3-1, R4A, R4-1 and R5A Districts, except in #lower density growth management areas#, such spaces meet all the requirements of paragraph (a) of Section 25-621 (Location of parking spaces in certain districts);
 - (ii) in R3-2 Districts, R4 Districts other than R4A, R4-1 and R4B Districts, and R5 Districts other than R5A, R5B and R5D Districts, such spaces meet all the requirements of paragraph (b) of Section 25-621;
 - (iii) in #lower density growth management areas#, such spaces are non-required and are located in a driveway that accesses parking spaces that are located behind the #street wall# of the #building# or prolongation thereof;

However, no parking spaces of any kind shall be permitted in any #front yard# in an R4B, R5B or R5D District. Furthermore, no parking spaces of any kind shall be permitted in any #front yard# on a #zoning lot# containing an #attached# or #semi-detached building# in an R1, R2, R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached building# in an R3-1 or R4-1 District;

- (15) Ramps for persons with physical disabilities;
- (16) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (17) Steps, provided that such steps access only the lowest #story# or #cellar# of a #building# fronting on a #street#, which may include a #story# located directly above a #basement#;
- (18) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the

level of the #rear yard# or #rear yard equivalent#. #Accessory# swimming pools are not permitted obstructions in any #front yard#;

- (19) Terraces or porches, open;
- (20) Walls, not exceeding eight feet in height above adjoining grade and not roofed or part of a #building#, and not exceeding four feet in height in any #front yard#, except that for #corner lots#, a wall may be up to six feet in height within that portion of one #front yard# that is between a #side lot line# and the prolongation of the side wall of the #residence# facing such #side lot line#;

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

- (1) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (2) Breezeways;
- (3) Fire escapes;
- (4) Greenhouses, non-commercial, #accessory#, limited to one #story# or 14 feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;
- (5) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:
 - (i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed ten feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#. Furthermore, if located in an R1 District, such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#. In addition, solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory building# within the #rear yard#;
 - (ii) if #accessory# to any other kind of #building# containing #residences#, the height of a #building#, or portion thereof, containing such parking spaces within the #rear yard#, shall not exceed ten feet above adjoining grade, including the apex of a

pitched roof in R3, R4 or R5 Districts, or fourteen feet above #curb level# or #base plane#, as applicable, in R6, R7, R8, R9 or R10 Districts. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory building# within the #rear yard#;

- (iii) enclosed #accessory# parking spaces for bicycles shall be #accessory# to a #residence# other than a #single-# or #two-family residence#, attached to a #building#, and the area dedicated to such spaces shall not exceed the area of bicycle parking spaces permitted to be excluded from #floor area# pursuant to Section 25-85 (Floor Area Exemption);

- (6) Recreational or drying yard equipment;
- (7) Sheds, tool rooms or other similar #accessory buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;
- (8) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

(2/2/11)

23-441

Location of garages in side yards of corner lots

In all #Residence Districts#, on #corner lots#, enclosed #accessory# off-street parking spaces shall be considered permitted obstructions in any portion of a #side yard# which is within 30 feet of both #side lot lines#, provided that, in an R1 or R2A District, on a #corner lot# whose mean width is 45 feet or more, no structure used for such purposes shall be less than five feet from any #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#.

(2/2/11)

23-442

Location of garages in side yards of other zoning lots

In all #Residence Districts#, on #zoning lots# other than #corner lots#, where no #rear yard# is required under the provisions of Sections 23-541 (Within one hundred feet of corners) or 23-542 (Along short dimension of block), enclosed #accessory# off-street parking spaces shall be considered permitted obstructions in any portion of a #side yard# that is within 30 feet of the #rear lot line#.

Basic Regulations - Front Yards

(2/2/11)

23-45

Minimum Required Front Yards

R1 R2 R3 R4 R5

- (a) In the districts indicated, #front yards# shall be provided as set forth in the following table, except that for a #corner lot# in an R1-2 District, one #front yard# may have a depth of 15 feet and, for a #corner lot# in an R3 District, one #front yard# may have a depth of 10 feet.

Front Yard	District
20 feet	R1
20 feet*	R1-2A
15 feet	R2 R2X R3-1 R3-2
15 feet*	R2A
10 feet*	R3A R3X R4-1 R4A R5A
10 feet**	R4 R5
5 feet*	R4B R5B R5D

* Except as provided in paragraphs (b) and (c) of this

Section

- ** If the depth of a #front yard# exceeds 10 feet, the depth of the #front yard# shall be at least 18 feet. Furthermore, #developments# or #enlargements# pursuant to the optional regulations applicable in a #predominantly built-up area# shall provide a #front yard# with a depth of at least 18 feet. However, on a #corner lot#, if one #front yard# has a depth of at least 18 feet, the other #front yard# shall have a depth of at least 10 feet

Furthermore, if an opening to an #accessory# off-street parking space is located within the #street wall# of a #building# containing #residences#, there shall be an open area between the opening and the #street line# which is at least 8 and 1/2 feet in width by 18 feet in depth, except this provision shall not apply in R5D Districts.

R1-2A R2A R3A R3X R4-1 R4A R4B R5A R5B R5D

- (b) For the purpose of paragraphs (b) and (c) the area between the #street line# and the front #building# wall of adjacent #buildings# on the same or adjoining #zoning lots# shall be considered adjacent #front yards#.

Except as provided in paragraph (c) of this Section, in the districts indicated, if adjacent #buildings# containing #residences# on the same or on adjoining #zoning lots# fronting on the same #street# have #front yards# greater than the minimum set forth in paragraph (a) of this Section, then a #front yard# shall be provided which:

- (1) in R1-2A, R2A, R3A, R3X, R4A, R4-1 or R5A Districts is at least as deep as an adjacent #front yard#; and
- (2) in R4B, R5B or R5D Districts is no deeper than the deepest adjacent #front yard# and no shallower than the shallowest adjacent #front yard#.

However, a #front yard# need not exceed 20 feet in depth, except that in R1-2A Districts, a #front yard# need not exceed 25 feet in depth.

In determining the depth of the adjacent #front yards#, balconies, and projections from the front #building# wall that do not exceed 33 percent of the width of the #building#, shall be disregarded.

For #developments# or #enlargements#, projections into the required #front yard# are permitted provided that the width of

all projections at the level of any #story# does not exceed 33 percent of the width of the #building#. The depth of such projections shall not exceed three feet into the #front yard#. However, balconies shall be subject to the provisions of Sections 23-13 (Balconies) and 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(c) The provisions of paragraph (b) of this Section determining the depth of a #front yard# by the location of a #front yard# on an adjacent #zoning lot#, are modified as follows:

- (1) on #corner lots#, these provisions shall apply on only one #street# frontage; and
- (2) these provisions shall not apply to:
 - (i) any #street# frontage of a #zoning lot# where such frontage has a length of at least 150 feet along such #street#;
 - (ii) any #zoning lot# located in historic districts designated by the Landmarks Preservation Commission; or
 - (iii) a frontage of any #zoning lot# where the depths of 50 percent of the #front yards# within 150 feet of the #side lot lines# of such #zoning lot# are shallower by more than two feet than the shallowest of the adjacent #front yards#.

R1 R2 R3 R4 R5

(d) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the provisions of paragraphs (a) and (b) of this Section are modified as follows:

The depth of the #front# yard may vary between the requirements of paragraph (a) of this Section, or as modified in any applicable Special District, and the depth of the #front yard# of any adjacent #zoning lot#.

(4/14/10)

23-451

Planting requirement

R1 R2 R3 R4 R5

In the districts indicated, a minimum percentage of the area of the #front yard# shall be planted, which shall vary by #street# frontage of the #zoning lot# as set forth in the following table. For the purposes of this Section, the #front yard# shall include the entire area between all #street walls# of the #building# and their prolongations and the #street line#. Planted areas shall be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material, and shall have a minimum dimension of one foot, exclusive of any bounding walls. Any planted area within a driveway or parking space shall not qualify towards meeting the minimum planting requirements of this Section. For #through lots# or #corner lots#, the planting requirement of this Section shall be applied separately to each #street# frontage. For #corner lots#, planted areas of overlapping portions of #front yards# shall only be counted towards the planting requirement of one #front yard#. For #zoning lots# with multiple #building segments#, the planting requirement of this Section shall be applied separately to the entire area between the #street wall# of each #building segment# and the #street line#.

Where multiple #buildings# on a single #zoning lot# front upon the same #street#, the planting requirements of this Section shall be determined by the #street# frontage allocated to the area occupied by each such #building# and applied separately to the entire area between the #street line# and the #street wall# of each #building# and its prolongation. The allocation of planting requirements to open areas between #buildings# shall be determined by dividing such open area evenly, with an equal portion attributed to each #building# on both sides of such open area.

Any #zoning lot# occupied by a #building# constructed after April 30, 2008, shall provide planted areas in accordance with the provisions of this Section. Any #zoning lot# occupied by a #building# constructed prior to such date shall not be altered in any way that will either create new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

#Street# frontage of #zoning lot#, #street wall# width of #building segment#, or #street# frontage allocated to each of multiple #buildings# on a single #zoning lot#, as applicable.	Percentage of #front yard# to be planted (minimum)
Less than 20 feet	20
20 to 34 feet	25
35 to 59 feet	30

60 feet or greater

50

Basic Regulations - Side Yards

(2/2/11)

23-46

Minimum Required Side Yards

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #side yards# shall be provided on any #zoning lot# as specified in this Section, except as otherwise provided in the following Sections:

Section 23-48 (Special Provisions for Existing Narrow Zoning Lots)

Section 23-49 (Special Provisions for Side Lot Line Walls)

Section 23-51 (Special Provisions for Yards Adjacent to R1 through R5 Districts)

(4/30/12)

23-461

Side yards for single- or two-family residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) #Detached# and #zero lot line buildings#

In all districts, as indicated, for #zoning lots# containing only #single-family detached residences# or, where permitted, for #two-family detached residences# or #single-# or #two-family residences# in #zero lot line buildings#, or any combination thereof, #side yards# shall be provided as set forth in the table in this paragraph, except that on #corner lots# in R1, R2, R3, R4 and R5 Districts, one #side yard# shall be at least 20 feet in width:

MINIMUM REQUIRED SIDE YARDS

Number Required	Required Total Width (in feet)	Required Minimum Width of any #Side Yard# (in feet)	District
2	35	15	R1-1
2	20	8	R1-2
2	13	5	R2 R2A R3-1 R3-2 R4-R10
2	10*	2*	R2X R3X R4A R5A
1	8*	0*	R3A R4-1 R4B R5B R5D

* Additional regulations apply pursuant to paragraph (c) of this Section

R3-1 R3-2 R4 R4-1 R4B R5

(b) #Semi-detached buildings#

In the districts indicated, for #zoning lots# containing only #single-# or #two-family semi-detached residences#, a #side yard# shall be provided as set forth in the table in this paragraph, except that on #corner lots#, one #side yard# shall be at least 20 feet in width:

MINIMUM REQUIRED SIDE YARD

Feet	District
8	R3-1 R3-2 R4 R5
4*	R4-1 R4B R5B R5D

* Additional regulations apply pursuant to paragraph (c) of this Section

(c) Additional regulations

(1) Eight foot open area required between #buildings# containing #residences#

An open area with a minimum total width of eight feet is required between #buildings# containing #residences# on adjacent #zoning lots#. Such open area must be parallel to the #side lot line# and may be located on either one or both sides of such common #side lot line#. (See Figure A)

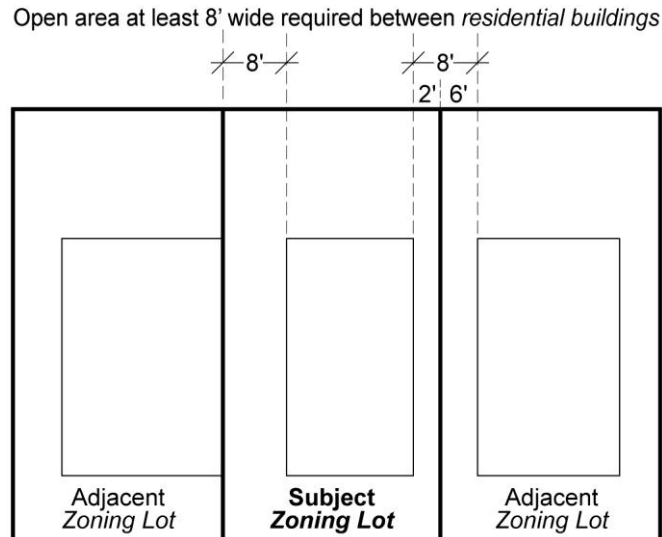


Figure A
(23-461c1)

- (2) When #side yards# total more than 13 feet

However, where such open area requirements result in #side yards# totaling more than 13 feet on the subject #zoning lot#, the width of such #side yards# may be reduced to not less than five feet, provided that the total width of both #side yards# on the subject #zoning lot# is at least 13 feet. (See Figure B)

Open area requirement results in *side yards* totaling 16'. Therefore, *side yards* may be reduced to not less than 5' provided both sides total at least 13'.

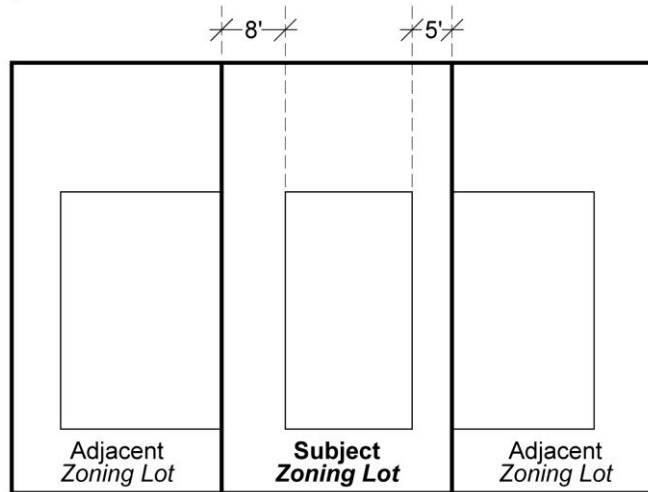


Figure B
(23-461c2)

(3) Permitted obstructions in open areas between #buildings#

Only air conditioning condensation units, chimneys, downspouts, eaves, exterior wall thickness, gutters, open #accessory# off-street parking spaces, ramps for access by people with disabilities, and steps as set forth in paragraph (a) of Section 23-44 shall be permitted obstructions in open areas required pursuant to paragraphs (c)(1) and (c)(2) of this Section, provided such obstructions, not including #accessory# off-street parking spaces, may not reduce the minimum width of the open area by more than three feet.

(4) Minimum #side yard# requirements for #zoning lots# adjacent to certain #side yards#

A #side yard# at least five feet wide shall be provided on any #zoning lot# along the common #side lot line# of any adjacent #zoning lot# with an existing #detached residence# whose #side yards# total at least 13 feet in width, with both #side yards# on such adjacent #zoning lot# at least five feet in width, or with an existing #semi-detached residence# with a #side yard# at least eight feet in width. (See Figure C)

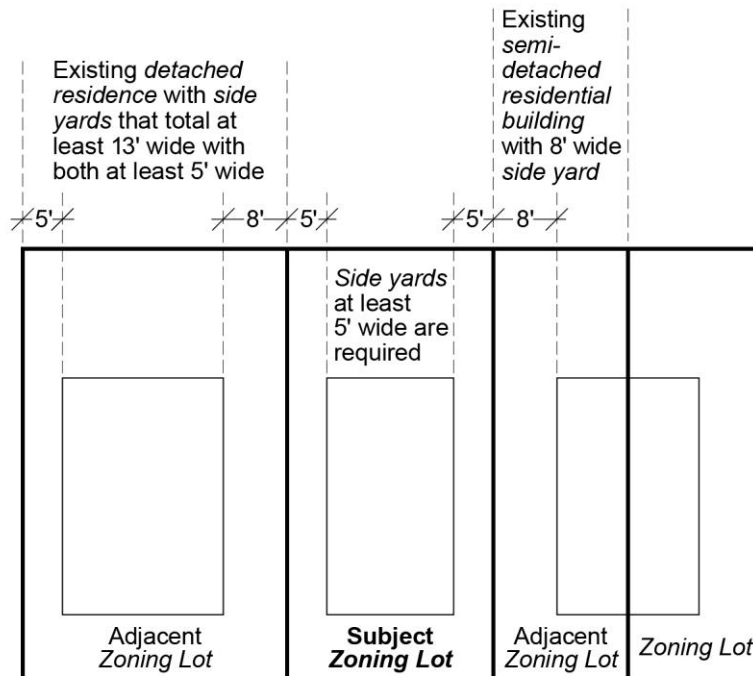


Figure C
(23-461c4)

(4/30/12)

23-462

Side yards for all other buildings containing residences

R3-2 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, except as set forth in Section 23-461 (Side yards for single- or two-family residences) or Section 23-49 (Special Provisions for Side Lot Line Walls), side yards shall be provided for all zoning lots with buildings containing residences as provided in this Section:

R3-2 R4 R5

- (a) In the districts indicated, except R4B, R5B or R5D Districts, two side yards, each with a minimum required width of eight feet, shall be provided. However, if the aggregate width of street walls of a residential building is more than 80 feet or, for abutting buildings if the combined aggregate width of street walls of all such abutting buildings on a zoning lot is more than 80 feet, then two side yards shall be

provided, each equal to not less than 10 percent of such #aggregate width of street walls#. For #zoning lots# where no such #buildings# exceed a height of two #stories# and a #basement#, #side yards# need not exceed 15 feet in width.

However, on all #corner lots# in #lower density growth management areas#, one #side yard# shall be at least 20 feet in width.

R4B R5B R5D

- (b) In the districts indicated, no #side yards# are required; however, where a #building# containing #residences# on an adjacent #zoning lot# has a #side yard#, an open area with a minimum width of eight feet and parallel to the #side lot line# is required along the common #side lot line# between such #buildings#. Obstructions permitted pursuant to paragraph (c)(3) of Section 23-461 (Side yards for single- or two-family residences) shall be permitted in such open areas.

R6 R7 R8 R9 R10

- (c) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall measure at least eight feet wide for the entire length of the #side lot line#. Obstructions permitted pursuant to paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted in such open areas.

(2/2/11)

23-463

Maximum aggregate width of street walls

R3-2 R4 R5

In the districts indicated, except R4B, R5B or R5D Districts, the #aggregate width of street walls# of a #building# containing #residences# or, for #abutting buildings# the combined #aggregate width of street walls# of all such #abutting buildings# on a #zoning lot#, shall not exceed the width set forth in the following table:

MAXIMUM
AGGREGATE WIDTH OF STREET WALLS

Feet	District
125	R3-2
185	R4 R5

However, the City Planning Commission may authorize, in R4 and R5 Districts, #aggregate width of street walls# in excess of 185 feet, provided the Commission finds that:

- (1) the #street wall# is adequately articulated by such design features as variable setbacks, stoops, bay windows or changes in the heights of the #buildings#; and
- (2) the #development# or #enlargement# will not be incompatible with #buildings# on the surrounding #blocks#.

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

(12/5/90)

23-464

Side yards for buildings used for permitted non-residential uses

R1 R2 R3 R4 R5

- (a) In the districts indicated, if a #building# used for permitted non-#residential uses# has an #aggregate width of street walls# equal to 60 feet or less, two #side yards# shall be provided, each with a minimum required width of eight feet. If such #building# has an #aggregate width of street walls# equal to more than 60 feet, two #side yards# shall be provided, each equal to not less than 15 percent of the #aggregate width of street walls#.

R6 R7 R8 R9 R10

- (b) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall be at least eight feet wide.

Basic Regulations - Rear Yards

(4/30/08)

23-47

Minimum Required Rear Yards

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #rear yard# with a depth of not less than 30 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 23-52 (Special Provisions for Shallow Interior Lots), 23-53 (Special Provisions for Through Lots) or 23-54 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 23-471 (Beyond one hundred feet of a street line).

(4/30/08)

23-471

Beyond one hundred feet of a street line

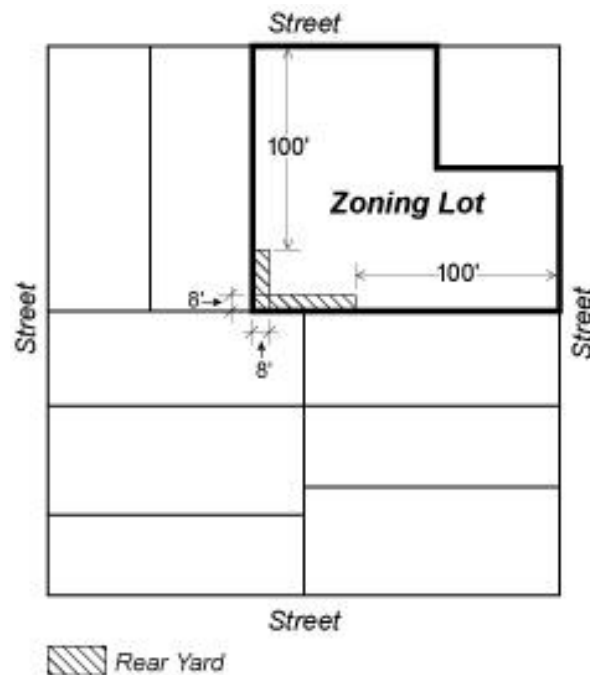
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for #interior# or #through lot# portions of #corner lots#, and for #zoning lots# bounded by two or more #streets# that are neither #corner lots# nor #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and the following rules shall apply along such #rear lot line#:

-
- The diagram shows a rectangular 'Zoning Lot' with a thick black border. The lot is 100' wide and 100' high. A 'Rear Yard' is indicated by a hatched area in the bottom-left corner of the lot, measuring 30' by 30'. The lot is situated between four streets: 'Street' on the top, bottom, left, and right. A legend at the bottom left shows a hatched box labeled 'Rear Yard'.

CORNER LOT
(23-471a)

- (b) In R1 through R5 Districts, a #rear yard# with a minimum depth of eight feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



ZONING LOT BOUNDED BY TWO OR MORE STREETS
(NEITHER A CORNER LOT NOR A THROUGH LOT)
(23-471b)

- (c) In R6 through R10 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

Regulations Applying in Special Situations

Side Yards

(2/2/11)

23-48

Special Provisions for Existing Narrow Zoning Lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except R2X, R3A, R3X, R4A, R4-1, R4B, R5A, R5B or R5D Districts, the required total width of #side yards# for a #single-family detached# or #two-family detached residence# may be reduced by four inches for each foot by which the width of a #zoning lot# is less than that required under the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences) if such #zoning lot#:

- (a) has less than the prescribed minimum #lot width#; and
- (b) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit.

However, in no event shall the required width of a #side yard# be less than five feet.

In R5D Districts, no #side yards# shall be required for any #zoning lot# having a width of less than 30 feet along a #street# and existing on the effective date of establishing such district on the #zoning map#.

(2/2/11)

23-49

Special Provisions for Side Lot Line Walls

R3-1 R3-2 R4 R5

In the districts indicated, except R4A and R5A Districts, a #building# containing #residences# may:

- (a) #abut# an existing #building# located along a #side lot line#, where such #building# was existing on December 15, 1961 or lawfully erected under the terms of this Resolution, provided that walls of the #building# containing #residences# and walls of the existing #building# shall #abut# for a length equal to or greater than one half of the distance between the #street wall line# and #rear wall line# of the existing #building#. For the purposes of this paragraph, (a), an "existing #building#" shall not include an #accessory building# located on an #interior# or #through lot#;
- (b) #abut# other #buildings# containing #residences# being erected at the same time on an adjoining #zoning lot# or #zoning lots#.

For such #buildings# containing #residences#, the #side yard# requirements shall be waived along the #side lot line# of the

#zoning lot# coincident with the #abutting buildings#, and one #side yard# shall be provided along any #side lot line# of the #zoning lot# without an #abutting building# with a width of at least eight feet in R3-1, R3-2, R4 or R5 Districts, and four feet in R4-1, R4B or R5B Districts.

(2/2/11)

23-51

Special Provisions for Yards Adjacent to R1 through R5 Districts

R6 R7 R8 R9 R10

In the districts indicated, the provisions of this Section shall apply to #zoning lots# located, wholly or partially, within an R6, R7, R8, R9 or R10 District that are adjacent to a #zoning lot# located wholly or partially within an R1, R2, R3, R4 or R5 District.

A #side yard# at least eight feet wide shall be provided along the entire length of the common #side lot line#. Such #side yard# may be used for #accessory# parking.

Rear Yards

(2/2/11)

23-52

Special Provisions for Shallow Interior Lots

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, if an #interior lot#:

(a) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit; and

(b) is less than 70 feet deep at any point;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each foot by which the maximum depth of such #zoning lot# is less than 70 feet. On any #interior lot# with a maximum depth of 50 feet or less, the minimum depth of a required #rear yard# shall be ten feet.

(4/30/08)

23-53

Special Provisions for Through Lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#, except as provided in Section 23-471 (Beyond one hundred feet of a street line). In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

(2/2/11)

23-531

Excepted through lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) In all districts, as indicated, no #rear yard# regulations shall apply to any #through lots# that extend less than 110 feet in maximum depth from #street# to #street#.

R6 R7 R8 R9 R10

- (b) In the districts indicated, for #zoning lots# containing #Quality Housing buildings#, 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#.

(2/2/11)

23-532

Required rear yard equivalents

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, on any #through lot# that is 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 60 feet, midway (or within

five feet of being midway) between the two #street lines# upon which such #through lot# fronts;

- (b) two open areas, each adjoining and extending along the full length of a #street line# and each with a minimum depth of 30 feet measured from such #street line#, except the depth of such required open area along one #street line# may be decreased, provided that:
 - (1) a corresponding increase in the depth of the open area along the other #street line# is made; and
 - (2) any required #front yards# or front setback areas are maintained; or
- (c) an open area adjoining and extending along the full length of each #side lot line# with a minimum width of 30 feet measured from each such #side lot line#.

However, in #lower density growth management areas# and in R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, and for #Quality Housing buildings# 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.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(12/15/61)

23-54

Other Special Provisions for Rear Yards

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the #rear yard# requirements set forth in Section 23-47 (Minimum Required Rear Yards) shall be modified as set forth in this Section.

(4/30/08)

23-541

Within one hundred feet of corners

R6 R7 R8 R9 R10

In the districts indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

(4/30/08)

23-542

Along short dimension of block

R6 R7 R8 R9 R10

In the districts indicated, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

(4/30/08)

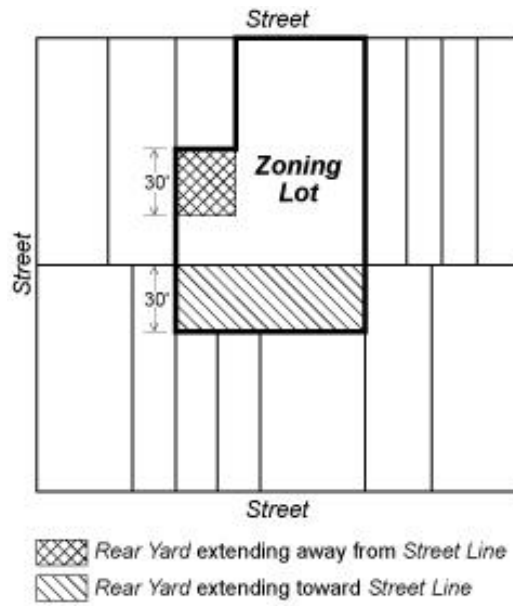
23-543

For zoning lots with multiple rear lot lines

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

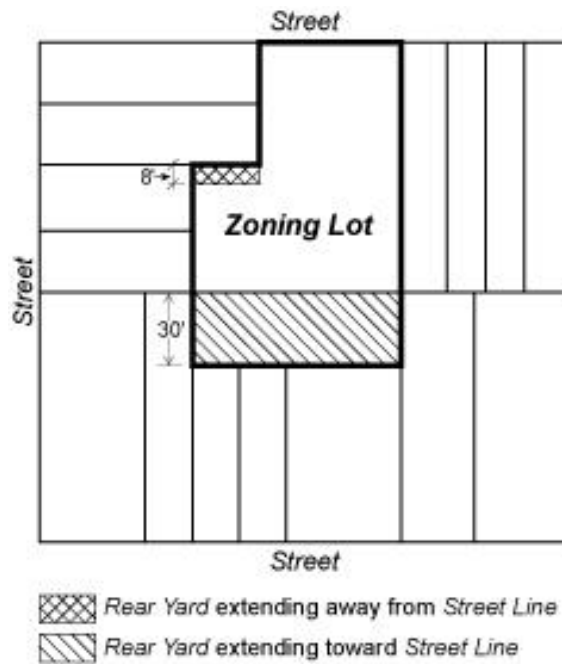
In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply along such #rear lot line#:

- (a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



(23-543a)

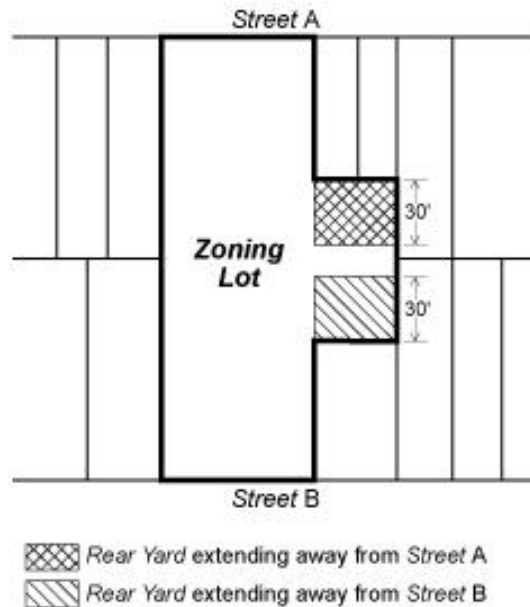
- (b) In R1 through R5 Districts, a #rear yard# with a minimum depth of eight feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



(23-543b)

- (c) In R6 through R10 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

- (d) In all districts, for portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



(23-543d)

(6/30/89)

23-544

In certain districts

R2X

In the district indicated, a #residential building# may extend ten feet into a required #rear yard# or #rear yard equivalent# pursuant to the provisions of Section 23-631 (Height and setback in R1, R2, R3, R4 or R5 Districts).

All Yards

(8/14/87)

23-55

Special Provisions for Zoning Lots Divided by District Boundaries

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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 #yard# regulations on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

(4/30/08)

23-56

Modifications of Rear Yard Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations set forth in Section 23-543 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

(12/15/61)

23-60

HEIGHT AND SETBACK REGULATIONS

Definitions and General Provisions

(10/25/93)

23-61

Definitions

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

(4/30/12)

23-62

Permitted Obstructions

In all #Residence Districts#, except as provided in Section 23-621

(Permitted obstructions in certain districts), the obstructions listed in paragraphs (a) through (r) in this Section shall be permitted to penetrate a maximum height limit or #sky exposure plane# set forth in Sections 23-63 (Maximum Height of Walls and Required Setbacks), 23-64 (Alternate Front Setbacks) or 23-69 (Special Height Limitations):

- (a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
 - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
 - (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with paragraph (j) of this Section.

When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

- (b) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 23-63, 23-64 or 23-65 (Tower Regulations);
- (d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (f) Dormers having an #aggregate width of street walls# equal to not more than 50 percent of the width of the #street wall# of a

#detached# or #semi-detached single-# or #two-family residence#;

- (g) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:

- (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
- (2) all mechanical equipment shall be screened on all sides;
- (3) such obstructions and screening are contained within a volume that complies with one of the following:
 - (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight feet times the width, in feet, of the #street wall# of the #building# facing such frontage; or
 - (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (g), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#;

- (h) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness

has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;

- (i) Flagpoles or aerials;
- (j) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity no more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (k) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
- (l) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (m) Solar energy systems:
 - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at

least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:

- (i) in R1 through R5 Districts, a height of six feet;
 - (ii) in R6 through R10 Districts, a height of 15 feet; and
 - (iii) when located on a bulkhead or other obstruction pursuant to paragraph (g) of this Section, a height of six feet;
- (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface.

- (n) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (o) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (p) Wind energy systems on portions of #buildings# with a height of 100 feet or greater, provided:
 - (1) the highest point of the wind turbine assembly does not exceed 55 feet;
 - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
 - (3) the diameter of the swept area of the rotor does not exceed 15 feet;
- (q) Window washing equipment mounted on a roof;
- (r) Wire, chain link or other transparent fences.

(4/30/12)

23-621

Permitted obstructions in certain districts

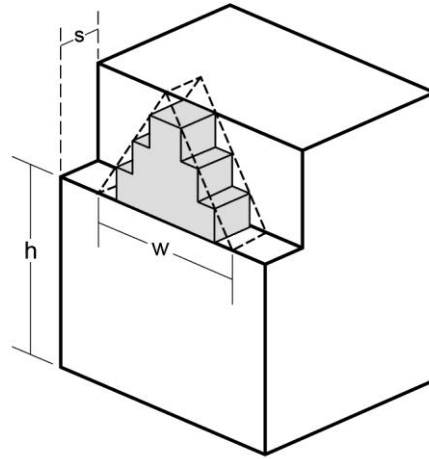
R2A R2X R3 R4 R4A R4-1 R5A

- (a) In the districts indicated, permitted obstructions are limited to chimneys, exterior wall thickness, flag poles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to Section 23-62.
- (b) In R2X Districts, dormers may be considered permitted obstructions if:
 - (1) the aggregate width of dormers facing the #street line# is equal to not more than 50 percent of the width of the #street wall line#;
 - (2) the aggregate width of dormers facing the #rear lot line# is equal to not more than 50 percent of the width of the #rear wall line#;
 - (3) the aggregate width of dormers facing a #side lot line# is equal to not more than 50 percent of the width of a straight line connecting and perpendicular to the #street wall line# and the #rear wall line#; and
 - (4) on a #corner lot#, the aggregate width of dormers facing a #side lot line# is equal to not more than 50 percent of the width of the #rear wall line# facing such #side lot line#.

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (c) In the districts indicated, and for #Quality Housing buildings# 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#, except that within a required front setback distance above a maximum base height, the following rules shall apply:
 - (1) Dormers shall be allowed as a permitted obstruction, provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. For each foot 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.



h - Maximum base height

s - Required setback or *initial setback distance*

w - Maximum width of dormer at maximum base height (60% of *street wall* width of highest *story* entirely below maximum base height)

 Dormer

Dormer
(23-621c, 62-341d.2)

- (2) Solar energy systems on a roof shall be limited to four feet or less in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher. However, on a roof with a slope greater than 20 degrees, such systems shall be limited to 18 inches in height as measured perpendicular to the roof surface.
- (3) Wind energy systems shall not be allowed as permitted obstructions.
- (4) Window washing equipment shall not be allowed as permitted obstructions.

(2/2/11)

23-63

Maximum Height of Walls and Required Setbacks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum height of a front wall or of any other portion of a #building or other structure# shall be set forth in this Section, except as otherwise provided in Sections 23-62 (Permitted Obstructions), 23-64 (Alternate Front Setbacks), 23-65 (Tower Regulations), 23-692 (Height limitations for narrow buildings or enlargements), 23-693 (Special provisions applying adjacent to R1 through R6B Districts) or 74-85 (Special Height and Setback Regulations).

(2/2/11)

23-631

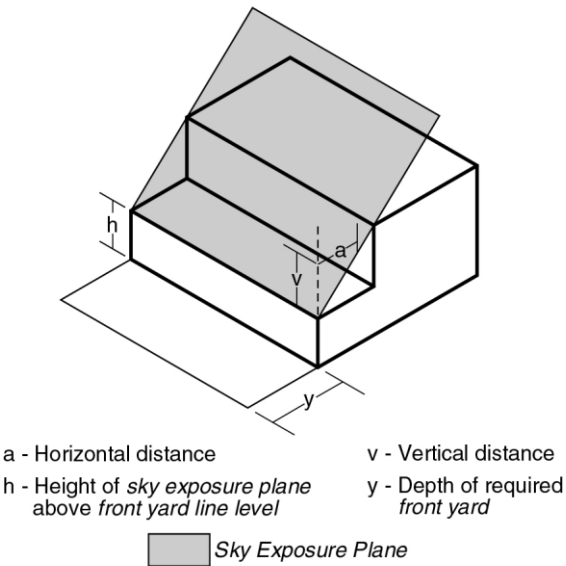
Height and setback in R1, R2, R3, R4 and R5 Districts

R1 R2

- (a) In the districts indicated, except R1-2A, R2A and R2X Districts, the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL
AND REQUIRED FRONT SETBACKS

Height above #Front Yard Line# (in ft.)	#Sky Exposure Plane#		District	
	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
	Vertical Distance	Horizontal Distance		
25	1 to	1	R1	R2



SKY EXPOSURE PLANE
(23-631a, 24-521)

R1-2A R2A R2X R3 R4 R4A R4-1 R5A

(b) In the districts indicated, the height and setback of a #building or other structure# shall be as set forth herein

except where modified pursuant to paragraphs (h) and (i) of this Section.

For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#. Furthermore, for the purposes of this Section, #building segments# may be considered to be separate #buildings# and #abutting semi-detached buildings# may be considered to be one #building#.

The perimeter walls of a #building or other structure# are those portions of the outermost walls enclosing the #floor area# within a #building or other structure# at any level and height is measured from the #base plane#. Perimeter walls are subject to setback regulations at a maximum height above the #base plane# of:

21 feet	R2A R2X R3 R4A
25 feet	R1-2A R4 R4-1 R5A
26 feet*	R3 R4A R4-1 within #lower density growth management areas#

- * In R3, R4A and R4-1 Districts within #lower density growth management areas#, where a #base plane# is established at a #base flood elevation# higher than grade, the maximum perimeter wall height shall be 21 feet above such #base flood elevation# or 26 feet above grade, whichever is more

Above these heights, sloping planes control the maximum height of the #building or other structure# requiring either a setback or a pitched roof. These planes start at the maximum permitted height of the perimeter walls and meet at a ridge line of 35 feet above the #base plane#. The exact locations of these planes are flexible and are determined in the steps set forth in paragraphs (b) (1) through (b) (5), as follows:

- (1) At a height of 35 feet above and parallel to the #base plane#, a plane is projected above the area enclosed by and including the perimeter walls of the #building or other structure#. A second plane (the perimeter wall plane) is projected in the same manner at a height of 21 or 25 feet above the #base plane#. (See Figure A)

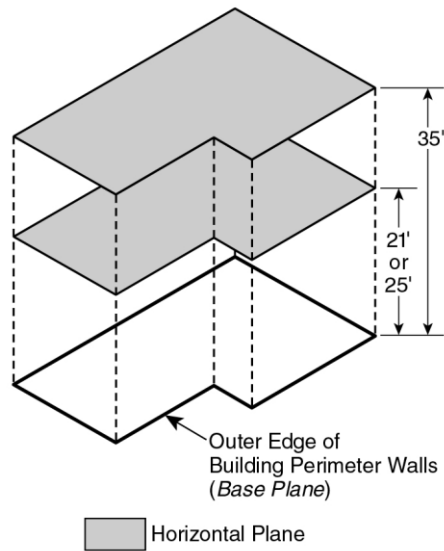


Figure A
(23-631b1)

- (2) Each perimeter wall of the #building or other structure# with a horizontal dimension of eight feet or more which projects from an adjacent perimeter wall at least 18 inches may have an apex point directly above it on the 35 foot high plane. (See Figure B). The location of the apex point is flexible provided it is directly above its perimeter wall and provided a line drawn from the intersection of two perimeter walls to such an apex point does not exceed 80 degrees to the horizontal. An apex point is not required for each qualifying perimeter wall; however, the maximum number of apex points above each such wall is one.

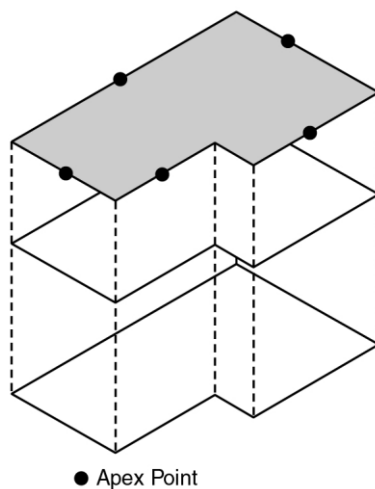


Figure B
(23-631b2)

- (3) One "ridge line" is extended in a straight line from each apex point along the 35 foot high plane. Ridge lines which connect two apex points may cross other ridge lines. Otherwise, ridge lines which extend from only one apex point must terminate at a point of intersection with another ridge line. (See Figure C)

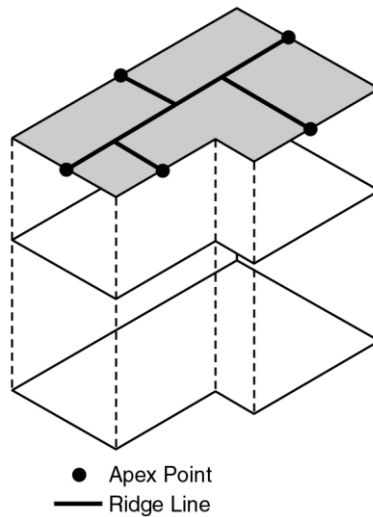


Figure C
(23-631b3)

- (4) Sloping planes are extended in a straight line outward and downward from each ridge line until they intersect the perimeter wall plane. Every sloping plane generated must intersect the perimeter wall plane for the full width of the ridge line from which it extends. (See Figure D). The maximum angle of pitch for any sloping plane may not exceed 80 degrees to the horizontal. Sloping planes extended from ridge lines perpendicular or within 45 degrees of being perpendicular to each other may intersect, in which case the higher plane defines the limit of the envelope. Sloping planes extended from ridge lines parallel or within 45 degrees of being parallel to each other must intersect the perimeter wall plane without intersecting each other.

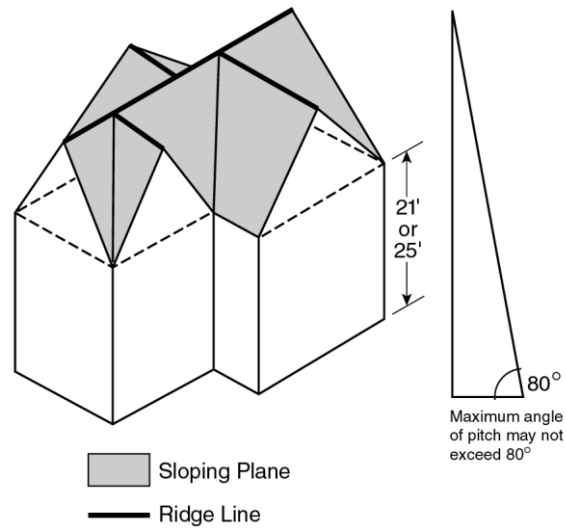
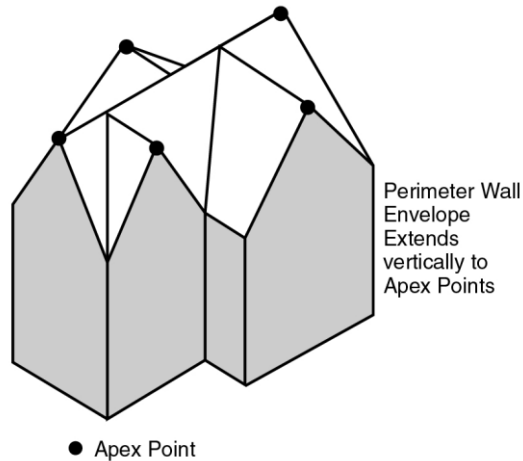


Figure D
(23-631b4)

- (5) The perimeter walls are then extended vertically beyond the perimeter wall plane, up to the heights defined by the sloping planes generated in paragraph (4). (See Figure E). The perimeter walls of the #building# or other structure#, the sloping planes and the perimeter wall extensions define the #building# envelope. (See Figure F). The #building# envelope may be penetrated above the maximum permitted perimeter wall height by those items set forth in Section 23-621 (Permitted obstructions in certain districts). Those items listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and roofed porches and porticoes subject to all applicable provisions, may penetrate the #building# envelope below the maximum permitted perimeter wall height. Eaves may extend the roof lines 18 inches beyond the exterior walls.



(23-631b5.1)

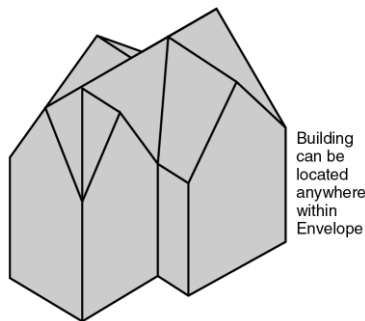


Figure E and F
(23-631b5.2)

(6) Special Situations

- (i) For convex curved perimeter walls, the #building or other structure# must be within a plane curve tapering uniformly to a vertex located at a height of 35 feet. For concave curved perimeter walls, the #building or other structure# must lie within a plane curve extending from the maximum perimeter wall height to a ridge line parallel to the prolongation of the perimeter wall at the 35 foot level. Such plane curves may not exceed a pitch of 80 degrees in relation to a plane drawn parallel to the #base plane# at the maximum height of the permitted perimeter wall. (See Figure G).

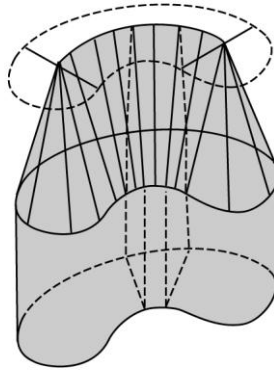


Figure G
(23-631b6.i)

- (ii) In R2X Districts, at the 21 foot maximum permitted height of a perimeter wall, sloping planes are projected inwards and upwards. From a permitted front perimeter wall and from 21 feet above the #base plane# and 20 feet from and parallel to a #rear lot line#, such sloping plane shall not exceed a pitch of 45 degrees in relation to a plane drawn parallel to the #base plane# at a height of 21 feet. (See Figure H). Other sloping planes slope toward a ridge line at 35 feet and may not exceed a pitch of 80 degrees in relation to a plane drawn parallel to the #base plane# at a height of 21 feet.

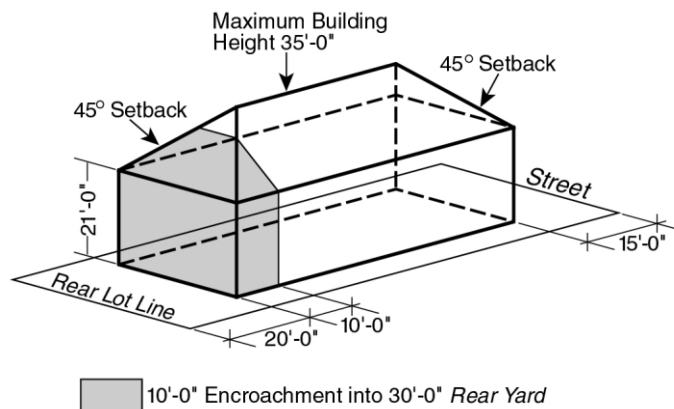


Figure H
(23-631b6.ii)

- (c) In the district indicated, no portion of the #building or other structure#, including the apex of a roof, shall penetrate a plane 24 feet in height above the #base plane# except for permitted obstructions as set forth in Section 23-62.

R5

- (d) In the district indicated, except R5A, R5B and R5D Districts, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 40 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 30 feet. Above such height, a setback of 15 feet is required. Within the setback distance, no portion of the #building or other structure#, including the apex of a roof, may penetrate a plane rising from the maximum #street wall# height, at 20 degrees to the horizontal. On #corner lots#, the 30 foot maximum #street wall# height shall apply to only one #street# frontage. #Buildings or other structures# which utilize the optional regulations of Section 23-141 applying to a #predominantly built-up area# shall be subject to the height and setback regulations for an R5B District. The provisions of this paragraph may be modified pursuant to Section 23-62 and paragraphs (h) and (i) of this Section.

R5B

- (e) In the district indicated, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 33 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 30 feet. Above such height, no portion of the #building or other structure# shall penetrate a plane rising from the maximum #street wall# height, at 20 degrees to the horizontal, to a maximum height of 33 feet above the #base plane#. On #corner lots#, the 30 foot maximum #street wall# height shall apply to only one #street# frontage. The provisions of this paragraph may be modified pursuant to Section 23-62 and paragraph (h) of this Section.

R5D

- (f) In the district indicated, no portion of a #building or other structure# shall penetrate a plane 40 feet above the #base plane#.

R3A R4A R4-1 R4B R5B

- (g) In the districts indicated, a second #story# line-up is required as follows:

Where at least 75 percent of the #buildings# containing #residences# within 150 feet of the #side lot lines# of the #zoning lot# have a first #story# front projection that is at least 50 percent of the width of the #building#, the #street wall# shall be no closer to the #street line# than the second #story street wall# of an adjacent #building# containing #residences# facing on the same #street#.

Projections from the first #story street wall# are permitted provided that such projections are no closer to the #street line# than an adjacent #front yard line#, and such projections are no higher than 13 feet above the #street wall line level#. Projections from the second #story street wall# are permitted provided that the width of all projections at that level does not exceed 33 percent of the width of the #building# at the second #story#, and the depth of the projections does not exceed three feet.

(h) The height and setback regulations of this Section are modified as follows:

- (1) In R3-1 and R3-2 Districts, #single-# or #two-family detached residences# on #zoning lots# of at least 9,500 square feet in area and at least 100 feet of frontage along a #street# may use the height and setback regulations applicable in an R2 District.
- (2) In R3 and R4A Districts, #non-profit residences for the elderly# may use the height and setback regulations applicable in an R4 District.
- (3) In R5 Districts, except R5A and R5D Districts, as an alternative front setback regulation for #non-profit residences for the elderly#, no portion of the #building or other structure# shall penetrate a #sky exposure plane# which begins at a height of 27 feet above an #initial setback distance# of 10 feet and rises over the #zoning lot# at a slope of one foot of vertical distance for each foot of horizontal distance to a maximum height of 40 feet above the #base plane#. On #corner lots#, the #sky exposure plane# shall apply to only one #street# frontage. The provisions of this subparagraph may be modified pursuant to Section 23-62 and paragraph (i) of this Section.
- (4) In the #Special Ocean Parkway District#, the #Special Coney Island Mixed Use District#, and the #Special Hunters

Point Mixed Use District#, for #buildings or other structures# subject to the regulations of an R5 District other than an R5D District, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 40 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 32 feet. Above such height, a setback of 15 feet is required. Within the setback distance, no portion of the #building or other structure#, including the apex of a roof, may penetrate a plane rising from the maximum #street wall# height at 20 degrees to the horizontal. On #corner lots#, the 32 foot maximum #street wall# height shall apply to only one #street# frontage.

In these special districts, for #developments# or #enlargements# which utilize the optional regulations applicable to a #predominantly built-up area#, the maximum height of a #building# containing #residences# shall not exceed 32 feet above the #base plane#. Furthermore, for such #developments# or #enlargements# with pitched roofs, the midpoint of such pitched roof shall not exceed a height of 32 feet above the #base plane#. The provisions of this paragraph may be modified pursuant to Section 23-62 and paragraph (h) of this Section.

- (5) In accordance with Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setback), #buildings# within a #large-scale residential development# may use the alternate height and setback regulations set forth in Section 78-31, paragraphs (b) (1) through (b) (3).

R3-2 R4 R5

- (i) In the districts indicated, except R4A, R4B, R4-1, R5A, R5B and R5D Districts, the City Planning Commission may authorize a #building or other structure# that penetrates the height and setback regulations set forth in paragraphs (b) and (d) of this Section, except for #buildings# utilizing the optional regulations for #predominantly built-up areas#. As a condition for granting such authorizations, the Commission shall find that:
 - (1) by concentrating permitted #floor area# in a #building# or #buildings# of greater height the preservation of an existing #building#, topography, vegetation, or view corridors having environmental, historic or aesthetic value to the public will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor

area#; or, for #non-profit residences for the elderly#, the additional #floor area# permitted is accommodated in an efficient manner;

- (2) such modification is the least modification required to achieve the purpose for which it is granted;
- (3) the proposed modification does not impair the essential character of the surrounding area; and
- (4) that the proposed modification will not have adverse effects upon light, air, and privacy of adjacent properties and of any existing #buildings# on the #zoning lot#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

(2/2/11)

23-632

Front setbacks in districts where front yards are not required

R6 R7 R8 R9 R10

- (a) In the districts indicated, except for #Quality Housing buildings#, and except as set forth in paragraph (b) of this Section, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the following table, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above #curb level# set forth in the following table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

Maximum Height of a Front	#Sky Exposure Plane#
	Slope over #Zoning Lot# (expressed as

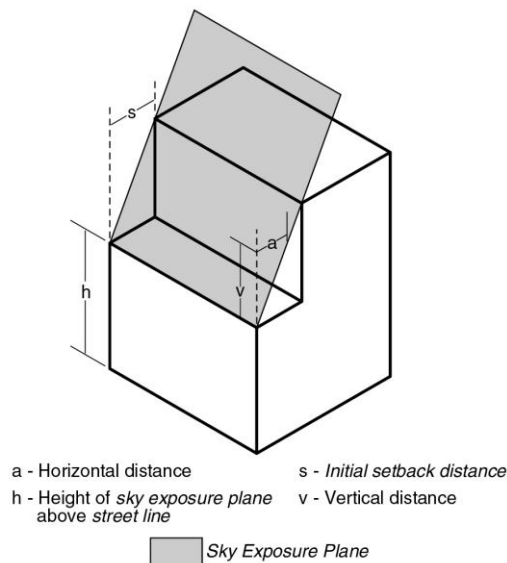
#Initial Setback Distance# (in feet)		Wall or other portion of a #Building or other structure# within the #Initial Setback Distance#	Height above #Street Line# (in feet)	a ratio of vertical distance to horizontal distance)			
				On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Hori- zontal Distance	Vertical Distance	Hori- zontal Distance

R6 or R7 Districts

20	15	60 feet or six #stories#, whichever is less	60	2.7 to 1	5.6 to 1
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R8 R9 or R10 Districts

20	15	85 feet or nine #stories#, whichever is less	85	2.7 to 1	5.6 to 1
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SKY EXPOSURE PLANE R6 R7 R8 R9 R10 Districts (23-632, 24-522, 33-432, 43-43)

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (b) In the districts indicated, for all #buildings or other structures#, and for #Quality Housing buildings# in other R6, R7, R8, R9 or R10 Districts, the provisions of this Section and

Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall be inapplicable. In lieu thereof, the provisions of Section 23-633 (Street wall location and height and setback regulations in certain districts) shall apply.

(9/24/13)

23-633

Street wall location and height and setback regulations in certain districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D 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 R9D and R10X Districts.

(a) #Street wall# location

R6A R7A R7D R7X R9D

- (1) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #wide streets# in R6 or R7 Districts without a letter suffix, the #street wall# 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 #building#. 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#.

R6B R7B R8B

- (2) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #narrow streets# in R6 and R7 Districts without a letter suffix, the #street wall# of a #building# on a #zoning lot# with at least 50 feet of frontage along a #street line# shall be located no closer to the #street line# than the #street wall# of an adjacent existing #building#. On #zoning lots# with less than 50 feet of frontage along a #street line#, the #street wall# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#. For all #zoning lots#, the #street wall# need

not be located further from a #street line# than 15 feet. On #corner lots#, the #street wall# along one #street line# need not be located further from the #street line# than five feet.

R8A R8X R9A R9X R10A R10X

- (3) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# in R8 or R9 Districts without a letter suffix, and in other R10 Districts, 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 extend along the entire #street# frontage of a #zoning lot#;
 - (ii) at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in the table in this Section or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line# provided any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#; and
 - (iii) the #street wall# location provisions of paragraph (a)(3) of this Section, inclusive, shall not apply to houses of worship.

No #street wall# location provisions shall apply along any #narrow street# beyond 50 feet of their intersection with a #wide street#.

For the purposes of applying the provisions of paragraph (a) of this Section, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (b) Setback regulations

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

- (1) At a height not lower than the minimum base height or higher than the maximum base height specified in the table in this Section, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.
- (2) On #narrow streets#, where a #street wall# is required to be located further than 10 feet from a #street line# in accordance with paragraph (a) of this Section, the depth of the required setback above the minimum base height may be reduced one foot for every foot that the #street wall# is required to be located beyond 10 feet of the #street line#, but in no event shall a setback less than 10 feet in depth be provided above the minimum base height.
- (3) These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of Section 23-621 may penetrate a required setback area.
- (4) In R9D Districts, for #buildings or other structures# on #zoning lots# that front upon an elevated rail line, at a height between grade level and 25 feet, a setback with a depth of at least 20 feet shall be provided from the #street line# fronting on such elevated rail line. The depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided.

(c) Maximum #building# height

No #building or other structure# shall exceed the maximum #building# height specified in the table in this Section, except as otherwise provided below:

R9D R10X

In the districts indicated, any #building or other structure#, or portions thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-651), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section 23-621 (Permitted obstructions in certain districts) shall not be included in tower coverage. Such tower or towers may exceed a height limit of 85 feet above the #base plane# provided:

- (1) at all levels, such tower is set back from the #street wall# of a base at least 15 feet along a #narrow street# and at least 10 feet along a #wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#;
- (2) the base of such tower complies with the #street wall# location provisions of paragraph (a) of this Section and the setback provisions of paragraph (b) of this Section; and
- (3) the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 33 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower.
- (4) In R9D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (c)(4), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot

coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

- (5) In R9D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(d) Additional regulations

In the districts indicated, for all #buildings#, and for #Quality Housing buildings# in other R6, R7, R8, R9 and R10 Districts, the following additional regulations shall apply:

- (1) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location requirements of paragraph (a) of this Section.
- (2) On #through lots# which extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of paragraph (a) of this Section shall be mandatory along only one #street# frontage.
- (3) The #street wall# location and minimum base height provisions of paragraph (a) of this Section shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered.
- (4) The minimum base height provisions of paragraph (a) of this Section shall not apply to #buildings developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.
- (5) The City Planning Commission may, upon application, authorize modifications in the required #street wall# location if the Commission finds that existing #buildings#, or existing open areas serving existing

#buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# in the manner prescribed in this Section.

- (6) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:
- (i) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section, or as modified in any applicable Special District.
 - (ii) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section, provided that such height not exceed 150 feet and provided such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.
 - (iii) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.
- (7) In R9D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT
AND MAXIMUM BUILDING HEIGHT

District ⁵	Minimum Base Height	Maximum Base Height	Maximum #Building or other Structure# Height
R6B	30	40	50
R6 ²	30	45	55
R6 ¹ inside #Manhattan Core#	40	55	65
R6 ¹ outside #Manhattan Core#	40	60	70
R6A			
R7 ¹ inside #Manhattan Core#	40	60	75
R7 ² R7B			
R7 ¹ outside #Manhattan Core#	40	65	80
R7A			
R7D	60	85	100
R7X	60	85	125
R8B	55	60	75
R8 ²	60	80	105
R8 ¹ R8A	60	85	120
R8X	60	85	150
R9 ² R9A ²	60	95	135
R9A R9 ¹	60	102	145
R9D	60	85 ⁴	-- ³
R9X ²	60	120	160
R9X ¹	105	120	170
R10 ² R10A ²	60	125	185
R10 ¹ R10A ¹	125	150	210
R10X	60	85	-- ³

-
- ¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#
 - ² For #zoning lots# on a #narrow street# except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#
 - ³ #Buildings or other structures# may exceed a maximum base height of 85 feet in accordance with paragraph (c) of this Section
 - ⁴ For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet
 - ⁵ Where the New York City Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

(2/2/11)

23-634

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

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

The front #building# wall of all #buildings# on a #zoning lot# with any frontage on a #wide street#, shall extend along the entire #wide street# frontage of the #zoning lot# without a setback for a height of 125 feet above the #curb level# or the full height of the #building#, whichever is less. Above a height of 125 feet, the front #building# wall may be set back at least 10 feet on a #wide street# or 15 feet on a #narrow street#. Above a height of 150 feet, the front #building# wall shall be set back at least 10 feet. These mandatory front #building# wall requirements also apply to all #buildings# along all #street lines# of #narrow streets# within 50 feet of their intersection with the #street lines# of #wide

streets#. For the next 20 feet along the #street line# of a #narrow street#, the mandatory front #building# wall requirements are optional. The height and setback regulations of the underlying district shall apply along #street lines#, or portions thereof, not subject to the front #building# wall requirements.

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

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

The preceding #street wall# location provisions shall not apply along any #street# frontage of a #zoning lot# occupied by existing #buildings# whose #street walls# remain unaffected by alterations or #enlargements# to such existing #buildings#.

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

(5/8/13)

23-635

Special bulk regulations for certain sites in Community District 4, Borough of Manhattan

Within the boundaries of Community District 4 in the Borough of Manhattan, excluding the #Special Clinton District#, for #developments# or #enlargements# in R8 Districts without a letter suffix, on #zoning lots# larger than 1.5 acres that include #residences# for which #public funding#, as defined in Section 23-911 (General definitions) is committed to be provided, the City

Planning Commission may authorize modifications of height and setback regulations, provided the Commission finds that such modifications will facilitate the provision of such #residences#, and such modifications will not unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #zoning lot# or nearby properties, #open space# or #streets#. Prior to issuing a building permit for any #development# or #enlargement# utilizing modifications granted by this authorization, the Department of Buildings shall be furnished with written notice of a commitment from the appropriate funding agency for the provision of such #public funding#.

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

(11/13/12)

23-636

Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program.

(2/2/11)

23-64

Alternate Front Setbacks

R6 R7 R8 R9 R10

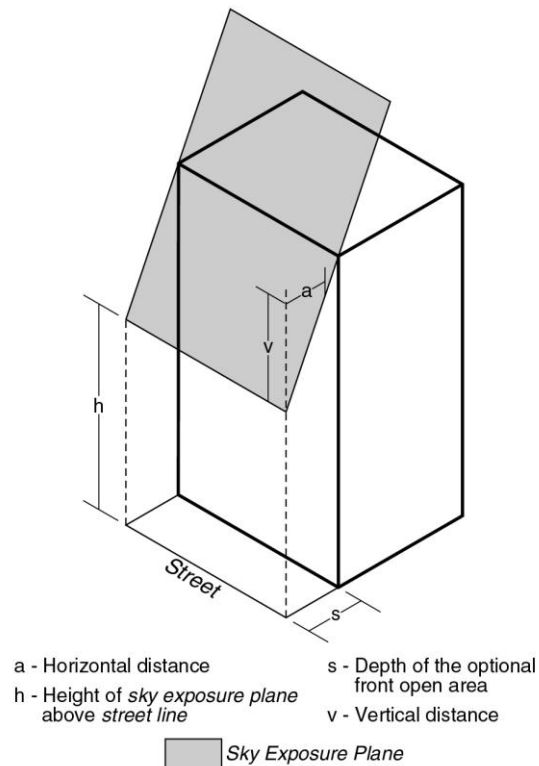
- (a) In the districts indicated, except for #Quality Housing buildings#, and except as set forth in paragraph (b) of this Section, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 23-63 (Maximum Height of Front Wall and Required Front 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 23-62 (Permitted Obstructions) or 23-65 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the following table, and the

#sky exposure plane# shall be measured from a point above the
#street line#.

In R9 or R10 Districts, the provisions of this Section shall be
inapplicable to any #development# or #enlargement# with more
than 25 percent of the total #floor area# of the #building# in
#residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

		Alternate #Sky Exposure Plane#				
		Height above #Street Line# (in feet)	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
Depth of Optional Front Open Area (in feet)			On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Hori- zontal Distance	Vertical Distance	Hori- zontal Distance
R6 or R7 Districts						
15	10	60	3.7 to 1		7.6 to 1	
R8 R9 R10 Districts						
15	10	85	3.7 to 1		7.6 to 1	



ALTERNATE SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts
(23-64, 24-53, 33-442, 43-44)

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (b) In the districts indicated, for all #buildings or other structures#, the provisions of this Section shall be inapplicable.

Supplementary Regulations

(2/2/11)

23-65

Tower Regulations

R9 R10

In the districts indicated, except for #Quality Housing buildings#, and except as set forth in paragraph (c) of this Section, any portion or portions of #buildings# which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot#, or for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table below, may penetrate an established #sky exposure plane# in accordance with the provisions of this Section. Such portions of #buildings# that penetrate a #sky exposure plane# are hereinafter referred to as towers.

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percent of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42

#Buildings developed# or #enlarged# with towers shall comply with either tower-on-a-base regulations or standard tower regulations, as follows:

(a) Applicability of tower-on-a-base regulations

The tower-on-a-base regulations of Section 23-651 shall apply to any such #building# that:

- (1) contains more than 25 percent of its total #floor area# in #residential use#; and
- (2) is located on a #zoning lot# that fronts upon a #wide street# and is either within 125 feet from such #wide street# frontage along the short dimension of the #block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#;

If a portion of such #building# is #developed# or #enlarged# with a tower the entire #zoning lot# shall be subject to the provisions of Section 23-651 (Tower-on-a-base).

(b) Applicability of standard tower regulations

The standard tower regulations of Section 23-652 shall apply to any such #building# that does not meet the location and #floor area# criteria of paragraph (a) of this Section.

(c) Inapplicability of tower regulations

The provisions of this Section 23-65 shall not apply to any #building#:

- (1) located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#; or
- (2) located in a R9A, R9X, R10A or R10X District.

(2/2/11)

23-651

Tower-on-a-base

Any #development# or #enlargement# that meets the location and

#floor area# criteria of paragraph (a) of Section 23-65 and includes a tower shall be constructed as a tower-on-a-base, in accordance with the regulations set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.

(a) Tower regulations

- (1) At any level above a #building# base (referred to hereinafter as a "base"), any portion or portions of a #building# (referred to hereinafter as a "tower") shall occupy in the aggregate:
 - (i) not more than 40 percent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the percentage set forth in the table in Section 23-65 (Tower Regulations); and
 - (ii) not less than 30 percent of the #lot area# of a #zoning lot#.

However, the highest four #stories# of the tower or 40 feet, whichever is less, may cover less than 30 percent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 percent of the gross area of that #story# directly below it.

- (2) Any tower located above a base shall not be subject to the provisions of Sections 23-63 (Maximum Height of Walls and Required Setbacks).
- (3) At least 55 percent of the total #floor area# permitted on the #zoning lot# shall be located in #stories# located either partially or entirely below a height of 150 feet.

When the #lot coverage# of the tower portion is less than 40 percent, the required 55 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

Percent of #Lot Coverage# of the Tower Portion	Minimum Percent of Total #Building Floor Area# Distribution Below the Level of 150 Feet
40.0 or greater	55.0
39.0 to 39.9	55.5
38.0 to 38.9	56.0

37.0 to 37.9	56.5
36.0 to 36.9	57.0
35.0 to 35.9	57.5
34.0 to 34.9	58.0
33.0 to 33.9	58.5
32.0 to 32.9	59.0
31.0 to 31.9	59.5
30.0 to 30.9	60.0

- (4) At all levels, such tower shall be set back from the #street wall# of a base at least 15 feet along a #narrow street# and at least 10 feet along a #wide street#, except that such dimensions shall include the depth of any permitted recesses in the #street wall#.
- (5) No tower or portion thereof shall be located on a #narrow street# at a distance that is more than 100 feet from the intersection with a #wide street#.

Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over open areas not occupied by towers.

For the purposes of determining the permitted tower coverage and the required minimum distance between #buildings# or portions thereof, that portion of a #zoning lot# located within 125 feet from the #wide street# frontage along the short dimension of a #block# shall be treated as if it were a separate #zoning lot#.

A tower proposed pursuant to Section 23-65 (Tower Regulations) 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.

(b) #building# base regulations

(1) #Street wall# location

- (i) On a #wide street#, and on a #narrow street# within 125 feet of its intersection with a #wide street#, the #street wall# of the base shall occupy the entire #street# frontage of a #zoning lot# not occupied by existing #buildings#. At any height, at least 70 percent of the width of such #street wall#

shall be located within eight feet of the #street line#, and the remaining 30 percent of such #street wall# may be recessed beyond eight feet of the #street line# to provide #outer courts# or balconies.

However, no such recesses shall be permitted within 20 feet of an adjacent #building# fronting on the same #street line# or within 30 feet of the intersection of two #street lines#.

- (ii) On a #narrow street# beyond 125 feet from its intersection with a #wide street#, no #street wall# of a base is required nor shall any #street wall# provided beyond 125 feet count toward the computation of any permitted recesses on such wall.
- (iii) Where the #street wall# of an adjacent #building# fronting on the same #street line# is located within 10 feet of the #street line#, the #street wall# of the base shall be either located at the #street line# or aligned with the #street wall# of the adjacent #building# for a distance of not less than 20 feet measured horizontally from the side wall of such existing #building#.

(2) Height of #street wall#

All #street walls# of a base shall rise vertically without setback to a height of not less than 60 feet nor more than 85 feet except:

- (i) On a #wide street#, if the height of the #street wall# of an adjacent #building# fronting on the same #street line# exceeds 60 feet and if such #street wall# is located within 10 feet of the #street line#, the #street wall# of the base shall match the height of the #street wall# of the adjacent #building# to a maximum height of 100 feet by either of three alternatives:
 - (a) the #street wall# of the base shall be extended vertically to the height of the adjacent #building# for a distance of not less than 20 feet measured horizontally from the side wall of such adjacent #building#;
 - (b) at least 50 percent of the width of the #street wall# of the base shall be extended vertically to the height of the adjacent #building#; or

- (c) a dormer shall be provided pursuant to paragraph (b) (3) of this Section. Such dormer shall match the height of the adjacent #building#.

Such #street wall# of the base fronting on a #wide street# may be extended along a #narrow street# within 70 feet of its intersection with the #wide street#.

- (ii) On a #narrow street# beyond 100 feet of its intersection with a #wide street#, the #street wall# of a base shall rise vertically to a height of at least 60 feet when the adjacent #building# is either less than 60 feet or greater than 85 feet, or match the height of the adjacent #building# when the height of such #building# is between 60 feet and 85 feet.

For the purposes of this paragraph, (b) (2), inclusive, the height of an adjacent #building# shall be the height of a #street wall#, before setback, if applicable, of that portion of an existing #building# nearest the #development# or #enlargement#, fronting on the same #street line#, and located on the same or an adjoining #zoning lot#.

(3) Dormer

For the purposes of this Section, a dormer shall be a vertical extension of the #street wall# of a base allowed as a permitted obstruction within a required front setback area. A dormer may be located anywhere on a #wide street#, and on a #narrow street# within 70 feet of its intersection with a #wide street#.

On any #street# frontage, the aggregate width of all dormers at the required initial setback level shall not exceed 60 percent of the width of the #street wall# of the highest #story# of the base. For each foot of height above the base, the aggregate width of all dormers at that height shall be decreased by one percent of the #street wall# width of the highest #story# of the base. Such dormer shall count as #floor area# but not as tower #lot coverage#.

(4) Open areas

All open areas at ground level, located between the #street line# and the #street wall# of a base shall be

landscaped except in front of entrances and exits to the #building#.

- (c) Modification of tower coverage and #floor area# distribution requirements

The tower #lot coverage# and #floor area# distribution requirements set forth in paragraph (a)(3) of this Section shall be modified for #buildings# that provide articulation of a base in accordance with the following provisions:

(1) Recesses

Recesses shall occupy, in the aggregate, between 30 and 50 percent of the width of each eligible #story# of the base, and measure at least two feet in depth. In addition, the width of any individual recess provided within eight feet of the #street line# shall not exceed 25 percent of the width of the #street wall# of the base, unless such recess is provided in combination with an additional recess located beyond eight feet of the #street line#.

Furthermore, all recesses shall comply with the provisions of paragraph (b)(1) of this Section or paragraph (a)(1) of Section 35-63 (Special Tower Regulations for Mixed Buildings), as applicable. For each #street# frontage of a #building# with recesses provided in accordance with this paragraph, (c)(1), the percent of #lot coverage# of the tower portion of the #building# may be decreased by 0.5 percent, and the minimum percent of total #building floor area# distribution below a level of 150 feet may be reduced by 0.25 percent.

(2) Dormers

For each #street# frontage with dormers, provided in accordance with paragraph (b)(3) of this Section, that measure, at their lowest level, at least 50 percent of the width of the #street wall# of the highest #story# of the base, and measure, at their highest level, at least 25 percent of the width of the highest #story# of the base, and rise at least 25 feet above the base, the percent of #lot coverage# of the tower portion of the #building# may be decreased by 0.5 percent, and the minimum percent of total #building floor area# distribution below a level of 150 feet may be reduced by 0.25 percent.

(3) Matching provision

For each #street# frontage that provides an extension of

the #street wall# of a base that matches the height of an adjacent #building# in accordance with paragraph (b)(2)(i)(b) of this Section, the percent of #lot coverage# of the tower portion of the #building# may be decreased by 0.5 percent, and the minimum percent of total #building floor area# distribution below a level of 150 feet may be reduced by 0.25 percent.

However, the total percent of #lot coverage# of the tower portion of the #building# shall not be decreased by more than 2.0 percent, nor shall the minimum percent of total #building floor area# distribution below a level of 150 feet be reduced by more than 1.0 percent.

(2/2/11)

23-652

Standard tower

Any #development# or #enlargement# that does not meet the location and #floor area# criteria of paragraph (a) of Section 23-65 and includes a tower shall be constructed as a standard tower in accordance with the regulations set forth in this Section.

At all levels, a tower shall be located not less than 15 feet from the #street line# of a #narrow street# and not less than 10 feet from the #street line# of a #wide street#.

Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over open areas not occupied by towers.

(4/30/12)

23-66

Required Side and Rear Setbacks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over any open areas required by the provisions of this Section. In addition, awnings and other sun control devices, decks, exterior wall thickness, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, are

permitted as set forth in Section 23-62 (Permitted Obstructions).

(2/2/11)

23-661

Required side and rear setbacks for tall buildings in low bulk districts

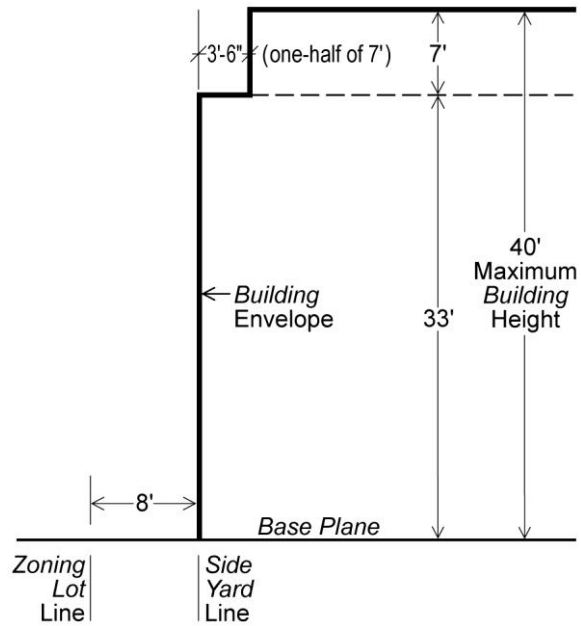
R1 R2 R5

In R1 and R2 Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 30 feet above the mean level of adjacent natural grade shall be set back from such #side yard# line or #rear yard line# for a distance equal to one-half the height of that portion of the #building or other structure# which is higher than 30 feet above the mean level of adjacent natural grade.

In an R5 District, except R5A and R5D Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 33 feet above the level of the #base plane# shall be set back from such #side yard# line or such #rear yard line# for a distance equal to one-half the height of that portion of the #building or other structure# which is higher than 33 feet above the level of the #base plane# (see illustration of Side Yard Setback).

The following are permitted to project into any open area required under the provisions of this Section:

- (a) parapet walls not more than four feet high; and
- (b) chimneys or flues with a total width not exceeding 10 percent of the width of the #building's# walls facing such open area.



Side Yard Setback
(R5 example)
(23-661)

(6/29/06)

23-662

Required side and rear setbacks for permitted non-residential uses in low bulk districts

R1 R2 R3 R4 R5

In the districts indicated, except R5D Districts, no portion of any #building# used for permitted non-#residential uses# which is more than 30 feet or more than three #stories#, whichever is less, above the level of a #side yard# or #rear yard#, shall be nearer to a #side lot line# or #rear lot line# bounding such #yard# than a distance equal to the height above yard level of such portion of the #building#.

The following are permitted to project into any open area required under the provisions of this Section:

- (a) parapet walls not more than four feet high; and
- (b) chimneys or flues with a total width not exceeding 10 percent of the width of the #building's# walls facing such open area.

(2/2/11)

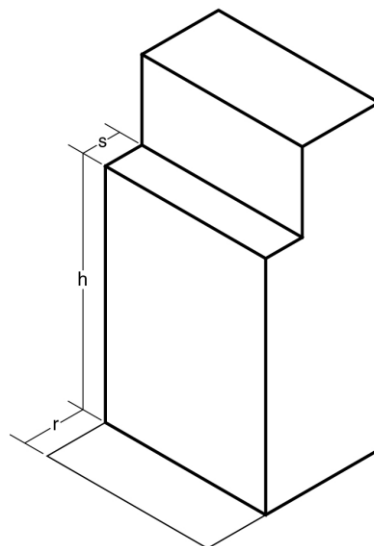
23-663

Required rear setbacks for tall buildings in other districts

R6 R7 R8 R9 R10

- (a) In the districts indicated, except as provided in paragraph (b) of this Section, no portion of a #building or other structure# more than 125 feet above yard level shall be nearer to a #rear yard line# than 20 feet. However, this provision shall not apply to any portion of a #building# that qualifies as a tower under the provisions of Section 23-65 (Tower Regulations).

In the case of a #through lot# on which a #rear yard equivalent# is provided as set forth in paragraph (a) of Section 23-532, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. If a #rear yard equivalent# is provided as set forth in paragraphs (b) or (c) of Section 23-532, the requirements of this Section shall not apply.



h - Height of wall above rear yard
r - Depth of required rear yard
s - Depth of required rear yard setback

REAR SETBACK
(23-663, 24-552)

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (b) In the districts indicated, for all #buildings or other structures#, and for #Quality Housing buildings# in other R6 through R10 Districts, no portion of a #building or other structure# 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.

In the case of a #through lot# on which a #rear yard equivalent# is provided as set forth in paragraph (a) of Section 23-532, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. If a #rear yard equivalent# is provided as set forth in paragraph (b) of Section 23-532, the requirements of this Section shall not apply.

Regulations Applying in Special Situations

(7/23/08)

23-67

Special Provisions Relating to Specified Streets

(7/23/08)

23-671

Special provisions for zoning lots directly adjoining public parks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #public park# with an area of between one and fifteen acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 23-63 (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(7/23/08)

23-672

Special provisions for certain streets in Community District 6 in the Borough of Brooklyn

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

(8/14/87)

**23-68
Special Provisions for Zoning Lots Divided by District Boundaries**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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 height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 23-65 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

(6/29/94)

**23-69
Special Height Limitations**

(6/29/94)

**23-691
Limited Height Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

	Maximum Height above #Curb
<u>#Limited Height</u>	<u>Level# or #Base Plane#, as</u>

District#	Applicable
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet

(2/2/11)

23-692

Height limitations for narrow buildings or enlargements

R7-2 R7D R7X R8 R9 R10

In the districts indicated, portions of #buildings# with #street walls# less than 45 feet in width shall not be permitted above the following heights:

- (a) For #interior lots#, and for #through lots#, which shall be treated as two separate #interior lots# of equal depth for the purposes of determining the height limitations of this Section, a height equal to the width of the #street# on which such #street walls# front or 100 feet, whichever is less;
- (b) For #corner lots# bounded by only #narrow streets#, a height equal to the width of the narrowest of such #streets# on which such #street walls# front;
- (c) For #corner lots# bounded by at least one #wide street#, a height equal to the width of the #widest street# on which it fronts, or 100 feet, whichever is less;
- (d) Where such #street walls abut# an existing #building# with #street walls# that exceed the height permitted in paragraphs (a), (b) or (c) of this Section, such new #street walls# may reach the height of the tallest of such #abutting building# walls if they front on a #wide street#, or the lowest of such #abutting building# walls if they front on a #narrow street#, provided such new #street walls# are fully contiguous at every level with such #abutting street walls#.

In addition, the following rules shall apply:

- (1) The front height and setback regulations and any height limitations of the underlying district shall apply, except that the alternate front setback and tower regulations of Sections

23-64, 23-65, 24-53, 24-54, 33-44 and 33-45 shall not apply. In the event of a conflict between the underlying regulations and the regulations of this Section, the more restrictive shall apply.

- (2) The provisions of this Section shall not apply to #street walls# of permitted obstructions or #street walls# located beyond 100 feet of a #street line#.
- (3) For the purposes of determining the width of a #street wall#:
 - (i) the width shall be the sum of the maximum widths of all #street walls# of a #building# at every level. The width of a #street wall# shall be the length of the #street line# from which, when viewed directly from above, lines perpendicular to the #street line# may be drawn to such #street wall#;
 - (ii) #abutting buildings# on a single #zoning lot# may be considered a single #building#, except as set forth in paragraph (6) of this Section.
- (4) For #buildings# with #street walls# less than 45 feet in width that front only on a #narrow street# and #abut# two existing #buildings#, the #street wall# of such #building# shall be no closer to the #street line# than the #street wall# of the #abutting building# that is closest to the #street line#.
- (5) On a #through lot# containing #buildings# with #street walls# less than 45 feet in width, the provisions of paragraphs (b) and (c) in Section 23-532 (Required rear yard equivalents) shall not apply.
- (6) #Quality Housing buildings# shall be exempt from the provisions of this Section provided the width of the #street wall# at the maximum base height specified in the applicable table in Section 23-633 or 35-24 is at least 45 feet. For such #buildings#, a #street wall# that is less than 45 feet wide may be constructed above such base. For the purposes of this paragraph (6), #abutting buildings# on a single #zoning lot# shall not be considered a single #building#. However, where all the requisite structural framing and all enclosing walls and roofs were completed for an #enlargement#, in accordance with a building permit issued prior to a September 11, 2007 Board of Standards and Appeals (67-07-A) ruling that resulted in the #enlargement# being ineligible for a certificate of occupancy, #abutting buildings# on a single #zoning lot# may be considered a single #building# provided such #zoning lot# is formed prior to August 2, 2011.

(2/2/11)

23-693

Special provisions applying adjacent to R1 through R6B Districts

R6 R7 R8 R9 R10

In the districts indicated, the #development# or #enlargement# of a #building#, or portions thereof, within 25 feet of an R1, R2, R3, R4, R5 or R6B District, shall:

- (a) not exceed a height of 35 feet where such adjoining district is an R1, R2, R3, R4 or R5 District; and
- (b) comply with the height and setback regulations of an R6B District where such adjoining district is an R6B District.

(12/15/61)

23-70

MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT

(2/2/11)

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 the portion of a #building# containing #residences# and any other #building# on the same #zoning lot# shall be as provided in this Section. For the purposes of this Section, #abutting buildings# on a single #zoning lot# may be considered a single #building#. However, 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 23-532 (Required rear yard equivalents); or
- (b) to space between a #single-family#, #two-family#, or three-family #residence# and a garage #accessory# thereto.

(4/30/12)

23-711

Standard minimum distance between buildings

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall vary according to the height of such #buildings# and the presence of #legally required windows# in facing #building# walls. Such minimum distance shall be, in feet, as indicated in the following table:

Wall Condition*	Maximum #Building# Height above #Base Plane# or #Curb Level#, as Applicable (in feet)				
	25	35	40	50	Over 50
Wall to Wall	20	25	30	35	40
Wall to Window	30	35	40	45	50
Window to Window	40	45	50	55	60

* Wall condition shall be defined as:

"wall to wall" is a condition where two walls of #buildings# face each other, and neither wall contains a #legally required window#;

"wall to window" is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#;

"window to window" is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.

In addition, the following rules shall apply:

- (a) the minimum distances set forth in this table shall be provided at the closest point between #buildings#;

- (b) any portion of a #building# that qualifies as a #building segment# may be treated as a separate #building# for the purposes of determining the minimum distance required between such #building segment# and another #building# or #building segment#;
- (c) where #buildings# of different heights face each other, the average of the heights of such #buildings# shall determine the minimum distance required between them;
- (d) projections having a maximum height of 25 feet above adjoining grade, a maximum depth of five feet, and an aggregate width not exceeding 25 percent of the #building# wall from which they project, may penetrate the minimum spacing requirements;
- (e) portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart;
- (f) in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph, (f), shall apply to any #zoning lot# with two or more #buildings# where at least 75 percent of the #floor area# of one #building# is located beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this paragraph, any #building# containing #residences# with no #building# containing #residences# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building# containing #residences# shall be considered a "front building," and any #building# containing #residences# with at least 75 percent of its #floor area# located beyond the #rear wall line#, or prolongation thereof, of a "front building" shall be considered a "rear building." The minimum distances set forth in the table in this Section shall apply, except that a minimum distance of 45 feet shall be provided between any such front and rear #buildings#; and
- (g) for #buildings# existing on April 30, 2012, the minimum distances set forth in the table in this Section, and any #non-complying# distance greater than eight feet, may be reduced by up to eight inches of exterior wall thickness, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A #non-complying# distance of eight feet or less shall be limited to a total reduction of one inch of wall thickness for each foot of such existing distance between buildings.

Supplementary Regulations

(12/15/61)

23-72

Subdivision of a Zoning Lot after Development

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, after any portion of a #zoning lot# has been #developed# under the provisions of Section 23-71 (Minimum Distance between Buildings on a Single Zoning Lot), such #zoning lot# may be divided into smaller #zoning lots# only if each resulting #zoning lot# and #building# or #buildings# thereon comply with all the #bulk# regulations of the district in which they are located, except as provided in Article VII, Chapter 8.

(12/8/05)

23-80

COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS

Definitions and General Provisions

(12/15/61)

23-81

Definitions

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

Basic Regulations

(2/2/11)

23-82

Building Walls Regulated by Minimum Spacing Requirements

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, at any level at which two portions

of a single #building# or #abutting buildings# on a single #zoning lot# are not connected one to the other, such portions shall be deemed to be two separate #buildings#, and the provisions set forth in Section 23-71 (Minimum Distance between Buildings on a Single Zoning Lot) shall apply. In applying such provisions, the height of the two portions shall be measured from the roof of the connecting portion of such #building# instead of from the #base plane# or #curb level#, as applicable.

(2/2/11)

23-83

Building Walls Regulated by Other than Minimum Spacing Requirements

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, to the extent that the provisions of Section 23-82 (Building Walls Regulated by Minimum Spacing Requirements) do not apply, the minimum distance between different walls of the same #building# shall conform to the regulations set forth in the following Sections:

Section 23-84 (Outer Court Regulations)

Section 23-85 (Inner Court Regulations)

Section 23-86 (Minimum Distance between Legally Required Windows and Walls or Lot Lines)

Section 23-87 (Permitted Obstructions in Courts).

For the purposes of these Sections, #abutting buildings# on a single #zoning lot# shall be considered a single #building#.

However, these regulations shall not apply to any #single-# or #two-family detached residence#.

A corner of a #court# may be cut off between walls of the same #building#, provided that the length of the wall of such cut-off does not exceed seven feet.

The Commissioner of Buildings may approve minor recesses, projections and architectural treatment of the outline of #courts# as long as these variations do not substantially change the depth or width of the #court#.

(12/15/61)

23-84

Outer Court Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #outer courts# shall be in compliance with the provisions of this Section.

(6/29/94)

23-841

Narrow outer courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, if an #outer court# is less than 30 feet wide, the width of such #outer court# shall be at least one and one-third the depth of such #outer court#.

However, in R3, R4 or R5 Districts, for #single-# and #two-family residences#, three #stories# or less in height, the width of such #outer court# shall be at least equal to the depth of such #outer court#.

(12/15/61)

23-842

Wide outer courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, if an #outer court# is 30 feet or more in width, the width of such #outer court# must be at least equal to the depth of such #outer court#, except that such width need not exceed 60 feet.

(12/15/61)

23-843

Outer court recesses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the width of an #outer court recess# shall be at least twice the depth of the recess, except that such width need not exceed 60 feet.

(2/2/11)

23-844

Modification of court and side yard regulations in the area of the former Bellevue South Urban Renewal Plan in the Borough of Manhattan

In the Borough of Manhattan, in the area designated by the former Bellevue South Urban Renewal Plan, for a #development# or #enlargement# on a #zoning lot# that adjoins a #zoning lot# including a #building# containing #residences# with #non-complying courts# along the common #side lot line#, the #court# regulations of Section 23-80 and the open area requirements of paragraph (c) of Section 23-462 (Side yards for all other residential buildings) may be modified to allow an open area at least eight feet wide to extend along a portion of the #side lot line#.

(12/15/61)

23-85

Inner Court Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #inner courts# shall be in compliance with the provisions of this Section.

(9/18/69)

23-851

Minimum dimensions of inner courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the area of an #inner court# shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet. For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed directly from above, lines perpendicular to a #lot line# may be drawn into such #inner court#,

shall be considered part of such #inner court#. In R1, R2 and R3 Districts, the area of an #inner court# shall not be less than 200 square feet and the minimum dimension of such #inner court# shall not be less than 12 feet.

(12/15/61)

23-852

Inner court recesses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the width of an #inner court recess# shall be at least twice the depth of the recess. However, if the recess opening is 60 feet or more in width, this provision shall not apply.

(2/2/11)

23-86

Minimum Distance Between Legally Required Windows and Walls or Lot Lines

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, the minimum distance between #legally required windows# and walls or #lot lines# shall be as set forth in this Section, except that this Section shall not apply to #legally required windows# in #buildings# containing #residences#:

- (a) in R2X, R3, R4 or R5A Districts, with a maximum height of 35 feet and with a maximum of three units; and
- (b) in other districts either:
 - (1) with a maximum height of 32 feet and with a maximum of three units; or
 - (2) with three #stories# if the lowest #story# is either a #basement# or is excluded from #floor area# by definition.

For the purposes of this Section, #abutting buildings# on the same #zoning lot# shall be considered a single #building#.

(4/30/12)

23-861

General provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as otherwise provided in Section 23-862 (Minimum distance between legally required windows and lot lines on small corner lots in R9 or R10 Districts) or Section 23-863 (Minimum distance between legally required windows and any wall in an inner court), the minimum distance between a #legally required window# and:

- (a) any wall;
- (b) a #rear lot line#, or vertical projection thereof; or
- (c) a #side lot line#, or vertical projection thereof;

shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening; provided, however, that a #legally required window# may open on any #outer court# meeting the requirements of Section 23-84 (Outer Court Regulations).

In R3, R4 and R5 Districts, the minimum dimension between a #legally required window# and a #side lot line# shall be 15 feet. Such 15 foot dimension shall be measured in a horizontal plane perpendicular to the #side lot line# or vertical projection thereof. Furthermore, such area with a 15 foot dimension shall be open to the sky from ground level up for the entire length of the #side lot line#. Only air conditioning condensation units, chimneys, downspouts, eaves, exterior wall thickness, gutters, open #accessory# off-street parking spaces, ramps for access by the handicapped, and steps shall be permitted obstructions in such open area, subject to the conditions set forth in paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and provided such obstructions will not reduce the minimum width of the open area by more than three feet.

(4/30/12)

23-862

Minimum distance between legally required windows and lot lines on small corner lots in R9 or R10 Districts

R9 R10

In the districts indicated, on a #corner lot# less than 10,000 square feet in #lot area#, a #legally required window# may open on a #yard# bounded on one side by a #front lot line# and having a minimum width of 20 feet, provided that the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not apply to such #yard#. However, awnings and other sun control devices, exterior wall thickness and solar energy systems on walls, as set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted within such minimum distance.

(12/15/61)

23-863

Minimum distance between legally required windows and any wall in an inner court

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum horizontal distance between a #legally required window# opening on an #inner court# and any wall opposite such window on the same #zoning lot# shall not be less than 30 feet, nor shall any such wall be nearer to such window than a distance equal to one-half the total height of such wall above the sill level of such window. Such minimum distance need not exceed 60 feet.

Such minimum distance shall be measured in a horizontal plane at the sill level of, and perpendicular to, the #legally required window# for the full width of the rough window opening, between such window and a projection of such wall onto such horizontal plane.

(4/30/12)

23-87

Permitted Obstructions in Courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following obstructions shall be permitted within the minimum area and dimensions needed to satisfy the requirements for a #court#:

(a) Arbors or trellises;

- (b) Awnings and other sun control devices. However, when located at a level higher than the first #story#, excluding a #basement#, all such devices:
 - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (c) Eaves, gutters, downspouts, window sills, or similar projections extending into such #court# not more than four inches;
- (d) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #court# width, up to a maximum thickness of eight inches;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #courts# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #court#;

- (e) Fences;
- (f) Fire escapes in #outer courts#;

Fire escapes in #outer court recesses# not more than five feet in depth;

Fire escapes in #inner courts# where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

Fire escapes in #outer court recesses# more than five feet in depth where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

- (g) Flagpoles;
- (h) Open terraces, porches, or steps;
- (i) Recreational or drying yard equipment;

- (j) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), shall be permitted.

(4/30/08)

23-88

Minimum Distance between Lot Lines and Building Walls

(2/2/11)

23-881

Minimum distance between lot lines and building walls in lower density growth management areas

In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this Section shall apply to any #zoning lot# with two or more #buildings#, where at least 75 percent of the #floor area# of one #building# is located beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this Section, any #building# containing #residences# with no #building# containing #residences# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building# containing #residences# shall be considered a "front building," and any #building# containing #residences# with at least 75 percent of its #floor area# located beyond the #rear wall line#, or prolongation thereof, of a "front building" shall be considered a "rear building". An open area with a minimum width of 15 feet shall be provided between any such "rear building" and the #side lot line# of an adjoining #zoning lot#, and an open area with a minimum width of 30 feet shall be provided between any such "rear building" and the #rear lot line# of an adjoining #zoning lot#. The permitted obstruction provisions of Section 23-44 for #side yards# shall apply where such open areas adjoin a #side lot line#, and the permitted obstruction provisions of Section 23-44 for #rear yards# shall apply where such open areas adjoin a #rear lot line#.

(4/30/08)

23-882

Minimum distance between lot lines and building walls in R1 through R5 Districts

R1 R2 R3 R4 R5

In the districts indicated, for #corner lots# with multiple #buildings# or #building segments#, an open area at least 30 feet in depth shall be provided between the #side lot line# and the #rear wall line# of any #building# or #building segment# that does not front upon two #streets# in its entirety.

(4/14/10)

23-89

Open Area Requirements for Residences

(4/30/12)

23-891

In R1 through R5 Districts

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to all #zoning lots# with two or more #buildings# or #building segments# containing #residences#. All such #buildings# or #building segments# shall provide open areas in accordance with this Section. Only those obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways, shall not be permitted within such open areas.

- (a) An open area shall be provided adjacent to the rear wall of each such #building# or #building segment#. For the purposes of this Section, the "rear wall" shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 30 feet when measured perpendicular to each rear wall. No such open areas shall serve more than one #building# or #building segment#.

- (b) For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private road#, one wall of such #building# or #building segment# shall be designated the rear wall, and the open area provisions of this Section applied adjacent to such wall. However, for not more than one #building# or #building segment# located at the corner of intersecting #streets# or #private roads#, the depth of such required open area may be reduced to 20 feet.

(2/2/11)

23-892

In R6 through R10 Districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (a) In the districts indicated, the entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

R6 R7 R8 R9 R10

- (b) In the districts indicated without a letter suffix, on #zoning lots# containing a #Quality Housing building#, the entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building# within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#.

(5/21/87)

23-90

INCLUSIONARY HOUSING

(7/29/09)

23-91

Definitions

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

(2/2/11)

23-911

General definitions

The following definitions shall apply throughout Section 23-90 (INCLUSIONARY HOUSING), inclusive:

Administering agent

An "administering agent" is the entity responsible for ensuring, pursuant to a #regulatory agreement#, that:

- (a) each subject rental #affordable housing unit# is rented in compliance with such #regulatory agreement# at #rent-up# and upon each subsequent vacancy; or
- (b) each subject #homeownership affordable housing unit# is owned and occupied in compliance with such #regulatory agreement# at #sale# and upon each #resale#.

Affordable floor area

- (a) Where all of the #dwelling units#, #rooming units# and #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, all of the #residential floor area#, or #community facility floor area# for a #supportive housing project#, in such #generating site# is "affordable floor area."
- (b) Where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, the #affordable floor area# in such

#generating site# is the sum of:

- (1) all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site#; plus
- (2) a figure determined by multiplying the #residential floor area# of the #eligible common areas# in such #generating site# by a fraction, the numerator of which is all of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# and the denominator of which is the sum of the #residential floor area# within the perimeter walls of the #affordable housing units# in such #generating site# plus the #residential floor area# within the perimeter walls of the #dwelling units# or #rooming units# in such #generating site#, other than any #super's unit#, that are not #affordable housing units#.

Affordable housing

"Affordable housing" consists of:

- (a) #affordable housing units#; and
- (b) #eligible common areas#.

Affordable housing plan

An "affordable housing plan" is a plan approved by #HPD# to #develop#, rehabilitate or preserve rental or #homeownership affordable housing#, pursuant to the provisions of Section 23-90, inclusive.

Affordable housing unit

An "affordable housing unit" is:

- (a) a #dwelling unit#, other than a #super's unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by:
 - (1) #low income households#;
 - (2) where permitted by Section 23-953 (Special floor area compensation provisions in specified areas), either #low

income households# or a combination of #low income households# and #moderate income households# or #middle income households#; or

(3) upon #resale# of #homeownership affordable housing units#, other #eligible buyers#, as applicable;

(b) a #rooming unit#, other than a #super's unit#, that is used for class B occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by #low income households#; or

(c) a #supportive housing unit# within a #supportive housing project#.

#Affordable housing units# that are restricted to #homeownership#, as defined in Section 23-913, pursuant to a #regulatory agreement#, must be #dwelling units#.

Capital element

"Capital elements" are, with respect to any #generating site#, the electrical, plumbing, heating and ventilation systems in such #generating site#, any air conditioning system in such #generating site# and all facades, parapets, roofs, windows, doors, elevators, concrete and masonry in such #generating site# and any other portions of such #generating site# specified in the #guidelines#.

Compensated development

A "compensated development" is a #development#, an #enlargement# of more than 50 percent of the #floor area# of an existing #building# or, where permitted by the provisions of Section 98-262, a #conversion# of a #building#, or portion thereof, from non-#residential use# to #dwelling units#, that is located within a #compensated zoning lot#.

Compensated zoning lot

A "compensated zoning lot" is a #zoning lot# that contains a #compensated development# and receives an increased #floor area ratio#, pursuant to the provisions of Section 23-90, inclusive.

Completion notice

A "completion notice" is a notice from #HPD# to the Department of

Buildings stating that the #affordable housing# in all or a portion of any #generating site# is complete and stating the #affordable floor area# of such #affordable housing#.

Eligible common area

"Eligible common area" includes any #residential floor area# in a #generating site# that is located within the perimeter walls of a #super's unit#, and also includes any #residential floor area# in such #generating site# that is not located within the perimeter walls of any other #dwelling unit# or #rooming unit#, except any #residential floor area# for which a user fee is charged to residents of #affordable housing units#.

Floor area compensation

"Floor area compensation" is any additional #residential floor area# permitted in a #compensated development#, pursuant to the provisions of Section 23-90, inclusive.

Generating site

A "generating site" is a #building# or #building segment# containing either #residential affordable floor area# or a #supportive housing project#, which generates #floor area compensation#. Non-#residential floor area# on a #generating site#, other than a #supportive housing project#, may not generate #floor area compensation#.

Grandfathered tenant

A "grandfathered tenant" is any #household# that:

- (a) occupied an #affordable housing unit# in #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date#, pursuant to a lease, occupancy agreement or statutory tenancy under which one or more members of such #household# was a primary tenant of such #affordable housing unit#; and
- (b) has not been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#; or
- (c) in #homeownership preservation affordable housing# or

#homeownership substantial rehabilitation affordable housing#, has been certified by the #administering agent# to have an annual income below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #affordable housing unit#, but has elected not to purchase such #affordable housing unit#.

Guidelines

The "guidelines" are the #guidelines# adopted by #HPD#, pursuant to paragraph (k) of Section 23-96 (Requirements for Generating Sites).

Household

Prior to #initial occupancy# of an #affordable housing unit#, a "household" is, collectively, all of the persons intending to occupy such #affordable housing unit# at #initial occupancy#. After #initial occupancy# of an #affordable housing unit#, a #household# is, collectively, all of the persons occupying such #affordable housing unit#.

HPD

"HPD" is the Department of Housing Preservation and Development or its successor agency or designee, acting by or through its Commissioner or his or her designee.

Income index

The "income index" is 200 percent of the Very Low-Income Limit established by the U.S. Department of Housing and Urban Development (HUD) for Multifamily Tax Subsidy Projects (MTSPs) in accordance with Internal Revenue Code Sections 42 and 142, as amended by Section 3009(a) of the Housing and Economic Recovery Act of 2008, as adjusted for household size. #HPD# shall adjust such figure for the number of persons in a #household# in accordance with such methodology as may be specified by HUD or in the #guidelines#. #HPD# may round such figure to the nearest 50 dollars or in accordance with such methodology as may be specified by HUD or in the #guidelines#. If HUD ceases to establish, or changes the standards or methodology for the establishment of, such income limit for MTSPs or ceases to establish the methodology for adjusting such figure for #household# size, the standards and methodology for establishment of the #income index# shall be specified in the #guidelines#.

Initial occupancy

"Initial occupancy" is:

- (a) in rental #affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a tenant, and shall not refer to any subsequent renewal lease of the same #affordable housing unit# to the same tenant #household#; or
- (b) in #homeownership affordable housing#, the first date upon which a particular #household# occupies a particular #affordable housing unit# as a #homeowner#.

For any #household# occupying an #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# on the #regulatory agreement date#, #initial occupancy# is the #regulatory agreement date#.

Low income floor area

The "low income floor area" is the #affordable floor area# that is provided for #low income households# or, upon #resale# as defined in Section 23-913, #eligible buyers#.

Low income household

A "low income household" is a #household# having an income less than or equal to the #low income limit# at #initial occupancy#, except that, with regard to #low income floor area# within #preservation affordable housing# or #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #low income household#.

Low income limit

The "low income limit" is 80 percent of the #income index#.

Middle income floor area

The "middle income floor area" is the #affordable floor area# that is provided for #middle income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

Middle income household

A "middle income household" is a #household# having an income greater than the #moderate income limit# and less than or equal to the #middle income limit# at #initial occupancy#, except that, with regard to #middle income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #middle income household#.

Middle income limit

The "middle income limit" is 175 percent of the #income index#.

Moderate income floor area

The "moderate income floor area" is the #affordable floor area# that is provided for #moderate income households# or, upon #resale# as defined in Section 23-913, for #eligible buyers#.

Moderate income household

A "moderate income household" is a #household# having an income greater than the #low income limit# and less than or equal to the #moderate income limit# at #initial occupancy#, except that, with regard to #moderate income floor area# within #substantial rehabilitation affordable housing#, a #grandfathered tenant# shall also be a #moderate income household#.

Moderate income limit

The "moderate income limit" is 125 percent of the #income index#.

New construction affordable housing

"New construction affordable housing" is #affordable housing# that:

- (a) is located in a #building# or portion thereof that did not exist on a date which is 36 months prior to the #regulatory agreement date#;
- (b) is located in #floor area# for which the Department of Buildings first issued a temporary or permanent certificate of occupancy on or after the #regulatory agreement date#; and
- (c) complies with such additional criteria as may be specified by #HPD# in the #guidelines#.

Permit notice

A "permit notice" is a notice from #HPD# to the Department of Buildings stating that building permits may be issued to a #compensated development# to utilize #floor area compensation# from all or a portion of the #affordable floor area# on a #generating site#. Any #permit notice# shall:

- (a) state the amount of #low income floor area#, #moderate income floor area# or #middle income floor area# attributable to such #generating site#;
- (b) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area# or #middle income floor area# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#;
- (c) state whether the #affordable housing# comprising such #low income floor area#, #moderate income floor area# or #middle income floor area# has utilized #public funding#; and
- (d) specify the amount of such #affordable housing# that the #compensated development# may utilize to generate #floor area compensation#.

Preservation affordable housing

"Preservation affordable housing" is #affordable housing# that:

- (a) is a #generating site# that existed and was legally permitted to be occupied on the #regulatory agreement date#, except as permitted in the #guidelines#; and
- (b) complies with the provisions of Section 23-961, paragraph (e) (Special requirements for rental preservation affordable housing) or Section 23-962, paragraph (f) (Special requirements for homeownership preservation affordable housing), as applicable.

Public funding

"Public funding" is any grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent

financing, the utilization of bond proceeds and allocations of low income housing tax credits. #Public funding# shall not include the receipt of rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, or an exemption or abatement of real property taxes pursuant to Section 420-a, Section 420-c, Section 421-a, Section 422, Section 488-a or Section 489 of the Real Property Tax Law, Article XI of the Private Housing Finance Law or such other programs of full or partial exemption from or abatement of real property taxation as may be specified in the #guidelines#.

Regulatory agreement

A "regulatory agreement" is an agreement between #HPD# and the owner of the #affordable housing# that requires compliance with all applicable provisions of an #affordable housing plan#, Section 23-90, inclusive, and the #guidelines#.

Regulatory agreement date

The "regulatory agreement date" is, with respect to any #affordable housing#, the date of execution of the applicable #regulatory agreement#. If a #regulatory agreement# is amended at any time, the #regulatory agreement date# is the original date of execution of such #regulatory agreement#, without regard to the date of any amendment.

Regulatory period

The "regulatory period" is, with respect to any #generating site#, the entire period of time during which any #floor area compensation# generated by the #affordable floor area# on such #generating site# is the subject of a permit, temporary certificate of occupancy or permanent certificate of occupancy issued by the Department of Buildings, or is otherwise under construction or in use in a #compensated development#.

Substantial rehabilitation affordable housing

"Substantial rehabilitation affordable housing" is #affordable housing# that:

- (a) is a #generating site# that existed on the #regulatory agreement date#; and
- (b) complies with the provisions of Section 23-961, paragraph (f) (Special requirements for rental substantial rehabilitation

affordable housing), or Section 23-962, paragraph (g) (Special requirements for homeownership substantial rehabilitation affordable housing), as applicable.

Super's unit

A "super's unit" is, in any #generating site#, not more than one #dwelling unit# or #rooming unit# that is reserved for occupancy by the superintendent of such #building#.

(7/29/09)

23-912

Definitions applying to rental affordable housing

The following definitions shall apply to rental #affordable housing#:

Legal regulated rent

A "legal regulated rent" is, with respect to any #affordable housing unit#, the initial #monthly rent# registered with the Division of Housing and Community Renewal at #rent-up# in accordance with paragraph (b) of Section 23-961 (Additional requirements for rental affordable housing).

Maximum monthly rent

The "maximum monthly rent" is:

- (a) 30 percent of the #low income limit# for an #affordable housing unit# restricted to occupancy by #low income households#, divided by 12, minus the amount of any applicable #utility allowance#;
- (b) 30 percent of the #moderate income limit# for an #affordable housing unit# restricted to occupancy by #moderate income households#, divided by 12, minus the amount of any applicable #utility allowance#; and
- (c) 30 percent of the #middle income limit# for an #affordable housing unit# restricted to occupancy by #middle income households#, divided by 12, minus the amount of any applicable #utility allowance#.

Monthly rent

The "monthly rent" is the monthly amount charged, pursuant to paragraph (b) of Section 23-961 (Additional requirements for rental affordable housing), to a tenant in an #affordable housing unit#.

Rent stabilization

"Rent stabilization" is the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974 and all regulations promulgated pursuant thereto or in connection therewith. If the Rent Stabilization Law of 1969 or the Emergency Tenant Protection Act of 1974 is repealed, invalidated or allowed to expire, #rent stabilization# shall be defined as set forth in the #guidelines#.

Rent-up

"Rent-up" is the first rental of vacant #affordable housing units# on or after the #regulatory agreement date#, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, #rent-up# shall have the same meaning as #regulatory agreement date#.

Rent-up date

The "rent-up date" is the date upon which leases for a percentage of vacant #affordable housing units# set forth in the #guidelines# have been executed, except that, where one or more #affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the #rent-up date# is the #regulatory agreement date#.

Supportive housing project

A "supportive housing project" is a non-profit institution with sleeping accommodations, as specified in Section 22-13 (Use Group 3), where:

- (a) 100 percent of the #supportive housing units# within such #generating site#, have been restricted to use as #affordable housing# for persons with special needs pursuant to a #regulatory agreement#;

- (b) such #generating site# does not contain any #dwelling unit# or #rooming unit# that is not #accessory#; and
- (c) such #generating site# is not a #compensated development#.

Supportive housing unit

A "supportive housing unit" is #floor area# in a #supportive housing project# that consists of sleeping quarters for persons with special needs and any private living space appurtenant thereto.

Utility allowance

A "utility allowance" is a monthly allowance set by #HPD# for the payment of utilities where the tenant of an #affordable housing unit# is required to pay all or a portion of the utility costs with respect to such #affordable housing unit# in addition to any payments of #monthly rent#.

(7/29/09)

23-913

Definitions applying to homeownership affordable housing

The following definitions shall apply to #homeownership affordable housing#, where #homeownership# is as defined in this Section:

Appreciated price

The "appreciated price" for any #homeownership affordable housing unit# is the product of the #sale# or #resale# price of such #homeownership affordable housing unit# on the previous #sale date# and the #appreciation index# applicable at #resale# as specified in the #guidelines#.

Appreciation cap

The "appreciation cap" is the #resale# price at which the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid by the #homeowner# would be equal to 30 percent of:

- (a) 125 percent of the #income index# for a #homeownership affordable housing unit# that was restricted to occupancy by #low income households# at #sale#; or

- (b) 175 percent of the #income index# for a #homeownership affordable housing unit# that was restricted to occupancy by #moderate income households# at #sale#; or
- (c) 200 percent of the #income index# for a #homeownership affordable housing unit# that was restricted to occupancy by #middle income households# at #sale#.

Appreciation index

The "appreciation index" is 100 until August 1, 2010. On or after August 1, 2010, the #appreciation index# shall be a number greater than 100, representing the cumulative increase in #resale# price of a #homeownership affordable housing unit# permitted pursuant to the annual rates of increase established by #HPD#.

#HPD# shall set the annual rate of increase at the same rate as the percentage change in the Consumer Price Index for all urban consumers, as defined by the U.S. Bureau of Labor Statistics, for the 12 months ended on June 30 of that year, plus one percent per year, but the annual rate of increase shall be no less than one percent per year. #HPD# shall adjust the Consumer Price Index component of the #appreciation index# on August 1 of each calendar year, commencing on August 1, 2010, based on the percentage change in the Consumer Price Index for the 12 months ended on June 30 of that calendar year. For a fraction of a year, the components of the #appreciation index# shall be set as specified in the #guidelines#. #HPD# may adjust the methodology for calculating the #appreciation index# not more than once every two years in accordance with the #guidelines#.

Commencement date

The "commencement date" is the date upon which #sales# for a percentage of #homeownership affordable housing units# in a #generating site# set forth in the #guidelines# have been completed, except that, where one or more #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# were occupied by #grandfathered tenants# on the #regulatory agreement date#, the #commencement date# is the #regulatory agreement date#.

Condominium association

A "condominium association" is an organization of condominium #homeowners#, with a form of governance specified in the

#guidelines#, that manages the common areas and #capital elements# of a #generating site#.

Cooperative corporation

A "cooperative corporation" is any corporation organized exclusively for the purpose of providing housing accommodations to shareholders who are persons or families entitled, by reason of ownership of shares in such corporation, to residential occupancy.

Down payment

The "down payment" is a payment that is not secured by any form of debt, made on or before the #sale date# by the #eligible buyer# approved by the #administering agent# to purchase a #homeownership affordable housing unit#.

Eligible buyer

An "eligible buyer" is a #household# that qualifies to buy a specific #homeownership affordable housing unit#. Such a #household# shall:

(a) except in the case of #succession#:

- (1) be, at the time of application for an initial #sale#, a #low income household#, #moderate income household# or #middle income household# for which, at the #initial price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income. However, for a #household# that resided on a #generating site# on the date of submission of an #affordable housing plan#, #HPD# may waive the requirement that housing costs be not less than 25 percent of such #household's# income;
- (2) be, at the time of application for a #resale#, in the case of an #affordable housing unit# initially limited to #sale# to a #low income household#, #moderate income household# or #middle income household#, any #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes that would be paid for a #homeownership affordable housing unit# is not more than 35 percent and not less than 25 percent of such #household's# income;

- (3) have cash or equivalent assets that are at least equal to the required #down payment# for such #affordable housing unit#. However, #HPD# may waive this requirement for a #household# that resided on a #generating site# on the date of submission of an #affordable housing plan# to #HPD#; and
- (4) meet such additional eligibility requirements as may be specified in the #guidelines#.

(b) in the case of #succession#:

- (1) be, at the time of application, a #household# for which, at the #maximum resale price#, the combined cost of #monthly fees#, #imputed mortgage payments#, utilities and property taxes for the subject #homeownership affordable housing unit# is not less than 25 percent of such #household's# income; and
- (2) meet such additional eligibility requirements as may be specified in the #guidelines#.

A #grandfathered tenant# is not an #eligible buyer# unless such #grandfathered tenant# has been certified by the #administering agent# to have an annual income at or below the #low income limit#, #moderate income limit# or #middle income limit#, as applicable to such #homeownership affordable housing unit#.

Family member

"Family member" shall have the meaning set forth in the #guidelines#.

Homeowner

A "homeowner" is a person or persons who:

- (a) owns a condominium #homeownership affordable housing unit# and occupies such condominium #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#; or
- (b) owns shares in a #cooperative corporation#, holds a proprietary lease for an #homeownership affordable housing unit# owned by such #cooperative corporation# and occupies such #homeownership affordable housing unit# in accordance with owner occupancy requirements set forth in the #guidelines#.

Homeownership

"Homeownership" is a form of tenure for housing, including #dwelling units# occupied by either the owner as a separate condominium, a shareholder in a #cooperative corporation# pursuant to the terms of a proprietary lease, a #grandfathered tenant# or an authorized sublettor pursuant to the #guidelines#.

Imputed mortgage payment

An "imputed mortgage payment" is the maximum #mortgage payment# at prevailing interest rates for a qualifying #mortgage# that could be paid to purchase a #homeownership affordable housing unit# at the #maximum resale price#, calculated in accordance with the #guidelines#.

Initial price

The "initial price" is the price at which a #homeownership affordable housing unit# may be offered for #sale# for the first time, pursuant to a #regulatory agreement#.

Maximum resale price

The "maximum resale price" for a #homeownership affordable housing unit# is the lesser of the #appreciated price# or the #appreciation cap# for such #homeownership affordable housing unit#.

Monthly fees

The "monthly fees" are any payments charged to a #homeowner# by a #cooperative corporation# or #condominium association# to provide for the reimbursement of the applicable #homeownership affordable housing unit's# share of the expenses of such #cooperative corporation# or #condominium association#, as permitted by the #regulatory agreement#.

Mortgage

A "mortgage" is a mortgage loan, or a loan to purchase shares in a #cooperative corporation#, that has been approved by the #administering agent# and that has a fixed rate of interest, a term of at least 30 years at every #sale# and #resale#, a value not

exceeding 90 percent of the #sale# price of such #homeownership affordable housing unit# at the time of the initial #sale# or 90 percent of the #maximum resale price# of such #homeownership affordable housing unit# at any time after the initial #sale#, and that is otherwise in compliance with the #guidelines#.

Mortgage payment

The "mortgage payment" is any monthly repayment of principal and interest on a #mortgage#.

Resale

A "resale" is any transfer of title to a condominium #homeownership affordable housing unit# after the first #sale# or any transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# after the first #sale#.

Sale

A "sale" is the first transfer of title to a condominium #homeownership affordable housing unit# or the first transfer of ownership of the shares in a #cooperative corporation# which are appurtenant to an #homeownership affordable housing unit# on or after the #regulatory agreement date#.

Sale date

A "sale date" is the date of the #sale# or #resale# of any #homeownership affordable housing unit#. However, for #homeownership affordable housing units# in #preservation affordable housing# or #substantial rehabilitation affordable housing# occupied by #grandfathered tenants# on the #regulatory agreement date#, the initial #sale date# shall be the #regulatory agreement date#.

Succession

"Succession" is a #resale# from a #homeowner# to a #family member# of such #homeowner#.

(7/29/09)

23-92

General Provisions

The Inclusionary Housing Program is established to promote the creation and preservation of housing for residents with varied incomes in redeveloping neighborhoods and thus to promote the general welfare. The requirements of this program are set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Wherever the provisions of Section 23-90, inclusive, provide that approval is required, #HPD# may specify the form of such approval in the #guidelines#.

(7/29/09)

23-93

Applicability

(10/9/13)

23-931

Lower income housing plans approved prior to July 29, 2009

Any #lower income housing plan#, as defined by Section 23-93 prior to July 29, 2009, that has been approved by #HPD# prior to such date, and results, within one year after such approval, in the execution of a restrictive declaration pursuant to Section 23-95, paragraph (e), as such Section existed prior to July 29, 2009, shall be governed solely by the regulations in effect prior to July 29, 2009, unless a #regulatory agreement# with respect thereto specifically provides to the contrary. However, Section 23-955 (Additional requirements for compensated developments) shall apply to any permits or certificates of occupancy for #compensated developments# issued on or after July 29, 2009.

The #floor area ratio# of a #compensated development# may be increased in exchange for #lower income housing#, pursuant to a #lower income housing plan#, as both terms were defined by Section 23-93 prior to July 29, 2009, provided such #lower income housing# complies with all applicable provisions of Section 23-90 (INCLUSIONARY HOUSING) in effect prior to July 29, 2009, except as provided in this Section. Where such a #compensated development# is located in an R10 District outside of #Inclusionary Housing designated areas#, the provisions of Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas) shall not apply, and Section 23-941 (In R10

Districts other than Inclusionary Housing designated areas) as such Section existed prior to July 29, 2009, shall apply.

Any #lower income housing plan#, as such term was defined prior to July 29, 2009, that has been approved by #HPD# prior to such date, and any legal document related thereto, may be modified by #HPD#, to apply the provisions of paragraph (b), (Monthly rent), of Section 23-961 to such #lower income housing plan#.

(7/29/09)

23-932

R10 districts

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of Section 23-952. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas), as applicable.

(7/29/09)

23-933

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in #Inclusionary Housing designated areas#.

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

#Inclusionary Housing designated areas# are listed in [APPENDIX F](#) of this Resolution.

(7/29/09)

23-94

Methods of Providing Affordable Housing

- (a) #Affordable housing# shall be either #new construction affordable housing#, #substantial rehabilitation affordable

housing# or #preservation affordable housing#.

- (b) When determining whether #affordable housing# is #new construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing# in order to calculate #floor area compensation#, or when making a determination of which #building# or #building segment# constitutes a #generating site#, #HPD# may separately consider each #building# or #building segment# on a #zoning lot#. Where any such #building# consists of two or more contiguous sections separated by walls or other barriers, #HPD# may consider all relevant facts and circumstances when determining whether to consider the sections of such #building# separately or collectively, including, but not limited to, whether such sections share systems, utilities, entrances, common areas or other common elements and whether such sections have separate deeds, ownership, tax lots, certificates of occupancy, independent entrances, independent addresses or other evidence of independent functional use.
- (c) The amount of #affordable floor area# in any #generating site# shall be determined based upon plans for such #generating site# which have been approved by the Department of Buildings and which indicate thereon the amount of #floor area# devoted to #affordable housing# and the amount of #floor area# devoted to other #residential uses#. However, for #generating sites# where the Department of Buildings does not require #floor area# calculations, the amount of #affordable floor area# shall be determined by methods specified in the #guidelines#.
- (d) The amount of #low income#, #moderate income# and #middle income floor area# in a #generating site# shall be determined in the same manner as the calculation of #affordable floor area#.
- (e) #Affordable housing units# shall be either rental #affordable housing# or #homeownership affordable housing#.

(7/29/09)

23-95

Compensated Zoning Lots

(7/29/09)

23-951

Floor area compensation in R10 Districts other than Inclusionary Housing designated areas

The #residential floor area ratio# of a #compensated zoning lot# may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if such #compensated zoning lot# provides #affordable housing# that is restricted to #low income floor area#.

For each square foot of #floor area# provided for a type of #affordable housing# listed in the table in this Section, the #floor area# of the #compensated zoning lot# may be increased by the number of square feet set forth in the table, as applicable. Any #generating site# for which #public funding# has been received within the 15 years preceding the #regulatory agreement date#, or for which #public funding# is committed to be provided subsequent to such date, shall be deemed to be provided with #public funding#.

OPTIONS

Without #public funding#	#New construction affordable housing# or #substantial rehabilitation affordable housing#	3.5
	#Preservation affordable housing#	2.0
With #public funding#	#New construction affordable housing#, #substantial rehabilitation affordable housing# or #preservation affordable housing#	1.25

(10/9/13)

23-952

Floor area compensation in Inclusionary Housing designated areas

The provisions of this Section shall apply in #Inclusionary Housing designated areas# set forth in [APPENDIX F](#) of this Resolution.

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this Section, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the

provision of a #FRESH food store#, on the #compensated zoning lot#.

Maximum #Residential Floor Area Ratio#

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6 ¹	2.20	2.42
R6 ² R6A R7-2 ¹	2.70	3.60
R7A R7-2 ²	3.45	4.60
R7-3	3.75	5.0
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R9X	7.3	9.70
R10	9.00	12.00

¹ for #zoning lots#, or portions thereof, beyond 100 feet of
a #wide street#

² for #zoning lots#, or portions thereof, within 100 feet of
a #wide street#

(11/25/14)

23-953

Special floor area compensation provisions in specified areas

- (a) Optional provisions for #large-scale general developments# in
C4-6 or C5 Districts

Within a #large-scale general development# in a C4-6 or C5
District, the special optional regulations as set forth in this

paragraph, (a), inclusive, modify the provisions of Section 23-952 (Floor area compensation in Inclusionary Housing designated areas):

- (1) The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section 23-952;
- (2) However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified in this paragraph, (a)(2). If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income households# and #low income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph, (a), inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

- (b) Special provisions for #large-scale general developments# in Community District 1 in the Borough of Queens

Special provisions shall apply to #zoning lots# within a #large-scale general development# that contains R6B, R7A and R7-3 Districts within an #Inclusionary Housing designated area#, as follows:

- (1) For #zoning lots#, or portions thereof, that are located within R6B, R7A or R7-3 Districts, the base #floor area ratio# set forth in Section 23-952 shall not apply. No #residential development# or #enlargement# shall be permitted unless #affordable floor area# is provided

pursuant to the provisions of this paragraph. The amount of #low-income floor area# provided shall equal no less than 10 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store# and the amount of #moderate-income floor area# provided shall equal no less than 15 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#. For the purposes of this paragraph (b)(1), inclusive, #low income floor area# may be considered #moderate income floor area#; and

- (2) The amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (b)(1) of this Section shall be determined in accordance with procedures prescribed by the City Planning Commission pursuant to the provisions of Section 74-743 (Special provisions for bulk modification).

(c) Special provisions for #compensated zoning lots#

Special provisions shall apply to #compensated zoning lots# located within:

- (1) R6, R7-3 and R8 Districts on #waterfront blocks# in #Inclusionary Housing designated areas# within Community District 1, Borough of Brooklyn, as set forth in Section 62-352; or
- (2) the #Special Hudson Yards District#, #Special Clinton District# and #Special West Chelsea District#, as set forth in Sections 93-23, 96-21 and 98-26, respectively.

(10/9/13)

23-954

Height and setback for compensated developments in Inclusionary Housing designated areas

In #Inclusionary Housing designated areas#, the #compensated development# shall comply with the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts),

as applicable, except that:

- (a) in #Special Mixed Use Districts#, the #compensated development# shall comply with the provisions of paragraphs (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the #Residence District# designation is an R6 District without a letter suffix, the #compensated development# shall comply with the height and setback regulations of Section 23-633, regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program;
- (b) in R10 Districts without a letter suffix, the #compensated development# shall comply with the underlying height and setback regulations for such district; and
- (c) on #waterfront blocks# and in R7-3 Districts, the #compensated development# shall comply with the special regulations applying in the #waterfront area# set forth in Section 62-30 (SPECIAL BULK REGULATIONS), inclusive.

(10/9/13)

23-955

Additional requirements for compensated developments

- (a) #Compensated development# building permits
 - (1) #HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #regulatory agreement date#. The Department of Buildings may thereafter issue building permits to a #compensated development# that utilizes #floor area compensation# based on the #affordable housing# described in such #permit notice#.
 - (2) If #HPD# does not receive confirmation that the #regulatory agreement# has been recorded within 45 days after the later of the #regulatory agreement date# or the date upon which #HPD# authorizes the recording of the #regulatory agreement#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #regulatory agreement# has been recorded. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or

revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #compensated development#.

(b) #Compensated development# certificates of occupancy

- (1) The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area compensation# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that generates such #floor area compensation#. However, where any #story# of a #compensated development# contains one or more #affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such #story# if such temporary or permanent certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a #super's unit#.
- (2) #HPD# shall not issue a #completion notice# with respect to any portion of any #generating site# unless:
 - (i) the Department of Buildings has issued temporary or permanent certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked; or
 - (ii) where a #generating site# contains #affordable housing# that had a valid certificate of occupancy on the #regulatory agreement date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #regulatory agreement# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #regulatory agreement#.

Requirements for Generating Sites

#Affordable housing# in a #generating site# shall meet each of the requirements set forth in this Section for the entire #regulatory period#.

(a) Location of #generating site# and #compensated zoning lot#

Where a #generating site# is not located within the #compensated zoning lot# for which it generates #floor area compensation#:

- (1) the #generating site# and the #compensated zoning lot# shall be located within the same Community District; or
- (2) the #generating site# and the #compensated zoning lot# shall be located in adjacent community districts and within one-half mile of each other, measured from the perimeter of each #zoning lot#.

However, special rules for the location of a #generating site# and a #compensated zoning lot# apply in Community District 1, Borough of Brooklyn, where the provisions of paragraph (a)(2) of this Section shall apply only to adjacent community districts located in the Borough of Brooklyn; in the #Special Clinton District#, pursuant to the provisions of Section 96-21 (Special Regulations for 42nd Street Perimeter Area); in the #Special Downtown Jamaica District#, pursuant to the provisions of Section 115-211 (Special Inclusionary Housing regulations); and in the #Special Southern Hunters Point District#, pursuant to the provisions of Section 125-22 (Newtown Creek Subdistrict).

(b) Distribution of #affordable housing units#

In #new construction affordable housing# or #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# or #rooming units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#:

- (1) the #affordable housing units# shall be distributed on not less than 65 percent of the #residential stories# of such #generating site# or, if there are insufficient #affordable housing units# to comply with this requirement, the distribution of #affordable housing units# shall be as specified in the #guidelines#; and
- (2) not more than one-third of the #dwelling units# and

#rooming units# on any #story# of such #generating site# shall be #affordable housing units#, unless not less than one-third of the #dwelling units# and #rooming units# on each #residential story# of such #generating site# are #affordable housing units#. However, on a #residential story# with fewer than three #dwelling units# or #rooming units#, only one #dwelling unit# or #rooming unit# may be an #affordable housing unit#, unless not less than one #dwelling unit# or #rooming unit# on each floor is an #affordable housing unit#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a Federal, State or local program where such #generating site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing#, as specified in the #guidelines#.

(c) Bedroom mix of #affordable housing units#

(1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, where one or more of the #dwelling units# in a #generating site#, other than any #super's unit#, are not #affordable housing units#, either:

(i) the #dwelling units# in the #generating site# that are #affordable housing units# shall contain a bedroom mix at least proportional to the bedroom mix of the #dwelling units# in the #generating site#, other than any #super's unit#, that are not #affordable housing units#; or

(ii) not less than 50 percent of the #dwelling units# in the #generating site# that are #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of the #dwelling units# in the #generating site# that are #affordable housing units# shall contain one or more bedrooms.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that either is participating in a Federal, State or local program where such #generating site# cannot comply with both the regulations of such Federal, State or local program and those of this Section, or is located on an #interior lot# or #through lot# with less than 50 feet of frontage along any #street#. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable

housing#, as specified in the #guidelines#.

- (2) Where all of the #dwelling units# in a #generating site#, other than any #super's unit#, in #new construction affordable housing# and #substantial rehabilitation affordable housing# are #affordable housing units#, not less than 50 percent of such #affordable housing units# shall contain two or more bedrooms and not less than 75 percent of such #affordable housing units# shall contain one or more bedrooms. However, #HPD# may waive these requirements for any #affordable housing# that is participating in a Federal, State or local program where such #generating site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive these requirements for #substantial rehabilitation affordable housing#, as specified in the #guidelines#.
- (3) All of the #supportive housing units# in a #generating site# shall be #affordable housing units# and shall contain such configuration as #HPD# shall require.
- (4) For purposes of this paragraph, (c), inclusive, fractions equal to or greater than one-half resulting from any calculation shall be considered to be one #dwelling unit#.

(d) Size of #affordable housing units#

- (1) In #new construction affordable housing# and #substantial rehabilitation affordable housing#, an #affordable housing unit# shall contain not less than:
 - (i) 400 square feet of #floor area# within the perimeter walls for a zero bedroom #dwelling unit#; or
 - (ii) 575 square feet of #floor area# within the perimeter walls for a one bedroom #dwelling unit#; or
 - (iii) 775 square feet of #floor area# within the perimeter walls for a two bedroom #dwelling unit#; or
 - (iv) 950 square feet of #floor area# within the perimeter walls for a three bedroom #dwelling unit#.

However, #HPD# may waive such distribution requirements for any #new construction affordable housing# that is participating in a Federal, State or local program where such #generating site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive these

requirements for #substantial rehabilitation affordable housing# as specified in the #guidelines#.

- (2) Where all of the #dwelling units# in a #generating site#, other than any #super's unit#, in #new construction# or #substantial rehabilitation affordable housing# are #affordable housing units#, #HPD# may waive such square footage requirements for any #affordable housing unit# that is participating in a Federal, State or local program where such #generating site# cannot comply with both the regulations of such Federal, State or local program and those of this Section. In addition, #HPD# may waive such square footage requirements for #substantial rehabilitation affordable housing#, as specified in the #guidelines#.
- (3) #Supportive housing units# shall comply with the size requirements specified by #HPD#.

(e) #Administering agent#

- (1) #HPD# shall approve each #administering agent# and may revoke such approval at any time before or during the #regulatory period#.
- (2) An #administering agent# shall be a not-for-profit entity and shall not be, or be an affiliate of, an owner or managing agent of the #generating site#, unless #HPD# approves such owner, managing agent or affiliate to serve as the #administering agent# upon a determination that either:
 - (i) the #affordable housing# is participating in a Federal, State or local program that provides adequate independent means of ensuring compliance with the #regulatory agreement#; or
 - (ii) the owner and any such managing agent or affiliate are not-for-profit entities and there are adequate safeguards to ensure that such entities comply with the #regulatory agreement#.
- (3) For a period of time specified in the #guidelines#, the #administering agent# shall maintain all records setting forth the facts that form the basis of any affidavit submitted to #HPD#. The #administering agent# shall maintain such records, and such other records as #HPD# may require, at the offices of the #administering agent# or at such other location as may be approved by #HPD#. The #administering agent# shall make such records, and all

facets of the operations of the #administering agent#,
available for inspection and audit by #HPD# upon request.

(f) #Regulatory agreement#

- (1) The #regulatory agreement# shall require compliance with and shall incorporate by reference the #affordable housing plan# and the applicable provisions of this Zoning Resolution and the #guidelines# and shall contain such additional terms and conditions as #HPD# deems necessary.
- (2) The #regulatory agreement# shall require that #HPD# be provided with documentation indicating the amount of #affordable floor area#. For #new construction affordable housing# or #substantial rehabilitation affordable housing#, such documentation shall include, but shall not be limited to, plans meeting the requirements of Section 23-94, paragraph (c).
- (3) The #regulatory agreement# shall be recorded against all tax lots comprising the portion of the #zoning lot# within which the #generating site# is located and shall set forth the obligations, running with such tax lots, of the owner and all successors in interest to provide #affordable housing# in accordance with the #affordable housing plan# for the entire #regulatory period#.
- (4) #Affordable housing# may serve to secure debt with the prior approval of #HPD#. Any lien securing such debt shall be subordinated to the #regulatory agreement#.
- (5) The #regulatory agreement# may, but shall not be required to, provide that such #regulatory agreement# may be terminated prior to the issuance of a temporary or permanent certificate of occupancy for any #compensated development# by the Department of Buildings.
- (6) Where all of the #dwelling units#, #rooming units# or #supportive housing units# in a #generating site#, other than any #super's unit#, are #affordable housing units#, the #regulatory agreement# shall provide that, following a default and any applicable opportunity to cure, #HPD# may, in addition to any other remedies provided therein or by applicable law:
 - (i) appoint a receiver to manage such #generating site#;
or
 - (ii) take control of the board of directors of any housing development fund company or not-for-profit

corporation that owns, controls or operates such #generating site#.

- (7) Where applicable in accordance with paragraph (b), (Monthly rent), of Section 23-961, the #regulatory agreement# shall provide that certain obligations shall survive the #regulatory period#.

(g) Housing standards

Upon the date that #HPD# issues the #completion notice#, the #generating site# shall be entirely free of violations of record issued by any City or State agency pursuant to the Multiple Dwelling Law, the Building Code, the Housing Maintenance Code and this Zoning Resolution, except as may be otherwise provided in the #guidelines# with respect to non-hazardous violations in occupied #affordable housing units# of #preservation affordable housing# or #substantial rehabilitation affordable housing#.

(h) Insurance

The #affordable housing# in a #generating site# shall at all times be insured against any damage or destruction in an amount not less than the replacement value of such #affordable housing#. Any insurance proceeds resulting from damage or destruction of all or part of the #generating site# containing such #affordable housing# shall be used first to restore any damaged or destroyed #affordable housing#, except that #HPD# may provide priority for lenders participating in the financing of #affordable housing# that is assisted under City, State or Federal programs.

(i) Duration of obligations

The obligation to provide and maintain a specified amount of #affordable housing# on a #generating site# shall run with the #zoning lot# containing such #generating site# for not less than the #regulatory period#. If any portion of such #affordable housing# is damaged or destroyed, no #floor area# shall be #developed#, reconstructed or repaired on such #zoning lot#, and no #development#, #enlargement#, extension or change of #use# shall occur on such #zoning lot#, unless

- (1) the amount of such #floor area# devoted to #affordable housing# is not less than the #floor area# of the #affordable housing# that was damaged or destroyed; or
- (2) 100 percent of such #developed#, reconstructed or repaired #floor area# is #affordable housing#.

- (j) One #generating site# may satisfy requirements for multiple #compensated zoning lots#

Any #generating site# may contain #affordable housing# that satisfies the requirements of Section 23-90, inclusive, for more than one #compensated development#, provided that no #affordable floor area# shall be counted more than once in determining the amount of #floor area compensation# for such #compensated developments#.

- (k) #Guidelines#

#HPD# shall adopt and may modify #guidelines# for the implementation of the provisions of Section 23-90, inclusive.

(7/29/09)

23-961

Additional requirements for rental affordable housing

The additional requirements of this Section shall apply to rental #affordable housing# on a #generating site# for the entire #regulatory period#.

- (a) Tenant selection

- (1) Upon #rent-up# and any subsequent vacancy for the entire #regulatory period#, #affordable housing units# shall only be leased to and occupied by #low income households#, #moderate income households# and #middle income households#, as applicable. No lease or sublease of an #affordable housing unit# shall be executed, and no tenant or subtenant shall commence occupancy of an #affordable housing unit#, without the prior approval of the #administering agent#.
- (2) A tenant may, with the prior approval of the #administering agent#, sublet an #affordable housing unit# for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the #monthly rent# that could be charged to the sublessor in accordance with the #regulatory agreement#.
- (3) A #low income household# may rent an #affordable housing

unit# that is restricted to occupancy by #moderate income# or #middle income households#, provided that the #administering agent# determines that such #low income household# is able to utilize rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, as amended, to afford the applicable #monthly rent#.

(b) Monthly rent

- (1) The #regulatory agreement# shall provide that each #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD# within 60 days following the #rent-up date# and shall thereafter remain subject to #rent stabilization# for the entire #regulatory period# and thereafter until vacancy. However, the #regulatory agreement# may permit an alternative date by which any #affordable housing units# that are vacant on the #rent-up date# shall be registered with the Division of Housing and Community Renewal at the initial #monthly rent# established by #HPD#.
 - (i) However, any #affordable housing unit# of #preservation affordable housing# or #substantial rehabilitation affordable housing# that is both occupied by a #grandfathered tenant# and subject to the Emergency Housing Rent Control Law on the #regulatory agreement date# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy following the #regulatory agreement date# and shall thereafter be subject to #rent stabilization# as provided herein.
 - (ii) The #regulatory agreement# shall provide that upon each annual registration of an #affordable housing unit# with the Division of Housing and Community Renewal, the #legal regulated rent# for such #affordable housing unit# shall be registered with the Division of Housing and Community Renewal at an amount not exceeding the #maximum monthly rent#. However, the #regulatory agreement# shall provide that this requirement shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant# until the first vacancy after the #regulatory agreement date#.
- (2) The #regulatory agreement# shall provide that the #monthly rent# charged to the tenant of any #affordable housing unit# at #initial occupancy# and in each subsequent renewal lease shall not exceed the lesser of the #maximum

monthly rent# or the #legal regulated rent#. However, the #regulatory agreement# shall provide that these requirements shall not apply to an #affordable housing unit# occupied by a #grandfathered tenant#, until the first vacancy after the #regulatory agreement date#.

- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that the #monthly rent# registered and charged for each #affordable housing unit# complied with the applicable #monthly rent# requirements at the time of #initial occupancy#.
- (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each lease or sublease of an #affordable housing unit# or renewal thereof during the preceding year complied with the applicable #monthly rent# requirements at the time of execution of the lease or sublease or renewal thereof.
- (5) The #regulatory agreement# shall provide that the lessor of an #affordable housing unit# shall not utilize any exemption or exclusion from any requirement of #rent stabilization# to which such lessor might otherwise be or become entitled with respect to such #affordable housing unit#, including, but not limited to, any exemption or exclusion from the rent limits, renewal lease requirements, registration requirements, or other provisions of #rent stabilization#, due to:
 - (i) the vacancy of a unit where the #legal regulated rent# exceeds a prescribed maximum amount;
 - (ii) the fact that tenant income or the #legal regulated rent# exceeds prescribed maximum amounts;
 - (iii) the nature of the tenant; or
 - (iv) any other reason.
- (6) The #regulatory agreement# and each lease of an #affordable housing unit# shall contractually require the lessor of each #affordable housing unit# to grant all tenants the same rights that they would be entitled to under #rent stabilization# without regard to whether such #affordable housing unit# is statutorily subject to #rent stabilization#. If any court declares that #rent stabilization# is statutorily inapplicable to an

#affordable housing unit#, such contractual rights shall thereafter continue in effect for the remainder of the #regulatory period#.

- (7) The #regulatory agreement# shall provide that each #affordable housing unit# that is occupied by a tenant at the end of the #regulatory period# shall thereafter remain subject to #rent stabilization# for not less than the period of time that such tenant continues to occupy such #affordable housing unit#, except that any occupied #affordable housing unit# that is subject to the Emergency Housing Rent Control Law at the end of the #regulatory period# shall remain subject to the Emergency Housing Rent Control Law until the first vacancy.

(c) Income

- (1) Each #affordable housing unit# shall be leased to and occupied by #low income households#, #moderate income households# or #middle income households#, as applicable, for the entire #regulatory period#.
- (2) The #administering agent# shall verify the #household# income of the proposed tenant prior to leasing any vacant #affordable housing unit# in order to ensure that it is a #low income household#, #moderate income household# or #middle income household#, as applicable.
- (3) Within 60 days following the #rent-up date#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# occupying an #affordable housing unit# complied with the applicable income eligibility requirements at the time of #initial occupancy#.
- (4) Each year after #rent-up#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #household# that commenced occupancy of a vacant #affordable housing unit# during the preceding year, and each #household# that subleased an #affordable housing unit# during the preceding year, complied with the applicable income eligibility requirements at the time of #initial occupancy#.

(d) #Affordable housing plan#

- (1) An #affordable housing plan# shall designate the initial #administering agent#, include the agreement with the initial #administering agent#, state how #administering

agents# may be removed, state how a new #administering agent# may be selected upon the removal or other departure of any #administering agent#, include the building plans, state the number and bedroom mix of the #affordable housing units# to be #developed#, rehabilitated or preserved, indicate how tenants will be selected at #rent-up# and upon each subsequent vacancy of an #affordable housing unit#, indicate how the #household# income of each prospective tenant will be verified prior to such #household#'s #initial occupancy# of an #affordable housing unit# and include such additional information as #HPD# deems necessary.

- (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #affordable housing# in accordance with Section 23-90 (INCLUSIONARY HOUSING), inclusive, including that:
 - (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;
 - (ii) #affordable housing units# will be leased to eligible #households# by a responsible #administering agent# at #rent-up# and upon each subsequent vacancy; and
 - (iii) tenants will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
- (3) A copy of any proposed #affordable housing plan# shall be delivered to the affected Community Board, which may review such proposal and submit comments to #HPD#. #HPD# shall not approve a proposed #affordable housing plan# until the earlier of:
 - (i) the date that the affected Community Board submits comments regarding such proposal to #HPD# or informs #HPD# that such Community Board has no comments; or
 - (ii) 45 days from the date that such proposal was submitted to the affected Community Board.

- (e) Special requirements for rental #preservation affordable housing#

The additional requirements of this paragraph (e), shall apply to rental #preservation affordable housing#:

- (1) all of the #dwelling units#, #rooming units# and

#supportive housing units# in the #generating site#, other than any #super's unit#, shall be #affordable housing units# that are leased to and occupied by #low income households# for the entire #regulatory period#;

- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
- (5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(f) Special requirements for rental #substantial rehabilitation affordable housing#

The additional requirements of this paragraph, (f), shall apply to rental #substantial rehabilitation affordable housing#:

- (1) such #affordable housing# shall be created through the rehabilitation of a #generating site# at a cost per completed #affordable housing unit# that exceeds a minimum

threshold set by #HPD# in the #guidelines#;

- (2) on the #regulatory agreement date#, the average of the #legal regulated rents# for all #affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;
- (3) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#;
- (5) except with the prior approval of #HPD#, #monthly rents# charged for #affordable housing units# shall not be increased to reflect the costs of any repair, renovation, rehabilitation or improvement performed in connection with qualification as a #generating site#, even though such increases may be permitted by other laws; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(4/6/11)

23-962

Additional requirements for homeownership affordable housing

The additional requirements of this Section shall apply to #homeownership affordable housing# on a #generating site# for the entire #regulatory period#.

- (a) Homeowner selection

- (1) Upon #sale#, #homeownership affordable housing units# shall only be occupied by #eligible buyers# that are #low income households#, #moderate income households# and #middle income households#, as applicable. Upon any subsequent #resale# for the entire #regulatory period#, #homeownership affordable housing units# shall be sold to and occupied by #eligible buyers# at or below the #maximum resale price# on the #sale date#, as applicable. No #homeownership affordable housing unit# shall be sold to or occupied by any #household# or any other person without the prior approval of the #administering agent#.
- (2) A #homeowner# may, with the prior approval of the #administering agent#, sublet an #homeownership affordable housing unit# to another #low income household#, #moderate income household#, #middle income household#, or #eligible buyer#, as applicable, for not more than a total of two years, including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease. The aggregate payments made by any sublessee in any calendar month shall not exceed the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes paid by the sublessor.
- (3) A #homeowner# shall reside in the #homeownership affordable housing unit#, except as provided in paragraph (a) (2) of this Section.
- (4) The restrictions in this paragraph, (a), on the ownership of #homeownership affordable housing units# shall not prevent the exercise of a valid lien by a #mortgage# lender, #cooperative corporation#, #condominium association# or any other entity authorized by the #regulatory agreement# to take possession of a #homeownership affordable housing unit# in the event of default by the #homeowner#. However, any #sale# or #resale# by such lien holder shall be to an #eligible buyer#, in accordance with this paragraph, (a), and the #guidelines#.

(b) Price

- (1) The #initial price# or #maximum resale price# of any #homeownership affordable housing unit# shall be set assuming a #mortgage#, as defined in Section 23-913 (Definitions applying to homeownership generating sites).
- (2) The #regulatory agreement# shall establish the #initial price# for each #homeownership affordable housing unit#.

#HPD# shall set the #initial price# to ensure that the combined cost of #monthly fees#, #mortgage payments#, utilities and property taxes to be paid directly by the #homeowner# will not exceed 30 percent of the #low income limit#, #moderate income limit# or #middle income limit#, as applicable.

- (3) Prior to any #resale# of a #homeownership affordable housing unit#, the #administering agent# shall set the #maximum resale price# for such #homeownership affordable housing unit#.
- (4) The #administering agent# shall not approve any #resale# unless the selected #eligible buyer# provides a #down payment#, as specified in the #guidelines#.
- (5) A #homeownership affordable housing unit#, or any shares in a #cooperative corporation# appurtenant thereto, shall not secure any debt unless such debt is a #mortgage# that has been approved by the #administering agent#.

(c) Income

- (1) The #administering agent# shall verify the #household# income of a proposed #homeowner#, in accordance with the #guidelines#, prior to the #sale date# of any #homeownership affordable housing unit# in order to ensure that, upon #sale#, it is a #low income household#, #moderate income household# or #middle income household#, as applicable, and that upon #resale#, it is to an #eligible buyer#.
- (2) The #administering agent# shall meet reporting requirements on each #sale# and #resale#, as set forth in the #guidelines#.
- (3) Each year after the #commencement date#, in the month specified in the #regulatory agreement# or the #guidelines#, the #administering agent# shall submit an affidavit to #HPD# attesting that each #resale# of a #homeownership affordable housing unit# during the preceding year complied with all applicable requirements on the #resale date#.

(d) #Affordable housing plan#

- (1) An #affordable housing plan# shall include the building plans, state the number and bedroom mix of the #homeownership affordable housing units# to be #developed#, rehabilitated or preserved, indicate how

#homeowners# will be selected upon each #sale# or #resale# of a #homeownership affordable housing unit#, indicate how the #household# income of #eligible buyers# will be verified prior to such #household's initial occupancy# of a #homeownership affordable housing unit# and include such additional information as #HPD# deems necessary.

- (2) An #affordable housing plan# shall demonstrate the feasibility of creating and maintaining #homeownership affordable housing#, including that:
 - (i) there will be sufficient revenue to provide for adequate maintenance, operation and administration of the #affordable housing#;
 - (ii) #affordable housing units# will be sold under the supervision of a responsible #administering agent# to #eligible buyers# at each #sale# and #resale#; and
 - (iii) #homeowners# will be selected in an equitable manner in accordance with laws prohibiting discrimination and all other applicable laws.
- (3) The requirements of Section 23-961, paragraph (d)(3), shall apply.

(e) Housing standards

The requirements of Section 23-96, paragraph (g), shall apply. In addition, each #homeowner# shall be obligated to maintain each #homeownership affordable housing unit# in accordance with minimum quality standards set forth in the #guidelines#. Prior to any #resale#, #HPD#, or its designee as specified in the #guidelines#, shall inspect the #affordable housing unit# and shall either require the #homeowner# to remedy any condition that violates such minimum quality standards before the #sale date#, or require the retention of a portion of the #resale# proceeds to pay the cost of remedying such condition.

- (f) Optional provisions for certain #new construction homeownership affordable housing#

In Community District 3, Borough of Manhattan, #HPD# may modify the requirements for #new construction homeownership affordable housing# to facilitate #development# on a site that has been disposed of pursuant to Article 16 of the General Municipal Law as set forth in this paragraph (f), inclusive.

- (1) #HPD# may permit a #household# to occupy a #new construction homeownership affordable housing unit# as

rental #affordable housing# if:

- (i) no more than 120 days prior to the #regulatory agreement date#, such #household# occupied a #dwelling unit# or #rooming unit# in a #building# located on the #zoning lot# of such #new construction homeownership affordable housing#, pursuant to a lease or occupancy agreement to which one or more members of such #household# was a party or pursuant to a statutory tenancy;
 - (ii) no more than 120 days prior to the #regulatory agreement date#, the average rent for all occupied #dwelling units# or #rooming units# in such #building# did not exceed 30 percent of the #low income limit# divided by 12; and
 - (iii) after the #regulatory agreement date#, such #building# is demolished and replaced with #new construction homeownership affordable housing#.
- (2) #HPD# may permit a #household# that is not an #eligible buyer#, but that meets the requirements of paragraph (f)(1) of this Section, to purchase a #new construction homeownership affordable housing unit# at #sale#, provided that such #household# is a #low income household#, #moderate income household# or #middle income household#, as applicable.

Where a #new construction homeownership affordable housing unit# is purchased at a nominal price, the #appreciated price# for such #homeownership affordable housing unit# shall be the product of the #initial price# of such #homeownership affordable housing unit# and the #appreciation index# applicable at #resale# as specified in the #guidelines#.

- (g) Special requirements for #homeownership preservation affordable housing#

The additional requirements in this paragraph, (f), shall apply to #homeownership preservation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #building# containing #residences#;
- (2) on the #regulatory agreement date#, the average of the #legal regulated rents#, as such term is defined in Section 23-912, for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;

- (3) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 (Additional requirements for rental affordable housing) until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (4) on the #regulatory agreement date#, #HPD# shall have determined that the condition of the #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (5) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
- (6) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

(h) Special requirements for #homeownership substantial rehabilitation affordable housing#

The additional requirements in this paragraph, (g), shall apply to #homeownership substantial rehabilitation affordable housing#:

- (1) on the #regulatory agreement date#, the #generating site# shall be an existing #building#;
- (2) such #affordable housing# shall be created through the rehabilitation of such existing #building# at a cost per completed #homeownership affordable housing unit# that exceeds a minimum threshold set by #HPD# in the #guidelines#;
- (3) on the #regulatory agreement date#, the average of the

#legal regulated rents# for all #homeownership affordable housing units# in the #generating site# that are occupied by #grandfathered tenants# shall not exceed 30 percent of the #low income limit# divided by 12;

- (4) where #grandfathered tenants# continue in residence subsequent to the #regulatory agreement date#, any #affordable housing unit# that is occupied by a #grandfathered tenant# shall be operated subject to the restrictions of Section 23-961 until such #affordable housing unit# is purchased and occupied by an #eligible buyer#;
- (5) on the #regulatory agreement date#, #HPD# shall have determined that the condition of such #generating site# is sufficient, or will be sufficient after required improvements specified in the #affordable housing plan# and the #regulatory agreement#, to ensure that, with normal maintenance and normal scheduled replacement of #capital elements#, the #affordable housing units# will provide a decent, safe and sanitary living environment for the entire #regulatory period#;
- (6) on the #regulatory agreement date#, #HPD# shall have determined either that no #capital element# is likely to require replacement within 30 years from the #regulatory agreement date# or that, with regard to any #capital element# that is likely to require replacement within 30 years from the #regulatory agreement date#, a sufficient reserve has been established to fully fund the replacement of such #capital element#; and
- (7) such #affordable housing# shall comply with such additional criteria as may be specified by #HPD# in the #guidelines#.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article II: Residence District Regulations

Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

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(2/2/11)

Chapter 4

Bulk Regulations for Community Facilities in Residence Districts

(12/15/61)

24-00

APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

(10/9/13)

24-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any #community facility building#, or to the #community facility# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility uses#, except where specifically modified by the provisions of this Chapter.

The #bulk# regulations of Article II, Chapter 3, shall apply to any #zoning lot# or portion of a #zoning lot# in any #Residence District# which contains a #residential building#, or to the #residential# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility uses#, except where specifically modified by the provisions of this Chapter.

In addition, the #bulk# regulations of this Chapter, or of specified sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale community facility developments# or to #community facility uses# in #large-scale residential developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

(2/2/11)

24-011

Exceptions to the bulk regulations of this Chapter

R1 R2 R3 R4 R5

(a) #Buildings# used partly for #community facility uses#

Except as provided in paragraph (b) of this Section, in R3A, R3X, R3-1, R4A, R4-1, R4B or R5B Districts, the #bulk# regulations of this Chapter shall apply only to a #zoning lot# or portion of a #zoning lot# that contains a #community facility building#, and the #bulk# regulations of Article II, Chapter 3, shall apply to any #zoning lot# or portion of a #zoning lot# that contains any #building# that is used partly for #community facility use# and partly for #residential use#. In such districts, the #bulk# regulations of this Chapter may apply to the #community facility# portion of a #building# that is used partly for #community facility use# and partly for #residential use# only where:

- (1) such #community facility use# has received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law; or
- (2) such #building# has received an authorization pursuant to Section 24-04 (Modifications of Bulk Regulations in Certain Districts).

(b) #Buildings# containing certain #community facility uses# in #lower density growth management areas#

- (1) In the districts indicated, in #lower density growth management areas#, the #bulk# regulations of this Chapter shall not apply to any #zoning lot# containing #buildings# used for:
 - (i) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the

New York State Hospital Code; or

- (ii) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.
- (2) In lieu thereof, the #residential bulk# regulations of Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), shall apply, except that:
 - (i) the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to prohibit parking spaces of any kind within a #front yard#;
 - (ii) in lieu of Sections 23-46 (Minimum Required Side Yards) and 23-66 (Required Side and Rear Setbacks), Sections 24-35 (Minimum Required Side Yards) and 24-55 (Required Side and Rear Setbacks) shall apply; and
 - (iii) for child care services in R1 and R2 Districts, the provisions of paragraph (9) in the definition of #floor area# in Section 12-10, pertaining to #floor area# exclusions for the lowest story of a #residential building#, shall not apply.

(2/2/11)

24-012

Quality Housing Program

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #community facility building# or portion thereof 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).

In other R6, R7, R8, R9 or R10 Districts, any #community facility# portion of a #Quality Housing building# shall comply with the applicable provisions of Article II, Chapter 8.

(8/14/87)

24-02

General Purposes of Community Facility Bulk Regulations

The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of the physical volume of buildings and their degree of lot coverage is established.

(8/18/77)

24-03

Definitions

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

(2/2/11)

24-04

Modification of Bulk Regulations in Certain Districts

R3-1 R3A R3X R4-1 R4A R4B R5B

In the districts indicated, except for #buildings# containing certain #community facility uses# in #lower density growth management areas#, as set forth in paragraph (b) of Section 24-011 (Exceptions to the bulk regulations of this Chapter), the City Planning Commission may authorize #developments# or #enlargements#, pursuant to the #bulk# regulations of this Chapter, provided that the Commission finds that:

- (a) the design of the #development# or #enlargement# ensures adequate separation of #uses# and sufficient independent access to each #use#; and
- (b) the #floor area# designated for #community facility use# is designed in a manner that is consistent with such #use# and physically distinguishes such space from that designated for #residential use#.

The Commission may prescribe additional safeguards to prevent the #conversion# of such #community facility use# to #residential use#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

(2/2/11)

24-05

Street Tree Planting

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

(2/2/11)

24-06

Planting Strips

R1 R2 R3 R4 R5

In the districts indicated, #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more, shall provide and maintain a planting strip in accordance with Section 26-42.

(12/15/61)

24-10

FLOOR AREA AND LOT COVERAGE REGULATIONS

(2/2/11)

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 #zoning lot#, the maximum #floor area ratio# and maximum percent of #lot coverage# for a #community facility use# 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 Public 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, R9D, R9X, R10A and R10X Districts, the bonus provisions of Sections 24-14 (Floor Area Bonus for a 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 R5A R5B	
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
4.20	80	65	R7D
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	R9D
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 #zoning lots# 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 Public Plaza) or 24-15 (Floor Area Bonus for Arcades) shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

(2/2/11)

24-111

Maximum floor area ratio for certain community facility uses

R1 R2

- (a) In the districts indicated, for any #zoning lot# containing #community facility uses# other than those #uses# for which a permit is required pursuant to Sections 22-21 (By the Board of Standards and Appeals), 73-12 (Community Facility Uses in R1 or R2 Districts) and 73-13 (Open Uses in R1 or R2 Districts), or where #bulk# modification is authorized pursuant to Section 74-901 (Bulk modifications for certain community facility uses), the maximum #floor area ratio# shall not exceed the #floor area# permitted for #residential uses# by the applicable district regulations. The provisions of this paragraph shall not apply to #buildings# for which plans were filed with the Department of Buildings prior to November 15, 1972, including any subsequent amendments thereof.

R3 R4 R5 R6 R7 R8 R9

- (b) In the districts indicated, the maximum #floor area ratio# on a #zoning lot# for the following #community facility uses# as listed in Use Group 3:
- (1) nursing homes, health-related facilities or domiciliary care facilities for adults, each of which have secured certification by the appropriate governmental agency;
 - (2) sanitariums; or
 - (3) philanthropic or non-profit institutions with sleeping accommodations;

shall be as set forth in the table in this Section, except where such #floor area ratio# is modified pursuant to Section 74-902 (Bulk modifications for certain community facility uses).

The provisions of paragraph (b) of this Section are not applicable in R8B Districts in Community Board 8 in the Borough of Manhattan.

MAXIMUM FLOOR AREA RATIO FOR
CERTAIN COMMUNITY FACILITY USES

District	Maximum #Floor Area Ratio# Permitted
R3	0.50
R4	0.75
R5 R5A R5B	1.27

R5D R6B	2.00
R6	2.43
R6A R7B	3.00
R7	3.44
R7D	4.20
R7X	5.00
R7A R8B	4.00
R8 R8A	6.02
R8X	6.00
R9	7.52
R9A	7.50
R9D	9.00
R9X	9.00

(10/17/07)

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 #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 #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

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

In all districts, no existing #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 74-761 (Elimination or reduction in size of bonused public amenities).

(2/2/11)

24-12

Height and Application of Lot Coverage

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the portion of a #building# containing a #community facility use# located at any height up to but not exceeding 23 feet above #curb level# or #base plane#, where applicable, may be excluded in determining the percentage of #lot coverage# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage). Obstructions permitted under the provisions of Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in #lot coverage#.

(6/29/06)

24-13

Floor Area Bonus for Deep Front and Wide Side Yards

R3 R4 R5

In the districts indicated, except R5D Districts, the maximum #floor area ratio# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased to the #floor area ratio# set forth in the table in this Section, if #yards# are provided as follows:

- (a) on #interior lots#, a #front yard# not less than 30 feet in depth, and a #side yard# not less than 15 feet in width along any #side lot line#;
- (b) on #corner lots#, two #front yards#, each not less than 30 feet in depth;

(c) on #through lots#, a #front yard# not less than 30 feet in depth along each #front lot line#, provided, however, that if the #rear yard equivalent# required for such #through lot# is provided as set forth in the alternative in paragraph (b) of Section 24-382 (Required rear yard equivalents), at least one #side yard# not less than 30 feet in width shall be provided in addition.

No portion of a #rear yard equivalent# that is also a #front yard# or a #side yard# as provided under this Section may contain any obstructions not permitted in a #front yard# or #side yard# under the provisions of Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

However, the provisions of this Section shall not apply to nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and philanthropic or non-profit institutions with sleeping accommodations.

Districts	Maximum #Floor Area Ratio# Permitted
R3	1.60
R4	2.40
R5	2.40

(10/17/07)

24-14

Floor Area Bonus for a Public Plaza

R9 R10

In the districts indicated, for each square foot of a #public plaza#, subject to the provisions of 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.

(10/17/07)

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 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.

(7/26/01)

24-16

Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential uses#.

(7/29/09)

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 #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and in R6 Districts without a letter suffix in Community District 1, Brooklyn, the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-952 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

(2/2/11)

24-162

Maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts

R3-2 R4 R5 R6 R7-1

In the districts indicated, except R4A, R4B, R4-1, R5D, R6A and R6B Districts, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential use#.

- (a) For #buildings# containing #residential# and #community facility uses#, if the ratio of #floor area# provided in a #building# to the #lot area# of the #zoning lot# is greater than as set forth in Column A in the table in this Section, then the maximum ratio of #community facility floor area# in such #buildings# to the #lot area# of the #zoning lot# shall be as set forth in Column B in the table. The maximum #floor area ratio# for the #residential# portions of such #buildings# shall be in accordance with Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

MAXIMUM COMMUNITY FACILITY
FLOOR AREA RATIO FOR CERTAIN BUILDINGS
CONTAINING COMMUNITY FACILITY AND RESIDENTIAL USES

District	COLUMN A	COLUMN B
	Ratio of #Floor Area# of #Building# to #Lot Area#	Maximum Ratio of #Floor Area# for #Community Facility Use# to #Lot Area#
R3-2	.50	.20
R4	.75	.40
R5B	1.25	.40
R5	1.25	.60
R6	2.50	1.00
R7-1	3.50	1.00

- (b) For #buildings# containing #residential# and #community facility uses#, if the ratio of #floor area# provided in a #building# to the #lot area# of the #zoning lot# is not greater than as set forth in Column A in the table in paragraph (a), then the maximum ratio of the #community facility floor area# in such #buildings# to the #lot area# shall be as set forth in Section 24-11, inclusive. The maximum #floor area ratio# for the #residential# portion of such #buildings# shall be in accordance with Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.
- (c) For #zoning lots# containing multiple #buildings#, the provisions of this paragraph, (c), shall apply to #buildings# containing only #community facility uses# or only #residential uses#. The maximum #floor area ratio# permitted for a #building# containing only #community facility uses# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #building# containing only #residential uses# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.
- (d) The total #floor area ratio# permitted for #community facility use# on the #zoning lot# shall be as set forth in Section 24-11, inclusive, and the total #floor area ratio# permitted for #residential use# on the #zoning lot# 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#.

For the purposes of this Section, a #building segment# may be considered to be a #building#.

(2/2/11)

24-163

Open space ratio for residential portion

R1 R2 R3 R4 R5 R6 R7 R8 R9

In the districts indicated, the #zoning lots# containing #residences# shall have a minimum #open space ratio# as required under the provisions of Article II, Chapter 3. For the purposes of this Section:

- (a) the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;
- (b) the #lot coverage# of the #residential# portion of the #building# shall be deemed to be that portion of the #zoning lot# which, when viewed directly from above, would be covered by the #residential# portion of the #building# at any level; and
- (c) the applicable #height factor#, if the maximum permitted #residential floor area ratio# is less than the total #floor area ratio# permitted for such #zoning lot#, shall be the #height factor# of the #residential# portion of the #building#.

(2/2/11)

24-164

Location of open space for residential portion

R1 R2 R3 R4 R5 R6 R7 R8 R9

- (a) In the districts indicated, the #open space# required for the #residential# portion of the #building# under the provisions of Article II, Chapter 3, may be at a level higher than 23 feet above #curb level#. Such #open space# may be provided at ground floor level or upon the roof of the #community facility# portion of such #building#, provided that the level of any #open space# may not be higher than two and one half feet below the sill level of any #legally required window# opening on such roof area, in

the #residential# portion of such #building#. #Open space# located on the roof of a #community facility building# separated by open area from #residential# or #mixed buildings# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#. For the purposes of this paragraph, (a), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#.

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (b) In the districts indicated, and in other R6, R7, R8, R9 or R10 Districts, the provisions of Section 28-30 (RECREATION SPACE AND PLANTING AREAS) shall apply to #Quality Housing buildings#.

(2/2/11)

24-165

Lot coverage for zoning lots containing community facility and residential uses

Where different maximum percentages of #lot coverage# apply to #residential# and #community facility uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#. Furthermore, the maximum percent of #lot coverage# for #community facility uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.

(2/2/11)

24-166

Balconies

R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations set forth in Section 23-13 (Balconies) shall apply to any portion of a #building# used for living or sleeping accommodations.

(2/2/11)

24-17

Special Provisions for Zoning Lots Divided by District Boundaries or

Subject to Different Bulk Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

(7/26/01)

24-20

APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES

In all districts, the maximum number of #dwelling units# or #rooming units# on a #zoning lot# containing both #community facility# and #residential uses# shall equal the maximum #residential floor area# permitted on such #zoning lot# determined in accordance with the provisions set forth in Section 24-16 (Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses) divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

(12/15/61)

24-30

YARD REGULATIONS

General Provisions

(2/2/11)

24-31

Applicability of Yard Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #yards# shall be provided as set forth in Sections 24-30 (YARD REGULATIONS) and 24-40 (SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES), inclusive.

For #zoning lots# with #residential# and #community facility uses#,

#front yards# shall be provided pursuant to Article II, Chapter 3, where applicable, and #side yards# and #rear yards# shall be provided in accordance with this Chapter. Section 23-463 (Maximum aggregate width of street walls) shall apply to #zoning lots# with #residential# and #community facility uses#.

For the #residential# portion of a #building# with both #residential# and #community facility uses#, the required #residential rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#.

(2/2/11)

24-32

Level of Yards and Measurement of Yard Width or Depth

In all #Residence Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#, except that natural grade level need not be disturbed in order to comply with this requirement. No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent#, except as otherwise provided in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

In all #Residence Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

(4/30/12)

24-33

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Residence Districts#, the following obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

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

(1) Arbors or trellises;

(2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

- (i) shall be limited to a maximum projection of 2 feet, 6 inches into such required #yard#; and
 - (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (3) Canopies;
 - (4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
 - (5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
 - (6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;

- (7) Fences;
- (8) Flagpoles;
- (9) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
- (10) Solar energy systems, on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (11) Steps, and ramps for people with disabilities;

(12) Terraces or porches, open;

(13) Walls, not exceeding eight feet in height and not roofed or part of a #building#.

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

(1) Balconies, unenclosed, subject to the provisions of Section 24-165;

(2) Breezeways;

(3) Any #building# or portion of a #building# used for #community facility uses#, including #accessory# parking spaces for bicycles within such #building#, provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#, and further provided that the area within such #building# dedicated to #accessory# parking spaces for bicycles shall not exceed the area permitted to be excluded from #floor area#, pursuant to Section 25-85 (Floor Area Exemption). In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section 24-51 (Permitted Obstructions), shall be permitted above such an #accessory building#, or portion thereof. However, the following shall not be permitted obstructions:

(i) in all #Residence Districts#, any portion of a #building# containing rooms used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients;

(ii) in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, any portion of a #building# used for any #community facility use#;

(iii) in all #Residence Districts# not listed in paragraph (b)(3)(ii) of this Section, beyond one hundred feet of a #wide street#, any portion of a #building# used for a #community facility use# other than a #school#, house of worship, college or university, or hospital and related facilities;

(4) Fire escapes;

(5) Greenhouses, #accessory#, non-commercial, limited to one #story# or 14 feet in height above natural grade level, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard# or #rear yard equivalent#

on a #zoning lot#;

- (6) Parking spaces, off-street, #accessory# to a #community facility use#, provided that the height of an #accessory building#, or portion of a #building# used for such purposes, shall not exceed 14 feet above #curb level#. However, such #accessory building# or portion of a #building# shall not be a permitted obstruction in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts;
- (7) Recreation or drying yard equipment;
- (8) Sheds, tool rooms or other similar #accessory buildings or other structures# for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the #rear yard# or #rear yard equivalent#;
- (9) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface when located above a permitted #community facility use# or attached parking structure; however, limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;
- (10) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than eight feet from any #lot line#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

Basic Regulations

(6/29/06)

24-34

Minimum Required Front Yards

R1 R2 R3 R4 R5

In the districts indicated, #front yards# shall be provided as set forth in the following table, except that for a #corner lot# in an R1-2 District, one #front yard# may have a depth of 15 feet.

#Front Yard# (in feet)	District
20	R1
15	R2 R3 R4
10	R5
5*	R5D

* In R5D Districts, the provisions set forth in Section 23-45 (Minimum Required Front Yards) shall apply.

(4/30/12)

24-35

Minimum Required Side Yards

R1 R2 R3 R4 R5

(a) In the districts indicated, if a #building# containing a #community facility use# has an #aggregate width of street walls# equal to 80 feet or less or, for #abutting buildings#, if the combined #aggregate width of street walls# of all such #abutting buildings# on a #zoning lot# is equal to 80 feet or less, then two #side yards# shall be provided, each with a minimum required width of eight feet. If such #building# or #buildings# have an #aggregate width of street walls# equal to more than 80 feet, two #side yards# shall be provided, each equal to not less than 10 percent of the #aggregate width of street walls#. The provisions of this paragraph, (a), shall not apply in R5D Districts. In lieu thereof, the #side yard# regulations set forth in Sections 23-461 and 23-462, as applicable, shall apply.

R6 R7 R8 R9 R10

(b) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall be at least eight feet wide. Permitted obstructions pursuant to paragraph (a) of Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted in such open areas.

(2/2/11)

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.

Rear Yards

(4/30/08)

24-36

Minimum Required Rear Yards

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #rear yard# with a depth of not less than 30 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 24-37 (Special Provisions for Shallow Interior Lots), 24-38 (Special Provisions for Through Lots) or 24-39 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 24-361 (Beyond one hundred feet of a street line).

(4/30/08)

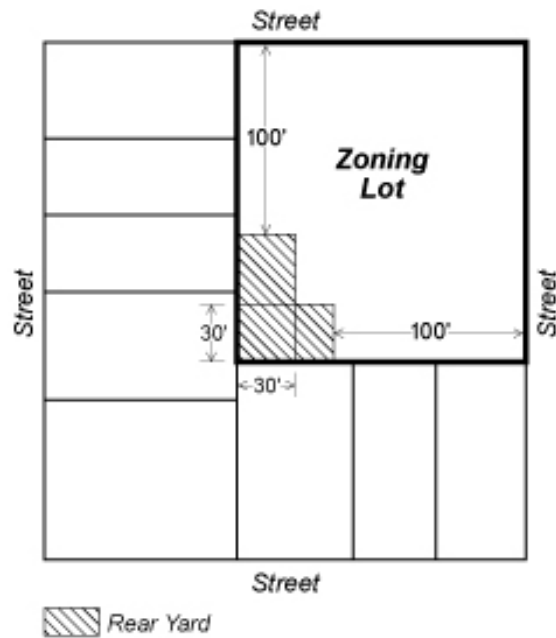
24-361

Beyond one hundred feet of a street line

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

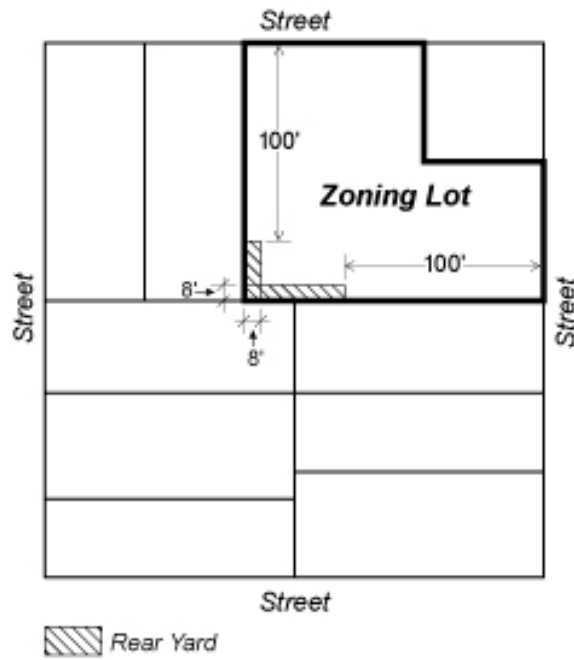
In all districts, as indicated, for #corner lots#, and for #zoning lots# that are bounded by two or more #streets# that are neither #corner lots# nor #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and the following rules shall apply along such #rear lot line#:

- (a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



CORNER LOT

- (b) In R1 through R5 Districts, a #rear yard# with a minimum depth of eight feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



ZONING LOT BOUNDED BY TWO OR MORE STREETS
(NEITHER A CORNER LOT NOR A THROUGH LOT)

- (c) In R6 through R10 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

2/20/64

24-37

Special Provisions for Shallow Interior Lots

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, if an #interior lot# consists entirely of a tract of land:

- (a) which was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit; and

(b) which is less than 70 feet deep at any point;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each foot by which the maximum depth of such #zoning lot# is less than 70 feet. On any #interior lot# with a maximum depth of 50 feet or less, the minimum depth of a required #rear yard# shall be ten feet.

(6/29/94)

24-38

Special Provisions for Through Lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#. In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

(2/2/11)

24-381

Excepted through lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) In all districts, as indicated, no #rear yard# regulations shall apply to any #through lots# that extend less than 110 feet in maximum depth from #street# to #street#.

R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

(b) In the districts indicated, for all #buildings# and for #Quality Housing buildings# in other R6, R7, R8, R9 and R10 Districts, 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#.

(2/2/11)

24-382

Required rear yard equivalents

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as 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 60 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts;
- (b) two open areas, each adjoining and extending along the full length of a #street line#, and each with a minimum depth of 30 feet measured from such #street line#, except the depth of such required open area along one #street line# may be decreased, provided that:
 - (1) a corresponding increase in the depth of the open area along the other #street line# is made; and
 - (2) any required front setback areas are maintained; or
- (c) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 30 feet measured from each such #side lot line#.

However, in R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, and for #Quality Housing buildings# in other R6 through R10 Districts 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.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(12/15/61)

24-39

Other Special Provisions for Rear Yards

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the #rear yard# requirements set forth in Section 24-36 (Minimum Required Rear Yards) shall be modified, as set forth in this Section, inclusive.

(4/30/08)

24-391

Within one hundred feet of corners

R6 R7 R8 R9 R10

In the districts indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

(4/30/08)

24-392

Along short dimension of block

R6 R7 R8 R9 R10

In the districts indicated, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 220 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

(4/30/08)

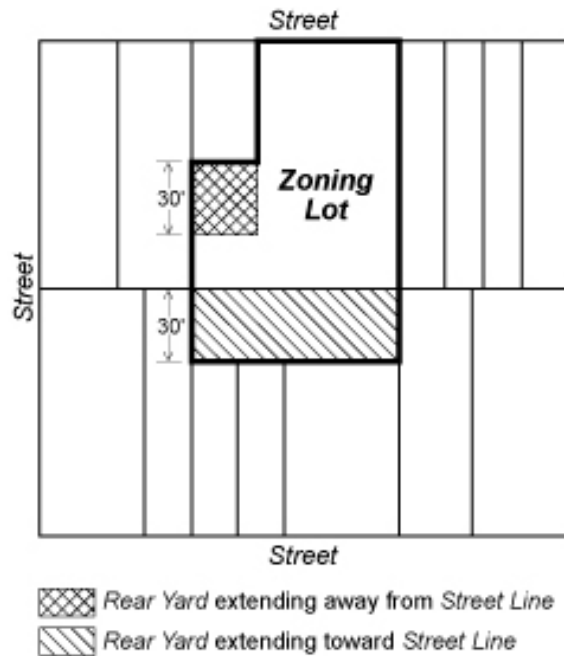
24-393

For zoning lots with multiple rear lot lines

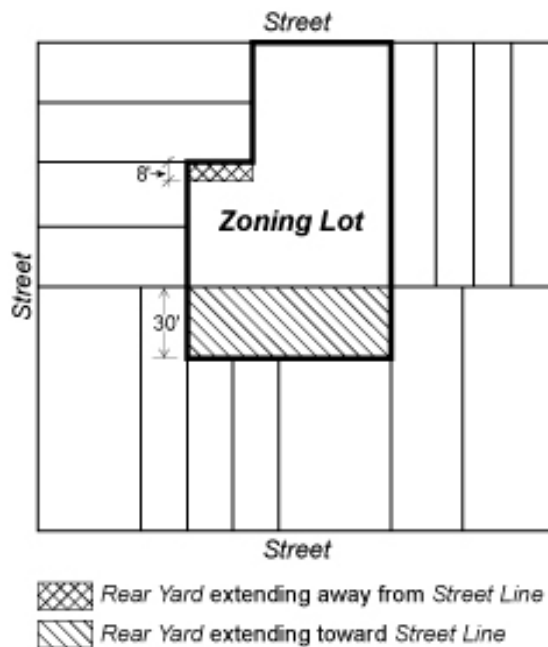
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply along such #rear lot line#:

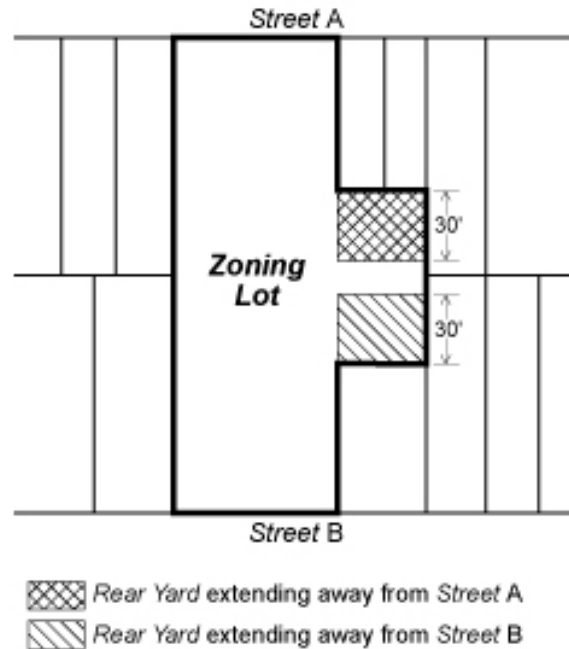
- (a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



- (b) In R1 through R5 Districts, a #rear yard# with a minimum depth of eight feet shall be provided where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.



- (c) In R6 through R10 Districts, no #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.
- (d) In all districts, for portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



All Yards

(8/14/87)

24-40

SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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 #yard# regulations on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

(4/30/08)

24-41

Modifications of Rear Yard Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the regulations set forth in Section 24-393 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

(12/15/61)

24-50

HEIGHT AND SETBACK REGULATIONS

(4/30/12)

24-51

Permitted Obstructions

In all #Residence Districts#, the following obstructions shall be permitted and may thus penetrate a maximum height limit or #sky exposure plane# set forth in Sections 24-52 (Maximum Height of Walls and Required Setbacks), 24-53 (Alternate Front Setbacks) or 24-591 (Limited Height Districts):

- (a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
 - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
 - (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with Section 23-62 (Permitted Obstructions);

When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be

limited, in total, to 50 percent of the width of the #building# wall from which they project;

- (b) Balconies, unenclosed, subject to the provisions of Section 24-165;
- (c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 24-52, 24-53 or 24-54 (Tower Regulations);
- (d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (f) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:
 - (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four feet times the width, in feet, of the #street wall# of the #building# facing such frontage;
 - (2) all mechanical equipment shall be screened on all sides;
 - (3) such obstructions and screening are contained within a volume that complies with one of the following:
 - (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight feet times the width, in feet,

of the #street wall# of the #building# facing such frontage; or

- (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (f), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#;

- (g) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;
- (h) Flagpoles or aerials;
- (i) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (j) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (k) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (k), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the

maximum height limit by more than eight inches;

- (l) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (m) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (n) Solar energy systems:
 - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
 - (i) in R1 through R5 Districts, a height of six feet;
 - (ii) in R6 through R10 Districts, a height of 15 feet; and
 - (iii) when located on a bulkhead or other obstruction pursuant to paragraph (f) of this Section, a height of six feet;
 - (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

- (o) Spires or belfries;
- (p) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30,

2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

- (q) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (r) Wind energy systems on portions of #buildings# with a height of 100 feet or greater, provided:
 - (1) the highest point of the wind turbine assembly does not exceed 55 feet;
 - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
 - (3) the diameter of the swept area of the rotor does not exceed 15 feet;
- (s) Window washing equipment mounted on a roof;
- (t) Wire, chain link or other transparent fences.

Basic Regulations

(6/29/94)

24-52

Maximum Height of Walls and Required Setbacks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum height of a front wall or of any other portion of a #building or other structure# shall be as set forth in this Section, except as otherwise provided in Section 24-51 (Permitted Obstructions), 24-53 (Alternate Front Setbacks), 24-54 (Tower Regulations) or 23-692 (Height limitations for narrow buildings or enlargements).

(6/29/06)

24-521

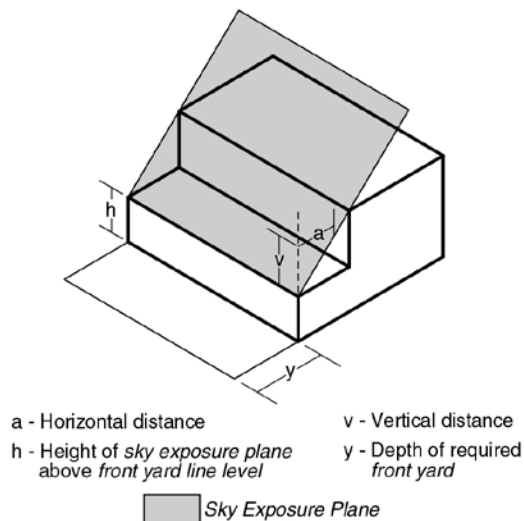
Front setbacks in districts where front yards are required

R1 R2 R3 R4 R5

In the districts indicated, where #front yards# are required, the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND
REQUIRED FRONT SETBACKS

Height above #Front Yard Line# (in feet)	#Sky Exposure Plane#				District
	Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)				
	On #Narrow Street#		On #Wide Street#		
	Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance	
25	1 to 1		1 to 1		R1 R2 R3
35	1 to 1		1 to 1		R4 R5



SKY EXPOSURE PLANE
R1, R2, R3, R4, R5 Districts

(2/2/11)

24-522

Front setbacks in districts where front yards are not required

R6 R7 R8 R9 R10

- (a) In the districts indicated, except for #Quality Housing buildings# and except as set forth in paragraph (b) of this Section, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the table in this Section, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above #curb level# set forth in the table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table:

MAXIMUM HEIGHT OF FRONT WALL
AND REQUIRED FRONT SETBACKS

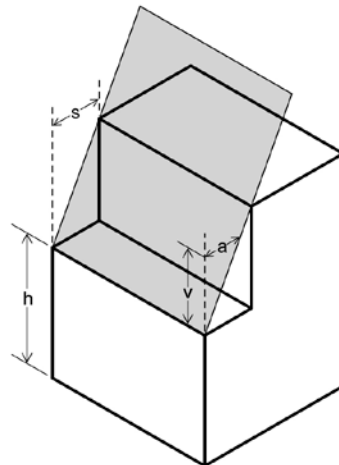
#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall or other portion of a Building or other structure# within the #Initial Setback Distance#	Height above #Street Line# (in feet)	#Sky Exposure Plane# Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
				On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Hori- zontal Distance	Vertical Distance	Hori- zontal Distance

R6 or R7 Districts


20	15	60 feet or six stories#, whichever is less	60	2.7 to 1	5.6 to 1
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R8, R9 or R10 Districts

20	15	85 feet or nine stories#, whichever is less	85	2.7 to 1	5.6 to 1
----	----	---	----	----------	----------



a - Horizontal distance s - Initial setback distance
h - Height of sky exposure plane above street line v - Vertical distance

 Sky Exposure Plane

SKY EXPOSURE PLANE
R6, R7, R8, R9, R10 Districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (b) In the districts indicated, for all #buildings or other structures#, 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 23-633 (Street wall location and height and setback regulations in certain districts) shall apply.

(11/13/12)

24-523

Special height and setback regulations

R5D R8 R10

- (a) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, except R10A or R10X Districts, shall comply with the requirements of Section 23-634 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).

- (b) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of the Quality Housing Program.

- (c) R5D Districts

In R5D Districts, all #buildings or other structures# shall comply with the height and setback requirements set forth in Section 23-60 (HEIGHT AND SETBACK REGULATIONS).

(2/2/11)

24-53

Alternate Front Setbacks

R6 R7 R8 R9 R10

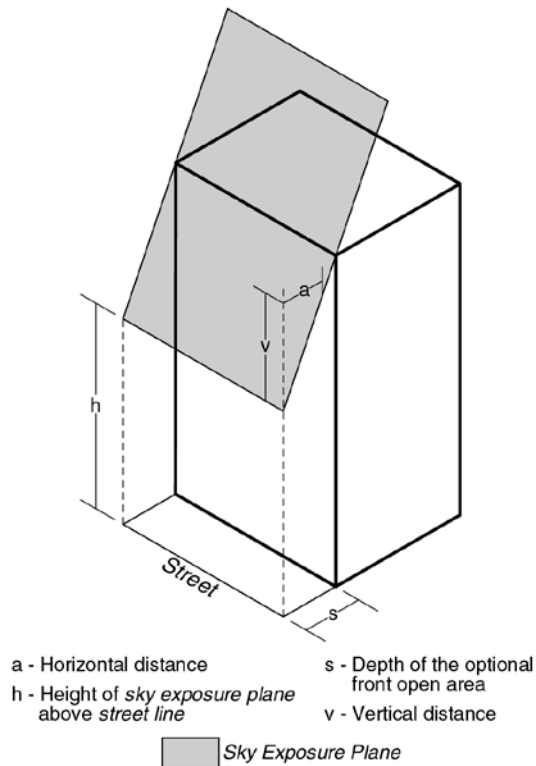
- (a) In the districts indicated, except for #Quality Housing buildings# and except as set forth in paragraph (b) of this Section, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 24-52 (Maximum 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 #public plaza#, such open area may be counted for the bonus provided for a #public plaza# in the districts indicated in Section 24-14 (Floor Area Bonus for a Public Plaza).

In R9 or R10 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the #building# in #residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

		Alternate #Sky Exposure Plane#				
		Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)				
Depth of Optional Front Open Area (in feet)		Height above #Street Line# (in feet)	On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#		Vertical Distance	Hori-zontal Distance	Vertical Distance	Hori-zontal Distance
R6 or R7 Districts						
15	10	60	3.7 to 1		7.6 to 1	
R8 R9 R10 Districts						
15	10	85	3.7 to 1		7.6 to 1	



ALTERNATE SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (b) In the districts indicated, for all #buildings or other structures#, the provisions of this Section shall not apply.

(2/2/11)

24-54
Tower Regulations

R7-2 R8 R9 R10

- (a) In the districts indicated, except for #Quality Housing buildings#, and except as set forth in paragraph (b) of this Section, any portion or portions of #buildings# which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in this Section, may

penetrate an established #sky exposure plane# in accordance with the provisions of this Section. (Such portion of a #building# that penetrates a #sky exposure plane# is hereinafter referred to as a tower.)

LOT COVERAGE OF TOWERS
ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percent of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

#Buildings developed# or #enlarged# with towers shall comply with either tower-on-a-base regulations or standard tower regulations as follows:

(1) Applicability of tower-on-a-base regulations

The tower-on-a-base regulations of Section 23-651 shall apply in R9 and R10 Districts to any such #building# that:

- (i) is located on a #zoning lot# that fronts upon a #wide street# and is either within 125 feet from such #wide street# frontage along the short dimension of the #block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#; and
- (ii) contains more than 25 percent of its total #floor area# in #residential use#.

If a portion of such #building# is #developed# or #enlarged# as a #tower# the entire #zoning lot# shall comply with the provisions of Section 23-651.

(2) Applicability of standard tower regulations

- (i) In R7-2 and R8 Districts, the standard tower regulations of Section 23-652 shall apply only to #buildings developed# or #enlarged# as towers, where such towers are comprised, at every level, of only #community facility uses#.
- (ii) In R9 and R10 Districts, the standard tower regulations of Section 23-652 shall apply to any #building developed# or #enlarged# as a tower that does not meet the location and #floor area# criteria of paragraph (a)(1) of this Section.

(b) Inapplicability of tower regulations

R7-2 R8 R9 R10

- (1) In the districts indicated, the provisions of this Section shall not apply to any #development# or #enlargement# located wholly or partly in a #Residence District# that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#.

R8A R8B R8X R9A R9D R9X R10A R10X

- (2) In the districts indicated, for all #buildings or other structures#, the provisions of this Section shall not apply.

(4/30/12)

24-55

Required Side and Rear Setbacks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 24-166 (Balconies); and awnings and other sun control devices, decks, exterior wall thickness, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 24-51 (Permitted Obstructions), are permitted to project into or over any open areas required by the provisions of this Section.

(2/2/11)

24-551

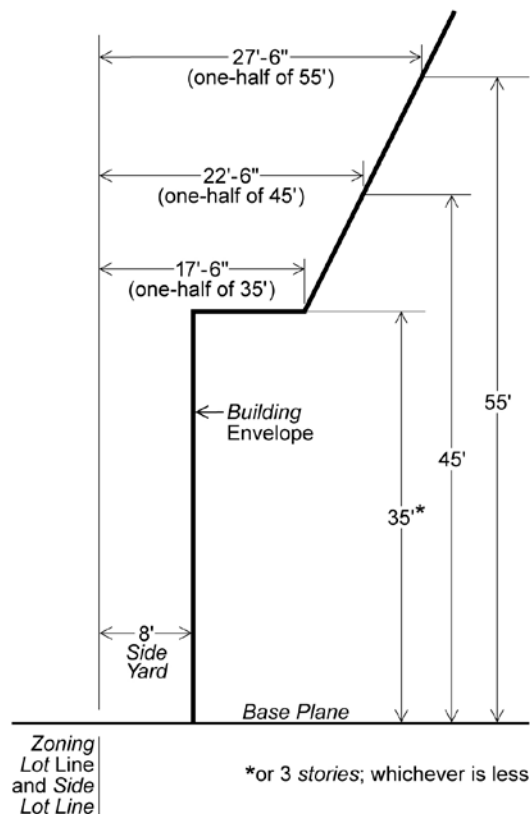
Required side setbacks for tall buildings in low bulk districts

R1 R2 R3 R4 R5

In the districts indicated, except R5D Districts, no #community facility# portion of any #building# that is more than 35 feet or more than three #stories# above the level of a #side yard#, whichever is lower, shall be nearer to a #side lot line# bounding such #yard# than a distance equal to one-half the height above yard level of such portion of the #building#.

The following are permitted to project into any open area required under the provisions of this Section:

- (a) parapet walls, not more than four feet high; and
- (b) chimneys or flues, with a total width not exceeding 10 percent of the width of the #building's# walls facing such open area.



SIDE SETBACK REQUIREMENT

(2/2/11)

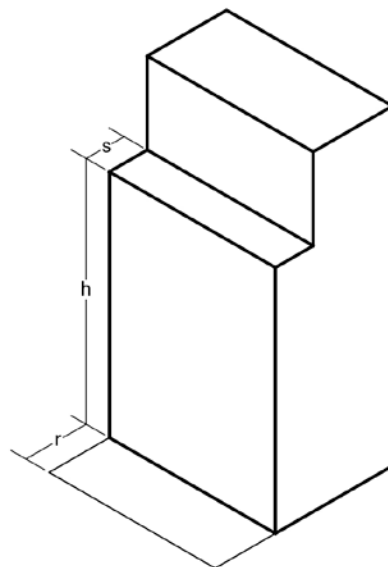
24-552

Required rear setbacks for tall buildings

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) In all districts, as indicated, except as provided in paragraph (b) of this Section, no portion of a #building# more than 125 feet above yard level shall be nearer to a #rear yard line# than 20 feet. However, this provision shall not apply to any portion of a #building# that qualifies as a tower under the provisions of Section 24-54.

In the case of a #through lot# on which a #rear yard equivalent# is provided as set forth in paragraph (a) of Section 24-382, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. If a #rear yard equivalent# is provided as set forth in paragraphs (b) or (c) of Section 24-382, the requirements of this Section shall not apply.



h - Height of wall above rear yard
r - Depth of required rear yard
s - Depth of required rear yard setback

REAR SETBACK FOR TALL BUILDINGS

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (b) In the districts indicated, for all #buildings# and for #Quality Housing buildings# in other R6 through R10 Districts, no portion of a #building# that exceeds the maximum base height specified in the table in Section 23-633 shall be nearer to a #rear yard line# than 10 feet.

In the case of a #through lot# on which a #rear yard equivalent# is provided as set forth in paragraph (a) of Section 24-382, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. If a #rear yard equivalent# is provided as set forth in paragraph (b) of Section 24-382, the requirements of this Section shall not apply.

Regulations Applying in Special Situations

(12/15/61)

24-56

Special Provisions for Zoning Lots Directly Adjoining Public Parks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #public park# with an area of between one and fifteen acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 24-52 (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

7/23/08

24-57

Modifications of Height and Setback Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for certain #community facility uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-51 to 24-55, inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of

applying height and setback regulations: Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.

(8/14/87)

24-58

Special Provisions for Zoning Lots Divided by District Boundaries

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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 height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 24-54 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

(6/29/94)

24-59

Special Height Limitations

(6/29/94)

24-591

Limited Height Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height above #Curb Level# or #Base Plane#, as Applicable
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet

LH-3

100 feet

(2/2/11)

24-592

Height limitations for narrow buildings or enlargements

R7-2 R7D R7X R8 R9 R10

In the districts indicated, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply to portions of #buildings# with #street walls# less than 45 feet in width.

(2/2/11)

24-593

Special provisions applying along district boundaries

R6 R7 R8 R9 R10

In the districts indicated, 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, R9D, 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# or #enlarged# pursuant to the Quality Housing Program.

(12/15/61)

24-60

COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES

(2/2/11)

24-61

General Provisions and Applicability

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions set forth in Sections 24-62 to 24-66, inclusive, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, shall apply only to #community facility buildings# or portions of #buildings# used for #community facility use# containing living accommodations with required windows. For the purposes of these Sections, a required window shall be deemed to be a window or part of a window that:

- (a) opens into any room used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients; and
- (b) is required to provide adequate light or ventilation to such room by any applicable law or statute.

The provisions of Sections 24-62 to 24-66, inclusive, and 24-68 shall apply only to portions of #buildings# at or above the sill level of the lowest required window. For the purposes of these Sections, #abutting buildings# on a single #zoning lot# shall be considered a single #building#.

11/7/68

24-62

Minimum Dimensions of Courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum distance between different walls of the same #building# shall conform to the regulations set forth in the following Sections:

Section 24-63 (Outer Court Regulations)

Section 24-64 (Inner Court Regulations)

Section 24-65 (Minimum Distance between Required Windows and Walls or Lot Lines).

A corner of a #court# may be cut off between walls of the same

#building#, provided that the length of the wall of such cut-off does not exceed seven feet.

The Commissioner of Buildings may approve minor recesses, projections and architectural treatment of the outline of #courts# as long as these variations do not substantially change the depth or width of the #court#.

(12/15/61)

24-63

Outer Court Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #outer courts# shall be in compliance with the provisions of this Section.

(6/29/94)

24-631

Narrow outer courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, if an #outer court# is less than 20 feet wide, the width of such #outer court# shall be at least one and one-third the depth of such #outer court#.

(12/15/61)

24-632

Wide outer courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, if an #outer court# is 20 feet or more in width, the width of such #outer court# must be at least equal to the depth of such #outer court#, except that such width need not exceed 40 feet.

(12/15/61)

24-633

Outer court recesses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the width of an #outer court recess# shall be at least twice the depth of the recess, except that such width need not exceed 40 feet.

(12/15/61)

24-64

Inner Court Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #inner courts# shall be in compliance with the provisions of this Section.

(12/15/61)

24-641

Minimum dimensions of inner courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the area of an #inner court# shall not be less than 600 square feet, and the minimum dimension of such #inner court# shall not be less than 20 feet. For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed from directly above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.

(12/15/61)

24-642

Inner court recesses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the width of an #inner court recess#:

- (a) if 20 feet or less, shall be at least twice the depth of the recess; or
- (b) if more than 20 feet but less than 40 feet, shall be at least equal to the depth of the recess; and
- (c) need not be greater than 40 feet, whatever the depth of the recess.

(4/30/12)

24-65

Minimum Distance between Required Windows and Walls or Lot Lines

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum distance between required windows and walls or #lot lines# shall be as set forth in this Section, except that this Section shall not apply to required windows in #buildings# of three #stories# or less. For #buildings# existing on April 30, 2012, the minimum distances set forth in this Section, and any #non-complying# distance greater than eight feet, may be reduced by up to eight inches of exterior wall thickness from each #building# wall, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A #non-complying# distance of eight feet or less shall be limited to a total reduction of one inch of wall thickness for each foot of such existing distance between buildings.

(12/15/61)

24-651

General provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as otherwise provided in Section 24-652 (Minimum distance between required windows and certain walls), the minimum distance between any required windows and:

- (a) any wall;
- (b) a #rear lot line#, or vertical projection thereof; or
- (c) a #side lot line#, or vertical projection thereof;

shall be 20 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window; provided, however, that a required window may open on any #outer court# meeting the requirements of Section 24-63 (Outer Court Regulations).

(12/15/61)

24-652

Minimum distance between required windows and certain walls

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum horizontal distance between a required window opening on an #inner court# and any wall opposite such window on the same #zoning lot# or between a required window and any wall of any other #building# opposite such window on the same #zoning lot#, shall not be less than 20 feet, nor shall any such wall be nearer to such window than a distance equal to one-third the total height of such wall above the sill level of such window. Such minimum distance need not exceed 40 feet.

Such minimum distance shall be measured in a horizontal plane at the sill level of, and perpendicular to, the required window for the full width of the rough window opening between such window and a projection of such wall onto such horizontal plane.

For the purposes of this Section, at any level at which two portions of a single #building# are not connected one to the other, such portions shall be deemed to be two separate #buildings# and shall be subject to the provisions of this Section.

(12/15/61)

24-66

Modifications of Court Regulations or Distance Requirements

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for certain #community facility uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-61 to 24-65, inclusive, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

(6/29/94)

24-67

Special Provisions for Buildings Used Partly for Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #building# is used partly for #community facility use# and partly for #residential use#, the provisions of this Section and Section 23-70 (MINIMUM DISTANCE REQUIRED BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall apply to any portion of such #building# used for #residential uses#.

(2/2/11)

24-671

Courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, at any level at which a #residential# portion of a #building# fronts upon a #court#, the provisions set forth in Section 23-83 (Building Walls Regulated by Other than Minimum Spacing Requirements), shall apply to such #court#.

(12/15/61)

24-672

Walls opposite legally required windows

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #legally required windows# in portions of #buildings# used for #residential use# shall be subject to the provisions set forth in Section 23-86 (Minimum Distance between Legally Required Windows and Walls or Lot Lines). The provisions of Section 23-863 (Minimum distance between legally required windows and any wall in an inner court) shall also apply to a #legally required window# opposite a wall of any other #building# on the same #zoning lot#.

For the purposes of this Section, at any level at which two portions of a single #building# are not connected one to the other, such portions shall be deemed to be two separate #buildings# and shall be subject to the provisions of Section 23-863.

(4/30/12)

24-68

Permitted Obstructions in Courts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall not be considered obstructions when located within a #court#:

- (a) Arbors or trellises;
- (b) Awnings and other sun control devices. However, when located at a level higher than the first #story#, excluding a #basement#, all such devices:
 - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (c) Eaves, gutters, downspouts, window sills or similar projections, extending into such #court# not more than four inches;
- (d) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #court# width, up to a maximum thickness of eight inches;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #courts# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #court#;
- (e) Fences;
- (f) Fire escapes in #inner courts#, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

Fire escapes in #outer courts#;

Fire escapes in #outer court recesses#, not more than five feet in depth;

Fire escapes in #outer court recesses#, more than five feet in depth, where such fire escapes are required as a result of alterations in #buildings# existing before December 15, 1961;

(g) Flagpoles;

(h) Recreational or yard drying equipment;

(i) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

(j) Terraces, open, porches or steps.

In addition, for #courts# at a level higher than the first #story#, decks, skylights, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, as set forth in Section 24-51 (Permitted Obstructions), shall be permitted.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article II: Residence District Regulations

Chapter 5 - Accessory Off-Street Parking and Loading Regulations

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(12/15/61)

Chapter 5

Accessory Off-Street Parking and Loading Regulations

Off-street Parking Regulations

(12/15/61)

25-00

GENERAL PURPOSES AND DEFINITIONS

(4/22/09)

25-01

General Purposes

The following regulations on permitted and required accessory off-street parking spaces and accessory bicycle parking spaces are adopted in order to provide needed space off the streets for parking in connection with new residences, to reduce traffic congestion resulting from the use of streets as places for storage of automobiles, to protect the residential character of neighborhoods, to provide for a higher standard of residential development within the City, and thus to promote and protect public health, safety and general welfare.

(4/22/09)

25-02

Applicability

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces and #accessory# bicycle parking spaces apply to #residences#, #community facility uses# or #commercial uses#, as set forth in the provisions of the various Sections.

(6/27/63)

25-021

Applicability of regulations to non-profit hospital staff dwellings

Except as modified in Sections 25-16 (Maximum Spaces for Other than Single-Family Detached Residences) and 25-212 (Parking requirements applicable to non-profit hospital staff dwellings), the district regulations of this Chapter applicable to #residences# shall apply to #non-profit hospital staff dwellings#, and the district regulations of this Chapter applicable to #community facility uses# shall not apply to such #use#.

(2/2/11)

25-022

Applicability of regulations to zoning lots in predominantly built-up areas

Off-street parking in #predominantly built-up areas# shall be provided as set forth in Section 25-23.

(5/8/13)

25-023

Applicability of regulations in the Manhattan Core and Long Island City area

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in the #Long Island City area#, as defined in Section 16-02 (Definitions), are set forth in Article I, Chapter 6.

(2/2/11)

25-025

Applicability of regulations to Quality Housing

On any #zoning lot# containing #residences# in R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts or their #commercial# equivalents, and on any #zoning lot# in other districts containing a #Quality Housing building#, all

#accessory# off-street parking spaces shall comply with the provisions of Section 28-50 (PARKING FOR QUALITY HOUSING).

(10/25/93)

25-026

Applicability of regulations in the waterfront area

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

R7-3 Districts shall be governed by the #accessory# off-street parking regulations of an R7-2 District; R9-1 Districts shall be governed by such regulations for an R9 District.

(8/14/08)

25-027

Applicability of regulations in Community District 14, Queens

In Community District 14 in the Borough of Queens, R6 and R7 Districts shall be subject to the #accessory# off-street parking regulations of an R5 District, except that such requirement shall not apply to any #development# located within an urban renewal area established prior to August 14, 2008.

For the purposes of this Section, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided on any #story# located below 33 feet above the #base plane#.

(1/18/10)

25-028

Applicability of regulations to certain community facility uses in lower density growth management areas

- (a) In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:
 - (1) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings#

used for hospitals or nursing homes as defined in the New York State Hospital Code; or

- (2) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.
- (b) All #zoning lots# that meet the conditions of paragraph (a) of this Section shall comply with the provisions of Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas) in lieu of the following provisions:
- (1) the parking location provisions of Sections 25-622 (Location of parking spaces in lower density growth management areas) and 25-623 (Location of parking spaces for community facility uses);
 - (2) the driveway and curb cut provisions of Sections 25-632 (Driveway and curb cut regulations in lower density growth management areas) and 25-634 (Curb cut regulations for community facilities);
 - (3) the open space provisions of Section 25-64 (Restrictions on Use of Open Space for parking); and
 - (4) the screening provisions of Section 25-66 (Screening).

In addition, where the #uses# listed in paragraphs (a)(1) and (a)(2) of this Section result from a change of #use#, the provisions of Section 25-31 (General Provisions) shall be modified to require #accessory# off-street parking spaces for such #uses#. However, the requirements of Sections 25-31 and 25-624 may be modified for #zoning lots# containing #buildings# with such changes of #use# where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such modifications are necessary due to the location of existing #buildings# on the #zoning lot#, and such requirements have been complied with to the maximum extent feasible.

(10/9/13)

25-029

Applicability of regulations in flood zones

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

(12/15/61)

25-10

PERMITTED ACCESSORY OFF-STREET PARKING SPACES

(12/9/66)

25-11

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces may be provided for #residences#, for permitted #community facility uses#, for #commercial uses# permitted as #accessory uses# in #large-scale residential developments#, or for #uses# permitted by special permit, subject to the provisions set forth in the following Sections:

Section 25-12 (Maximum Size of Accessory Group Parking Facilities)

Section 25-15 (Maximum Spaces for Single-Family Detached Residences)

Section 25-16 (Maximum Spaces for Other than Single-Family Detached Residences)

Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses).

Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Sections 73-49 (Roof Parking) or 74-53 (Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

(12/15/61)

25-12

Maximum Size of Accessory Group Parking Facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, no #group parking facility accessory# to #residences# shall contain more than 200 off-street parking spaces, and no such facility #accessory# to permitted #community facility# or #commercial uses# shall contain more than 150 off-street parking spaces, except as provided in Section 25-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

(12/15/61)

25-13

Modification of Maximum Size of Accessory Group Parking Facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 25-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that:

- (a) access for such facility is located so as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages;
- (b) such facility has separate vehicular entrances and exits thereto, located not less than 25 feet apart;
- (c) such facility, if #accessory# to a permitted #community facility# or #commercial use# is located on a #street# not less than 60 feet in width; and
- (d) such facility, if #accessory# to a permitted #commercial use#, has adequate reservoir space at the entrance to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area, such as requirements for shielding of

floodlights.

(12/15/61)

25-14

Exceptions to Maximum Size of Accessory Group Parking Facilities

(4/27/63)

25-141

For hospitals

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the Board of Standards and Appeals may permit #group parking facilities accessory# to hospitals, with more than 150 spaces, in accordance with the provisions of Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

(5/21/75)

25-142

For accessory uses in large-scale residential developments

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the City Planning Commission may permit #group parking facilities accessory# to #uses# in #large-scale residential developments# with more than the prescribed maximum of Section 25-12 (Maximum Size of Accessory Group Parking Facilities), in accordance with the provisions of Section 74-53 (Accessory Group Parking Facilities for Uses in Large-Scale Residential Development or Large-Scale Community Facility Developments).

(12/15/61)

25-15

Maximum Spaces for Single-Family Detached Residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, not more than three off-street parking spaces shall be provided for a #single-family detached residence#, except on #zoning lots# with a #lot area# of 10,000 square feet or more. For the purposes of this Section, a driveway shall not be considered as off-street parking space.

(2/2/11)

25-16

Maximum Spaces for Other than Single-Family Detached Residences

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the provisions of this Section shall apply to all #dwelling units# or #rooming units# in #buildings# containing #residences# other than #Quality Housing buildings# and #single-family detached residences#, except as provided in Section 25-17 (Modification of Maximum Spaces for Other than Single-Family Detached Residences).

The provisions of this Section applicable to #residences# in the districts set forth in the following table shall apply as set forth in the table to #non-profit hospital staff dwellings#:

APPLICABILITY OF PROVISIONS TO NON-PROFIT HOSPITAL STAFF DWELLINGS

District whose Regulations are Applicable to #Non- profit Hospital Staff Dwellings#	District in which #Non- profit Hospital Staff Dwelling# is Located
R5	R1 R2 or R3
R6	R4 or R5
R10	R6 R7 R8 R9 or R10

(12/15/61)

25-161

In R3, R4 or R5 Districts

R3 R4 R5

In the districts indicated, not more than two off-street parking spaces shall be provided for each #dwelling unit#, and not more than one off-street parking space shall be provided for each #rooming unit#.

(12/15/61)

25-162

In R6 or R7 Districts

R6 R7

In the districts indicated, on a #zoning lot# used for #residences#, not more than one off-street parking space shall be provided for every 300 square feet of #lot area#.

(12/15/61)

25-163

In R8, R9 or R10 Districts

R8 R9 R10

In the districts indicated, on a #zoning lot# used for #residences#, not more than one off-street parking space shall be provided for every 225 square feet of #lot area#.

(2/2/11)

25-17

Modification of Maximum Spaces for Other than Single-Family Detached Residences

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, a greater number of off-street parking spaces than permitted under the provisions of Section 25-16 (Maximum Spaces for Other than Single-Family Detached Residences) may be provided if the Commissioner of Buildings determines that:

- (a) such additional spaces are needed for the occupants of #residences# to which such spaces are #accessory#, in order

to prevent excessive on-street parking; and

- (b) such spaces are designed in such a way as to minimize traffic on #streets# with predominantly #residential# frontages.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of the parking areas to minimize adverse effects on the character of surrounding areas.

(12/15/61)

25-18

Maximum Spaces for Permitted Community Facility or Commercial Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, on a #zoning lot# used for permitted #community facility# or #commercial uses#, not more than one off-street parking space shall be provided for every 400 square feet of #lot area#, except as provided in Section 25-19 (Modification of Maximum Spaces for Permitted Community Facility or Commercial Uses).

(12/15/61)

25-19

Modification of Maximum Spaces for Permitted Community Facility or Commercial Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a greater number of off-street parking spaces than permitted under the provisions of Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses) may be provided if the Commissioner of Buildings determines that:

- (a) such additional spaces are needed for the occupants, visitors, customers, or employees of the #use# or #uses# to which such spaces are #accessory#; and
- (b) such spaces are designed in such a way as to minimize traffic on #streets# with predominantly #residential#

frontages.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of the parking area, to minimize adverse effects on the character of surrounding areas.

(12/15/61)

25-20

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES

(4/14/10)

25-21

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided for all #dwelling units# or #rooming units# created after December 15, 1961, in accordance with the provisions of the following Sections and the other applicable provisions of this Chapter, as a condition precedent to the #use# of such #dwelling unit# or #rooming unit#:

Section 25-22 (Requirements Where Individual Parking Facilities Are Provided)

Section 25-23 (Requirements Where Group Parking Facilities Are Provided)

Section 25-24 (Modification of Requirements for Small Zoning Lots)

Section 25-25 (Modification of Requirements for Public Housing or Housing for Elderly)

Section 25-28 (Special Provisions for Zoning Lots Divided by District Boundaries)

For #dwelling units# or #rooming units# constructed pursuant to the zoning regulations in effect after July 20, 1950, and prior to December 15, 1961, off-street parking spaces #accessory# to such #dwelling units# or #rooming units# cannot be removed if such spaces were required by such zoning regulations, unless such

spaces would not be required pursuant to the applicable zoning regulations currently in effect.

For the purposes of these Sections, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

For the purposes of calculating the number of required parking spaces for any #building# containing #residences#, any fraction of a space 50 percent or greater shall be counted as an additional space.

In the event that the number of #accessory# off-street parking spaces required under the provisions of these Sections exceeds the maximum number of spaces permitted under the provisions of Section 25-16 (Maximum Spaces for Other than Single-Family Detached Residences), the Commissioner of Buildings shall reduce the required number of spaces to the maximum number permitted.

(2/2/11)

25-211

Application of requirements to conversions and certain enlargements

R3 R4

- (a) In the districts indicated, except for #zoning lots# in R4 Districts utilizing the special optional regulations of a #predominately built-up area#, wherever additional #dwelling units# are created by #conversions# or #enlargements# of #residential buildings#, there shall be one off-street parking space provided on the #zoning lot# for each such additional #dwelling unit#. Such off-street parking spaces shall be in addition to any existing off-street parking spaces on the #zoning lot# and shall not be located in any common easement driveways or within a #front yard#. The provisions of Section 25-27 (Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden) shall not apply to such #zoning lots#. Furthermore, such additional #dwelling units# shall be permitted only if the #zoning lot# complies with the provisions of Section 25-64 (Restrictions on Use of Open Space for Parking).

R4 R5

- (b) In R5 Districts, and for #zoning lots# in R4 Districts utilizing the special optional regulations of a #predominately built-up area#, the requirements of Section

25-21 (General Provisions) shall not apply to additional #dwelling units# created by #conversions# of #residential buildings# on #zoning lots# with less than 5,000 square feet of #lot area#, provided such #buildings# were constructed prior to April 14, 2010, and not subsequently #enlarged#.

R1 R2 R3 R4 R5 R6 R7-1 R7A R7B R7D R7X

- (c) In the districts indicated, the requirements of Section 25-21 (General Provisions) shall not apply to #dwelling units# or #rooming units# created by the change of non-#residential uses# to #residential uses# on #zoning lots# with less than 5,000 square feet of #lot area#.

R7-2 R8 R9 R10

- (d) In the districts indicated, no #accessory# off-street parking is required for the creation of additional #dwelling units# or #rooming units# within existing #buildings#.

(6/27/63)

25-212

Parking requirements applicable to non-profit hospital staff dwellings

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of Sections 25-21 to 25-28, inclusive, relating to Required Accessory Off-Street Parking Spaces for Residences, shall apply as set forth in this Section to #non-profit hospital staff dwellings#. The district regulations of Sections 25-21 to 25-28, inclusive, applicable to #non-profit hospital staff dwellings# are determined in accordance with the following table and are the same as the regulations applicable to #residences# in the districts indicated in the table.

District Whose Regulations are Applicable	District
R5	R1 R2 R3
R6	R4 R5
R10	R6 R7 R8 R9 R10

(2/2/11)

25-22

Requirements Where Individual Parking Facilities Are Provided

R1 R2 R3 R4 R5 R6 R7-1

- (a) In the districts indicated, except in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, where #group parking facilities# are not provided, one #accessory# off-street parking space, open or enclosed, shall be provided for each #dwelling unit#, except that in the case of #two#- or three-#family residences# in a #predominantly built-up area#, two #accessory# parking spaces per #building# shall be provided.

R1 R2 R3 R4A R4-1

- (b) In the districts indicated within #lower density growth management areas#, 1.5 #accessory# off-street parking spaces shall be provided for each #dwelling unit#. However, in such districts in the Borough of Staten Island, two #accessory# off-street parking spaces shall be provided for each #single-family residence#, three #accessory# off-street parking spaces shall be provided for each #two-family residence#, and for all other #residences#, #accessory# off-street parking spaces shall be provided for at least 150 percent of the total number of #dwelling units# within such #residences#.

(2/2/11)

25-23

Requirements Where Group Parking Facilities Are Provided

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, where #group parking facilities# are provided, for all new #residences#, #accessory# off-street parking spaces shall be provided for at least that percentage of the total number of #residences# set forth in the following table. Such spaces shall be kept available to the residents of the #building#, 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 #Residences#	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	R7D	R7X	R8B***
40									R8	R9 R10

- * In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, 1.5 #accessory# off-street parking spaces shall be provided for each #dwelling unit#. However, in such districts in the Borough of Staten Island, two #accessory# off-street parking spaces shall be provided for each #single-family residence#, three #accessory# off-street parking spaces shall be provided for each #two-family residence#, and for all other #residences#, #accessory# off-street parking spaces shall be provided for at least 150 percent of the total number of #dwelling units# within such #residences#
- ** In R6 or R7 Districts for #residences# created pursuant to the Quality Housing Program, #accessory# off-street parking spaces shall be provided for at least 50 percent of the total number of such #residences#
- *** In the borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts

In a #predominantly built-up area# where #group parking facilities# are provided, #accessory# parking spaces shall be provided for at least that percentage of the total number of #dwelling units# set forth in the following table:

Percent of Total #Residences#	District	
66	R4	R5

(12/15/61)

25-24

Modification of Requirements for Small Zoning Lots

R6 R7 R8 R9 R10

In the districts indicated, for small #zoning lots#, the requirements set forth in Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified in accordance with the provisions of this Section.

(3/25/10)

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		District
	Units#		
10,000 square feet or less	50	R6 R7-1* R7B	
	30	R7-1 R7A R7D R7X	
10,001 to 15,000 square feet	30	R7-2	
	20	R8** R9 R10	

* Within #lower density growth management areas# in Community District 10, Borough of the Bronx

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

(8/14/87)

25-242

Waiver of requirements for small zoning lots in high bulk districts

R7-2 R8 R9 R10

In the districts indicated, the requirements set forth in Section 25-23 (Requirements where Group Parking Facilities Are Provided) shall be waived for #zoning lots# of 10,000 square feet or less, except in R8B Districts.

(6/30/89)

25-243

Waivers of requirements for narrow zoning lots in certain districts

R3A R4-1

In the districts indicated, the requirements set forth in Section 25-22 (Requirements Where Individual Parking Facilities Are Provided) shall be waived for a #single-family residence# on an #interior zoning lot# that has a width along a #street# less than 25 feet.

(2/2/11)

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:

- (a) all #dwelling units# in publicly-assisted housing developments approved by the City Planning Commission which limit maximum tenant income and receive cash and/or interest

subsidies under Federal mortgage programs;

- (b) all #dwelling units# in publicly-assisted housing developments approved by the City Planning Commission which limit maximum tenant income and receive rent subsidy contracts under Federal rent subsidy programs, other than such developments owned by or constructed for the New York City Housing Authority which have received "plan" and "project" approval prior to June 30, 1975; and #non-profit residences for the elderly# or #dwelling units# for the elderly;
- (c) all #dwelling units# in low rent public housing developments owned by or constructed for the New York City Housing Authority or other public authority and receiving cash subsidies, or #dwelling units# in new housing developments approved by the City Planning Commission that are reserved for low-income tenants for a period of not less than 40 years at rentals equivalent to rentals in low rent public housing developments receiving cash subsidies;
- (d) #non-profit residences for the elderly# or #dwelling units# in a publicly-assisted or public housing development that are reserved for elderly tenants for a period of not less than 40 years and that comply with the appropriate space requirements for related #accessory# social and welfare facilities set forth in the definition of a #non-profit residence for the elderly# in Section 12-10 (DEFINITIONS); and
- (e) all government assisted #dwelling units# or #rooming units# in developments which receive New York City or New York State assistance to reduce total development cost by \$10,000 or 10 percent, whichever is less, and limit maximum tenant income to the income limits established by the United States Department of Housing and Urban Development for New York City mortgagors assisted under Section 235 of the National Housing Act, as amended.

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

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 R7D R7X R8B*
30	21	12.0	10.0	25	R8 R8A R8X R9 R10

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

** For assisted housing projects in R6 or R7-1 Districts which are #Quality Housing buildings#, the applicable district parking requirements shall be as follows:

District	Applicable District Parking Requirement
R6	R6A
R7-1	R7A

*** A #non-profit residence for the elderly# is not a permitted #use# in R1 or R2 Districts. See Section 22-12 (Use Group 2)

(3/25/10)

25-26

Waiver of Requirements for Small Number of Spaces

R4B R5B R5D R6 R7 R8 R9 R10

In the districts indicated, the requirements set forth in Section 25-21 (General Provisions) 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 this Section, except that the requirements

shall not be waived for #non-profit residences for the elderly#.

However, the following provisions shall apply:

- (a) in R5D Districts, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on June 29, 2006, and on the date of application for a building permit; and
- (b) in R6 and R7 Districts in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on March 25, 2003, and on the date of application for a building permit.

(4/14/10)

25-261

For developments or enlargements

R4B R5B R5D R6 R7 R8 R9 R10

For #developments# in R4B and R5B Districts, and for #developments# and #dwelling units# within #enlarged# portions of #buildings# in R5D, R6, R7, R8 R9 and R10 Districts, the maximum number of #accessory# off-street parking spaces for which requirements are waived is 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 R7D R7X R8 R9 R10

(2/2/11)

25-262

For conversions

R6 R7-1 R7A R7B R7D R7X

In the districts indicated, for the creation of additional #dwelling units# or #rooming units# within existing #buildings#,

the maximum number of #accessory# off-street parking spaces for which requirements are waived is 20 spaces. However, 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).

(4/14/10)

25-27

Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the requirements set forth in Section 25-21 (General Provisions) shall not apply to any #building# or #zoning lot# where there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street).

(8/14/87)

25-28

Special Provisions for Zoning Lots Divided by District Boundaries

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

(12/15/61)

25-30

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

(2/2/11)

25-31

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table at the end of this Section for all #development# after December 15, 1961, for the #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations:

- (a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 25-33 (Waiver of Requirements for Spaces below Minimum Number);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 25-34 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street);
- (c) for houses of worship, in accordance with the provisions of Section 25-35 (Waiver for Locally-Oriented Houses of

Worship).

In the event that the number of #accessory# off-street parking spaces required under the provisions of this Section exceeds the maximum number of spaces permitted under the provisions of Section 25-18 (Maximum Spaces for Permitted Community Facility or Commercial Uses), the Commissioner of Buildings shall reduce the required number of spaces to the maximum number permitted.

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 sq ft - R1 R2 R3 R4 R5

1 per 2,500 sq ft - 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. In #lower density growth management areas#, all #cellar# space, including storage space, shall be used to determine parking requirements:

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

Houses of worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room

None required - R6 R7 R8 R9 R10

1 per 10 persons rated capacity - R1 R2 R3

1 per 15 persons rated capacity - R4 R5

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 R7B

Outdoor skating rinks

Square feet of #lot area#:

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

1 per 800 sq ft - R1 R2 R3 R4 R5

1 per 2,000 sq ft - 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

#Schools#

Square feet of #floor area#:

None required - R3 R4 R5 R6 R7 R8 R9 R10

1 per 1,500 - R1 R2

For child care services in #lower density growth management areas#:

1 per 1,000 - R1 R2 R3 R4 R5

FOR ACCESSORY COMMERCIAL USES IN LARGE-SCALE RESIDENTIAL DEVELOPMENTS:

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

Square feet of #floor area#:
None required - R7-2 R8 R9 R10
1 per 100 - R1 R2 R3
1 per 200 - R4 R5
1 per 300 - R6 R7-1

General retail #uses# - food stores with less than 2,000 square feet of #floor area# or #uses# in parking requirement category B in Use Group 6A.

Square feet of #floor area#:
None required - R7-2 R8 R9 R10
1 per 150 - R1 R2 R3
1 per 300 - R4 R5
1 per 400 - R6 R7-1

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:

Camps, overnight or day, with a minimum of either 10,000 square feet of #lot area# or 10 employees

1 per 2,000 square feet of #lot area# or 1 per 3 employees, whichever will require a lesser number of spaces - R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Docks for ferries

Parking requirement, as provided in Section 62-43 - R3 R4 R5 R6 R7 R8 R9 R10

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

* Requirements in the table are in addition to the area used for ambulance parking

** Requirements in the table apply only to the #floor area# not used for storage

(12/15/61)

25-32

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#.

Section 25-21 (General Provisions)

Section 25-31 (General Provisions)

(10/29/07)

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 R7D R7X R8 R9 R10

(1/18/11)

25-331

Exceptions to application of waiver provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the waiver provisions of Section 25-33 (Waiver of Requirements for Spaces below Minimum Number) shall not apply to the following types of #uses#:

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

Ambulatory diagnostic or treatment health care facilities in R3, R4A and R4-1 Districts in #lower density growth management areas#. However, the waiver provisions shall apply where such #use# is located in such areas on the same #zoning lot# as a hospital or nursing home as defined in the New York State Hospital Code, and shall apply where such #use# is located in such areas on any #zoning lot# in an R6 or R7 District in Community District 10, Borough of the Bronx;

Outdoor tennis courts;

Camps, overnight or day;

#Schools# in R1 and R2 Districts, child care services in R1, R2, R3, R4A and R4-1 Districts in #lower density growth management areas#. However, the waiver provisions shall apply where child care services are located in such districts on the same #zoning lot# as a house of worship, and shall apply where child care services located in such districts on #zoning lots# that do not contain houses of worship, where the amount of #floor area# used for child

care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

(12/15/61)

25-34

Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the requirements set forth in Sections 25-31 (General Provisions) and 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Traffic for a report and may base the determination on such report.

(9/9/04)

25-35

Waiver for Locally Oriented Houses of Worship

R1 R2 R3 R4 R5

In the districts indicated, the requirements set forth in Sections 25-31 (General Provisions) and 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

- (a) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;
- (b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 25-33 (Waiver of Requirements for Spaces below Minimum Number); and
- (c) such house of worship shall not include, as an #accessory

use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a) of this Section, multiplied by the persons-rated capacity of the largest room of assembly, shall be subtracted from the persons-rated capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section are not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person, in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants, and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residence of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

(9/9/04)

25-36**Special Provisions for Zoning Lots Divided by District Boundaries**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

(12/15/61)

25-40**RESTRICTIONS ON OPERATION OF ACCESSORY OFF-STREET PARKING SPACES**

(12/15/61)

25-41**Purpose of Spaces and Rental to Non-Residents**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to #residences# shall comply with the provisions of this Section.

(12/15/61)

25-411**In R1 or R2 Districts**

R1 R2

In the districts indicated, such spaces shall be designed and operated exclusively for the long-term storage of the private passenger motor vehicles used by the occupants of such #residences#.

(9/29/10)

25-412**In all other Residence Districts**

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, such spaces shall be designed and operated primarily for the long-term storage of the private passenger motor vehicles used by the occupants of such #residences#.

However, such spaces may be:

- (a) rented for periods of not less than one week and not more than one month to persons who are not occupants of the #residences# to which such spaces are #accessory# for the accommodation of the private passenger motor vehicles used by such non-residents, provided that such spaces are operated in accordance with the regulations promulgated by the Commissioner of Buildings, in a manner which will not adversely affect the residential character of the neighborhood; or
- (b) occupied by #car sharing vehicles#, provided that:
 - (1) in R3-2 and R4 Districts, except R4A, R4B and R4-1 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all spaces in a #group parking facility# that contains 20 or more spaces; and
 - (2) in R5, R6, R7, R8, R9 and R10 Districts, except R5A Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all #accessory# off-street parking spaces, whichever is greater.

Such spaces provided pursuant to paragraphs (a) and (b) of this Section shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

(9/29/10)

25-42**Use of Spaces Accessory to Permitted Non-Residential Uses**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to permitted non-#residential uses# shall be used only by occupants, visitors, customers or employees of such #uses# and shall not be rented except as may be provided for houses of worship pursuant to Section 25-542 (Shared parking facilities for houses of worship). However, #car sharing vehicles# may occupy such spaces only pursuant to the provisions of paragraphs (a) and (b) of this Section.

R1 R2 R3 R4 R5A

- (a) In the districts indicated, #car sharing vehicles# may occupy parking spaces #accessory# to a non-#residential use# in a #group parking facility# containing 20 spaces or more that is #accessory# to a college or university #use# listed in Use Group 3; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facility#.

R5 R5B R5D R6 R7 R8 R9 R10

- (b) In the districts indicated, except R5A Districts, #car sharing vehicles# may occupy parking spaces #accessory# to a non-#residential use# in a #group parking facility# containing 20 spaces or more; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facility#.

(12/15/61)

25-43

Restrictions on Automotive Repairs and Sale of Motor Fuel

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil, or automotive accessories are not permitted, except as provided in this Section in specified districts.

(2/2/11)

25-431

Limited repairs or motor fuel sales permitted in specified districts

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, within a #completely enclosed# garage, #detached# from a #building# containing #residences# and containing not less than 150 #accessory# off-street parking spaces, minor automotive repairs (not including body work) are permitted, and not more than three motor fuel pumps may be provided. However, no motor fuel shall be sold to persons who are not using the parking spaces.

(12/15/61)

25-50

RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES

(9/9/04)

25-51

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences#, to permitted #community facility uses#, to #commercial uses# permitted as #accessory uses# in #large-scale residential developments#, or to #uses# permitted by special permit, shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 25-52 (Off-Site Spaces for Residences)

Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses)

Section 25-54 (Joint and Shared Facilities)

Section 25-55 (Additional Regulations for Required Spaces When Provided Off Site)

Section 73-45 (Modification of Off-Site Parking Provisions)

(2/6/72)

25-52

Off-Site Spaces for Residences

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, all permitted or required off-street parking spaces #accessory# to #residences# may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that in such instances all such spaces are:

- (a) located in a district other than a #Residence District# or a C7 District, or provided in a joint facility located in a district other than an R1 or R2 District, on the same #zoning lot# as one of the #buildings# to which it is #accessory#, and conforming to the provisions of Section 25-54 (Joint Facilities); and
- (b) not further than the maximum distance from the #zoning lot# specified in Section 25-521.

(10/29/07)

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 R7D R7X R8 R9 R10

(9/9/04)

25-53**Off-Site Spaces for Permitted Non-Residential Uses**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, off-site parking spaces may be provided in accordance with the provisions set forth in this Section, inclusive.

(9/9/04)

25-531**For houses of worship**

R1 R2 R3 R4

In the districts indicated, all required off-street parking spaces #accessory# to permitted houses of worship may be provided on a #zoning lot# other than the same #zoning lot# as such house of worship but within the same district or an adjoining district, provided that in such instances all such spaces shall be not further than 600 feet from the nearest boundary of the #zoning lot# containing such #uses#.

(9/9/04)

25-532**For permitted non-residential uses**

R5 R6 R7 R8 R9 R10

In the districts indicated, all permitted or required off-street parking spaces #accessory# to permitted non-#residential uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses#, but within the same district or an adjoining district other than an R1, R2, R3 or R4 District provided that in such instances all such spaces located in a #Residence District# shall be not further than 200 feet from the nearest boundary of the #zoning lot# containing such #uses#, and all such spaces located in a #Commercial# or #Manufacturing District# shall be not further than 600 feet from the nearest boundary of such #zoning lot#, and provided further that the Commissioner of Buildings determines that:

- (a) there is no way to arrange such spaces on the same #zoning lot# as such #uses#; and

- (b) such spaces are so located as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages.

Such parking spaces shall conform to all additional regulations promulgated by the Commissioner of Buildings to minimize adverse effects on the character of surrounding areas.

(9/9/04)

25-54
Joint and Shared Facilities

(9/9/04)

25-541
Joint facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 25-21 (General Provisions)

Section 25-31 (General Provisions)

Section 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements);

- (b) all such spaces are located in a district where they are permitted under the applicable provisions of Sections 25-52 (Off-Site Spaces for Residences), 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), or 73-45 (Modification of Off-Site Parking Provisions); and
- (c) the design and layout of such joint facilities meet

standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

(9/9/04)

25-542

Shared parking facilities for houses of worship

R1 R2 R3 R4 R5

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times;
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship; and
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

(9/9/04)

25-55

Additional Regulations for Required Spaces When Provided Off Site

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 25-52 (Off-Site Spaces for Residences), 25-53 (Off-Site Spaces for Permitted Non-Residential Uses) or 25-54 (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) Such spaces shall be in the same ownership (single fee

ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and the owner's heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.

- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

(12/15/61)

25-60

ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES

(6/29/94)

25-61

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces shall conform to the provisions of the following Sections:

Section 25-62 (Size and Location of Spaces)

Section 25-63 (Location of Access to the Street)

Section 25-64 (Restrictions on Use of Required Open Space for Parking)

Section 25-65 (Surfacing)

Section 25-66 (Screening)

No portion of a #side lot ribbon# shall be less than eight feet wide and no portion shall be more than 10 feet wide on an #interior# or #through lot# and not more than 20 feet wide on a #corner lot#. If two #zoning lots# share a common #side lot ribbon# along a common #side lot line#, the width of a shared #side lot ribbon# must be at least eight feet.

Special regulations applying to #large-scale residential developments# are set forth in Article VII, Chapter 8, and to #large-scale community facility developments# in Article VII, Chapter 9.

(4/30/12)

25-62

Size and Location of Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and, if connecting to a #street#, such driveway may only be accessed by a curb cut.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

However, the width of a parking stall may be reduced to eight feet for #detached#, #semi-detached# or #zero lot line buildings# on a #zoning lot# where not more than four #accessory# parking spaces are required if such #accessory# parking spaces are located in a #side lot ribbon# and are subject to the provisions of Section 25-621 (Location of parking spaces in certain districts).

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10, Borough of the Bronx, for #community facility uses#, each required parking space in a parking area not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, non-required parking spaces within the travel aisles. For such open parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (PARKING LOTS) shall also apply.

(2/2/11)

25-621

Location of parking spaces in certain districts

All #accessory# off-street parking spaces on #zoning lots# with #buildings# containing #residences# shall be located in accordance with the provisions of this Section, except that in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of Section 25-622 shall apply. In addition, all such parking spaces shall be subject to the curb cut requirements of Section 25-63 (Location of Access to the Street).

R1 R2 R3A R3X R3-1 R4A R4-1 R5A

- (a) In the districts indicated, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations only where such spaces are located in a driveway that accesses at least one parking space located to the side or rear of such #building# and no portion of such driveway is located in front of such #buildings#.

However, such parking spaces may also be located in a driveway directly in front of a garage, where such garage is within:

- (1) a #semi-detached building# in an R3-1 or R4-1 District;
or
- (2) a #detached building# on a #zoning lot# with at least 35 feet of frontage along the #street# accessing such

driveway, and at least 18 feet of uninterrupted curb space along such #street#.

No parking spaces of any kind shall be allowed between the #street line# and #street wall# of an #attached# or #semi-detached building# in an R1, R2, R3A, R3X, R4A or R5A District, or for an #attached building# in an R3-1 or R4-1 District.

R3-2 R4 R5

- (b) In the districts indicated, other than R4A, R4B, R4-1, R5A, R5B and R5D Districts, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations, provided that, for #buildings# on #zoning lots# with less than 35 feet of #street# frontage, such spaces are located in a driveway in the #side lot ribbon#, and provided that for #buildings# on #zoning lots# with at least 35 feet of #street# frontage and at least 18 feet of uninterrupted curb space along a #street#, either:
 - (1) no more than two parking spaces located between the #street line# and #street wall# of such #buildings# and their prolongations shall be accessed from a single curb cut, and the parking area for these spaces shall not be more than 20 feet in width measured parallel, or within 30 degrees of being parallel, to the #street line#; or
 - (2) a #group parking facility# with five or more spaces is provided and is screened in accordance with the requirements of Section 25-66 (Screening), paragraphs (a) or (b), as applicable.

R4B R5B R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X

- (c) In the districts indicated, #accessory# off-street parking spaces shall be located only within or to the side or rear of #buildings# containing #residences#. No parking spaces of any kind shall be permitted between the #street line# and the #street wall# of such #buildings# and their prolongations.

R6 R7 R8

- (d) In the districts indicated without a letter suffix, the following provisions shall apply:

- (1) for #zoning lots# containing non-#Quality Housing buildings# or non-#Quality Housing building segments#, each of which contains not more than three #dwelling units#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (b) of this Section;
- (2) for #zoning lots# containing #Quality Housing buildings# or #Quality Housing building segments#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (c) of this Section.

(4/14/10)

25-622

Location of parking spaces in lower density growth management areas

The provisions of this Section shall apply to all #zoning lots# with #buildings# containing #residences# in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#.

Required #accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# or prolongation thereof of the #building#.

For #zoning lots# with less than 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a single driveway no more than 10 feet in width.

For #zoning lots# with at least 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a driveway no more than 20 feet in width.

No more than two unenclosed required parking spaces may be located in tandem (one behind the other), except that no tandem parking shall be permitted in any #group parking facility# with more than four spaces.

(2/2/11)

25-623

Maneuverability standards for community facility uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of this Section shall apply to:

- (a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility use#;
- (b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area, that result in:
 - (1) an increase in the total number of parking spaces #accessory# to #community facility uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or
 - (2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #community facility uses#; and
- (c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Groups 9 or 16.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards, as set forth in paragraphs (b) and (c) of Section 36-58.

(1/18/11)

25-624

**Special parking regulations for certain community facility uses
in lower density growth management areas**

- (a) In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:
 - (1) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
 - (2) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.
- (b) All #zoning lots# that meet the conditions of paragraph (a) of this Section shall comply with the following provisions:
 - (1) #Accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# or prolongation thereof of the #building#.
 - (2) The maneuverability provisions of paragraphs (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply to all such #zoning lots#. No tandem parking shall be permitted.
 - (3) The curb cut provisions of paragraph (c) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply to all such #zoning lots#, except that, for #zoning lots# with less than 75 feet of #street# frontage, a minimum distance of four feet from other curb cuts on adjacent #zoning lots# shall be

maintained.

- (4) For #zoning lots# in R1, R2, R3A, R3X, R3-1, R4A and R4-1 Districts with #buildings# containing child care services, a driveway shall be required for drop-off and pick-up of users of the child care facility. Such driveway shall have a minimum width of 15 feet and a maximum width of 18 feet and shall serve one-way traffic. Such driveway shall include a designated area for the drop-off and pick-up of users of the facility with a minimum length of 25 feet and a minimum width of 10 feet. Such drop-off and pick-up area shall #abut# a sidewalk with a minimum width of four feet that connects to the child care facility entrance and all public sidewalks. No parking spaces shall be located within such driveway. Where the width of the #street# frontage of the #zoning lot# accessing such driveway is 75 feet or less, the minimum percentage of #front yard# required to be planted pursuant to Section 23-451 (Planting requirement) shall be reduced to 25 percent.
- (5) For any #zoning lot# containing child care services, driveways and open #accessory# off-street parking spaces may occupy no more than 50 percent of the #lot area# not covered by #buildings#. For #zoning lots# containing ambulatory diagnostic or treatment health care facilities, driveways and open #accessory# off-street parking spaces may occupy no more than 66 percent of the #lot area# not covered by #buildings#.
- (6) All parking areas not within a #building# shall be screened from adjoining #zoning lots# and #streets# by a landscaped strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.
- (7) Any lighting provided in off-street parking areas shall be directed away from #residences#.

(1/18/11)

25-625

Special certification to modify the parking regulations for certain community facility uses in lower density growth management areas

In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, the Chairperson of the City Planning Commission may modify the amount of #accessory# off-street parking required pursuant to Section 25-31 (General Provisions), or the parking regulations of paragraphs (b)(3), (b)(4), and (b)(5) of Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas), for any #enlargement# of a #building# containing a #use# listed in paragraphs (a) or (b) of this Section, or a change of #use# to, or an #extension# of, such #use#, provided that the applicant submits a site plan that demonstrates to the Chairperson that the location of the existing #building# on the #zoning lot# impedes compliance with the parking requirements of Sections 25-31 and 25-624, and that the Chairperson certifies to the Department of Buildings, that the #enlargement#, #extension# or change of #use# complies with such requirements to the maximum extent feasible.

- (a) Ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes, as defined in the New York State Hospital Code; and
- (b) Child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship and, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#.

(12/15/61)

25-63

Location of Access to the Street

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the entrances and exits for all permitted or required #accessory group parking facilities# with 10 or more spaces shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic

congestion. The Commissioner of Buildings may refer such matter to the Department of Traffic for a report and may base his determination on such report.

The waiver provisions of Sections 25-27 or 25-34 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

(2/2/11)

25-631

Location and width of curb cuts in certain districts

All curb cuts on #zoning lots# with #buildings# containing #residences# shall comply with the provisions of this Section, except that, in #lower density growth management areas#, the provisions of Section 25-632 shall apply. The minimum width of a curb cut shall be eight feet, including splays. In addition, for #non-conforming buildings# in all districts, the provisions of Section 25-633 (Curb cut restrictions for certain buildings in R1 through R5 Districts) shall apply.

R2A

- (a) In the district indicated, the maximum width of a curb cut shall be 18 feet, and the maximum width of a driveway within a #front yard# shall be 20 feet. All #zoning lots# shall maintain at least 18 feet of uninterrupted curb space along each #street# frontage.

R2X R3 R4 R5

- (b) In the districts indicated, except R4B and R5B Districts, curb cuts shall comply with the following provisions:
 - (1) For #zoning lots# containing #residences# where not more than two #accessory# parking spaces are required:
 - (i) for #zoning lots# with less than 50 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of ten feet, shall be permitted;
 - (ii) for #zoning lots# with at least 50 feet of frontage along a #street#, no more than two curb cuts shall be permitted along such #street#

frontage. If one curb cut is provided, such curb cut shall have a maximum width, including splays, of 18 feet. If two curb cuts are provided, the maximum width of each curb cut, including splays, shall be ten feet, and a minimum distance of 30 feet of uninterrupted curb space shall be provided between such curb cuts;

- (iii) wherever #accessory# parking spaces are provided in adjacent #side lot ribbons# on #zoning lots# subdivided after June 30, 1989, the curb cuts giving access to such #side lot ribbons# shall be contiguous (paired), so that only one curb cut, having a maximum width of 18 feet, including splays, shall serve both #side lot ribbons#; and
 - (iv) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing both on June 30, 1989, and April 14, 2010, that are less than 40 feet wide and where at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#; or
- (2) For #zoning lots# containing #residences# where more than two #accessory# parking spaces are required:
- (i) #zoning lots# with 35 feet or more of frontage along a #street# shall maintain a minimum distance of 16 feet of uninterrupted curb space along such #street#;
 - (ii) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to any #zoning lot# existing both on June 30, 1989 and April 14, 2010, that is less than 40 feet wide and where at least 16 feet of uninterrupted curb space is maintained in front of such #zoning lot# along the #street#;
 - (iii) all driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on the same or adjoining #zoning lots#, provided the aggregate width of such paired driveways, including any space between

them, does not exceed 20 feet. Curb cuts accessing such paired driveway shall have a minimum width of 15 feet and a maximum width, including splays, of 18 feet; and

- (iv) except for paired driveways as set forth in paragraph (b)(2)(iii) of this Section, the maximum width of a curb cut accessing less than 50 parking spaces shall be 12 feet, including splays, and the maximum width of a curb cut accessing more than 50 parking spaces shall be 22 feet, including splays. However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

R4B R5B

- (c) In the districts indicated, curb cuts are permitted only on #zoning lots# with at least 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#. Any such #zoning lot# may be subdivided; however, curb cuts are permitted only for a resulting subdivided #zoning lot# that has at least 40 feet of #street# frontage. For #detached#, #semi-detached# and #zero lot line buildings#, the width and location of curb cuts shall be in accordance with paragraph (b)(1), inclusive, of this Section. For #attached buildings# and #building segments#, and for multiple dwellings in R5B Districts, at least 34 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing on both June 30, 1989, and April 14, 2010, that are less than 76 feet wide and where at least 34 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.

For #zoning lots# with less than 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#, curb cuts shall be prohibited.

R6 R7 R8

- (d) In the districts indicated without a letter suffix, for #zoning lots# containing non-#Quality Housing buildings# or non-#Quality Housing building segments#, each of which contains not more than three #dwelling units#, #accessory# off-street parking spaces shall be located in accordance

with the provisions of paragraph (b)(2), inclusive, of this Section.

R6 R7 R8

- (e) In the districts indicated, except as provided for in paragraph (d) of this Section, only one curb cut, having a maximum width of 12 feet, including splays, shall be permitted on any #street# frontage of a #zoning lot#. However, where a curb cut accesses a #group parking facility# with 50 or more spaces, the maximum width of a curb cut shall be 22 feet, including splays, or alternatively, two curb cuts shall be permitted to access such #group parking facility#, each with a maximum width of 12 feet, including splays, and spaced at least 60 feet apart. For #zoning lots# subdivided after April 14, 2010, curb cuts shall only be permitted along the #street# frontage of such subdivided #zoning lot# where at least 34 feet of uninterrupted curb space is maintained, and shall comply with the width and spacing requirements of this paragraph, (e).

These curb cut provisions shall apply as follows:

- (1) In R6, R7 and R8 Districts without a letter suffix, to non-#Quality Housing buildings# or non-#Quality Housing building segments#, any of which contain four or more #dwelling units#;
 - (2) In R6, R7 and R8 Districts without a letter suffix, to #Quality Housing buildings# or #Quality Housing building segments#;
 - (3) In R6A, R7A, R7D, R7X, R8A and R8X Districts, to all #buildings#; and
 - (4) In R6B, R7B and R8B Districts, to #zoning lots# occupied by a #building# with a #street wall# at least 40 feet in width or, for #zoning lots# with multiple #building segments#, only where such curb cut is in front of a #building segment# with a #street wall# at least 40 feet in width. On such #zoning lots#, curb cuts shall be permitted only on the #street# frontage that is at least 40 feet wide. On all other #zoning lots# in R6B, R7B and R8B Districts, curb cuts shall be prohibited.
- (f) Modification of curb cut location requirements:

R2X R3 R4 R5 R6 R7 R8

- (1) In the districts indicated, the location and width of curb cuts, as required by the provisions of this Section, may be modified if the Commissioner of Buildings certifies that the specified curb cut locations would require the removal of shade trees maintained by the City of New York. The Commissioner of Buildings may refer such matter to the Department of Parks and Recreation and the Department of Transportation for reports, and may base the determination on such reports.

R6 R7 R8

- (2) In the districts indicated, except R6, R7 or R8 Districts with a letter suffix, the City Planning Commission may authorize modification of the location and width of curb cuts as required by the provisions of this Section provided that the Commission finds that:
 - (i) the proposed modification does not adversely affect the character of the surrounding area; and
 - (ii) where more than one curb cut is provided, the curb cuts are arranged to foster retention of curbside parking spaces along the #street frontage# of the #zoning lot#.

(4/14/10)

25-632

Driveway and curb cut regulations in lower density growth management areas

The provisions of this Section shall apply to all #zoning lots# with #buildings# containing #residences# within all #lower density growth management areas#, except that these provisions shall not apply to any #zoning lot# occupied by only one #single-family detached residence# with at least 60 feet of frontage along one #street# and, for such #residences# on #corner lots#, with at least 60 feet of frontage along two #streets#.

- (a) For #zoning lots# with less than 33 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of ten feet, shall be permitted.
- (b) For #zoning lots# with at least 33 feet of frontage along a #street#, multiple curb cuts are permitted. The maximum

width of a curb cut serving a driveway 12 feet or less in width shall be 10 feet, including splays. Driveways wider than 12 feet at any point within a #front yard# shall be accessed by a single curb cut with a minimum width of 17 feet and a maximum width, including splays, of 18 feet.

- (c) The center line of each curb cut shall be coincident with the centerline of the driveway that it serves.
- (d) All driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on adjoining #zoning lots# provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet.
- (e) All #zoning lots# with #buildings# containing #residences# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.
- (f) The requirements of paragraphs (d) and (e) of this Section may be waived where the Commissioner of Buildings certifies that, due to the location of driveways and curb cuts on adjacent #zoning lots#, there is no way to locate the driveways and curb cuts in compliance with this requirement of this Section, and that at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.
- (g) For multiple #buildings# on a single #zoning lot#, access to all parking spaces shall be provided entirely on the same #zoning lot#.

(2/2/11)

25-633

Curb cut restrictions for certain buildings in R1 through R5 Districts

R1 R2 R3A R3X R3-1 R4A R4-1 R5A

- (a) In the districts indicated, curb cuts are prohibited for #attached buildings# except where such #building# is bounded on one side by a #side yard# at least eight feet in width. For such #buildings#, a curb cut shall be permitted only along that portion of the #street# frontage of the #zoning lot# directly in front of a #side yard# that is at least

eight feet wide and accesses a parking space located beyond the #street wall# or prolongation thereof.

R1 R2 R3A R3X R4A R5A

- (b) In the districts indicated, for #semi-detached buildings#, a curb cut shall only be permitted along that portion of the #street# frontage of the #zoning lot# directly in front of a #side yard# that is at least eight feet wide and accesses a parking space located beyond the #street wall# or prolongation thereof.

(11/28/07)

25-634

Curb cut regulations for community facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, any #development# or #enlargement# containing a #community facility use# with an unenclosed parking area shall comply with the provisions of this Section.

Curb cuts serving one travel lane shall have a maximum width of 12 feet, excluding splays, and curb cuts serving two travel lanes shall have a maximum width of 24 feet, excluding splays. For parking lots with more than 100 parking spaces, curb cuts of up to 30 feet, excluding splays, shall be permitted.

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

For #zoning lots# with 100 feet or less of #street frontage#, only two curb cuts shall be permitted. For every additional 50 feet of #street# frontage, one additional curb cut shall be permitted.

A minimum distance of 18 feet from any other curb cut on the same or adjacent #zoning lots# shall be maintained, except where the Commissioner of Buildings determines that, due to the location of curb cuts constructed prior to November 28, 2007, on adjacent #zoning lots#, there is no way to locate the curb cut 18 feet from such adjacent existing curb cuts.

(4/30/08)

25-635

Maximum driveway grade

R1 R2 R3 R4 R5

In the districts indicated, the maximum grade of a driveway shall not exceed 11 percent in any #front yard#. Driveways existing on April 30, 2008, which exceed a grade of 11 percent, may be used to access parking spaces required for #residences# constructed after April 30, 2008.

(4/14/10)

25-64

Restrictions on Use of Open Space for Parking

Restrictions on the use of open space for parking and driveways are set forth in this Section, in accordance with the provisions of Section 23-12 (Permitted Obstructions in Open Space).

- (a) In R1, R2, R3, R4A, R4-1 and R4B Districts, driveways, #private roads#, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths may occupy no more than 50 percent of the #lot area# not covered by #buildings# containing #residences#;
- (b) In R4 Districts, except for R4A, R4-1 and R4B Districts, and in R5 Districts, driveways, #private roads#, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths may occupy no more than 66 percent of the #lot area# not covered by #buildings# containing #residences#; and
- (c) In R6, R7, R8, R9 and R10 Districts without a letter suffix, driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths may not use more than 50 percent of the required #open space# on any #zoning lot#. The provisions of this paragraph, (c), shall not apply to #Quality Housing buildings#.

(11/28/07)

25-65

Surfacing

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all open off-street parking spaces shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick, except that where required parking spaces are located in #side lot ribbons#, hard surface ribbons may be permitted. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

(11/28/07)

25-66

Screening

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) In all districts, as indicated, except where such districts are located in #lower density growth management areas#, all open off-street parking areas or groups of individual garages with 10 spaces or more, that are located either at natural grade or on a roof, shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by either:

- (1) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (2) a wall or barrier or uniformly-painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

For community facilities located in R1, R2, R3, R4 or R5 Districts, except for any parking that is located on a roof, all such parking shall be screened pursuant to paragraph (a)(1) of this Section.

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no #signs# hung or attached thereto other than those permitted in Section 22-323 (Signs for parking areas).

- (b) In #lower density growth management areas#, all open parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

The provisions of paragraphs (a) and (b) of this Section shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

(2/2/11)

25-67

Parking Lot Landscaping

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of Section 37-90 (PARKING LOTS), inclusive, shall apply to open parking areas that contain 18 or more spaces or are greater than 6,000 square feet in area, as follows:

- (a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility use#;
- (b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area that result in:
 - (1) an increase in the total number of parking spaces #accessory# to #commercial# or #community facility uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or

- (2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility uses#; and
- (c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Groups 9 or 16.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

Notwithstanding the provisions of this Section, where parking requirements are waived, pursuant to Section 25-33, on #zoning lots# subdivided after November 28, 2007, and parking spaces #accessory# to #community facility uses# or curb cuts accessing #community facility uses# are shown on the site plan required pursuant to Section 25-623, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

(9/29/10)

25-68

For Parking Facilities Containing Car Sharing Vehicles

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed within twenty feet of either the entrance to the parking facility or the attendant's station, at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less

than one inch high:

- (a) "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility;
- (b) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility; and
- (c) where such parking facility contains #accessory residential# parking spaces, "Accessory residential parking spaces shall be made available to residents of this building within 30 days after a written request is made to the landlord".

Off-Street Loading Regulations

(12/15/61)

25-70

GENERAL PURPOSES

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in residential areas within the city, and thus to promote and protect public health, safety, and general welfare.

(12/15/61)

25-71

Permitted Accessory Off-Street Loading Berths

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for #residences#, for permitted #community facility uses#, for #commercial uses# permitted as #accessory uses# in #large-scale residential developments#, or for #uses# permitted by special permit, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions set forth in Sections 25-75 (Location of Access to the Street), 25-76 (Surfacing), and 25-77 (Screening).

(2/2/11)

25-72

Required Accessory Off-Street Loading Berths

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the following table for all #development# or #enlargement# after December 15, 1961, for the #uses# listed in the table, as a condition precedent to the #use# of such #development# or #enlargement#.

After December 15, 1961, if the #use# of any #building or other structure# is #enlarged#, the requirements set forth in the table shall apply to the #floor area# of the #enlarged# portion of such #building#.

REQUIRED OFF-STREET LOADING BERTHS
FOR DEVELOPMENTS OR ENLARGEMENTS

Type of #Use#	For #Floor Area# (in square feet)	Required Berths	District			
Hospitals and related facilities*	First 10,000	None	R1	R2	R3	R4
			R5	R6	R7	R8
	Next 290,000	1			R9	R10
	Each additional 300,000 or fraction thereof	1				
#Commercial uses# in #large-scale residential developments#	First 8,000	None	R1	R2	R3	R4
					R5	R6
	Next 17,000	1				
	Next 15,000	1				
	Next 20,000	1				
	Next 40,000	1				
	Each additional 150,000 or fraction thereof	1				
#Commercial uses# in #large-scale residential developments#	First 25,000	None	R7	R8	R9	R10
	Next 15,000	1				
	Next 60,000	1				
	Each additional 150,000 or fraction thereof	1				

* Requirements are in addition to area utilized for ambulance parking.

(12/15/61)

25-73

Special Provisions for Zoning Lots Divided by District Boundaries

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is

divided by a boundary between districts having different requirements for #accessory# off-street loading berths, the provisions set forth in Article VII, Chapter 7 shall apply.

(12/15/61)

25-74

Size of Required Berths

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all required off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways or entrances to or exits from such off-street berths.

MINIMUM DIMENSIONS FOR REQUIRED
ACCESSORY OFF-STREET LOADING BERTHS
(in feet)

	Length	Width	Vertical clearance
Hospitals and related facilities	33	12	12
#Commercial uses# in #large-scale residential developments#	33	12	14

(12/15/61)

25-75

Location of Access to the Street

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion.

The requirements for #accessory# off-street loading berths set forth in Section 25-72 (Required Accessory Off-street Loading Berths) shall not apply to any #building# as to which the Commissioner of Buildings certifies that there is no way to arrange the required berths to conform to the provisions of this Section.

The Commissioner of Buildings may refer such matters requiring certification to the Department of Transportation for report and may base his determination on such report.

(12/15/61)

25-76

Surfacing

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

(12/15/61)

25-77

Screening

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required open off-street loading berths shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street# by either:

- (a) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (b) a wall or barrier or uniformly painted fence or fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening:

- (1) shall be maintained in good condition at all times;
- (2) may be interrupted by normal entrances and exits; and
- (3) shall have no #signs# hung or attached thereto other than those permitted in Section 22-32 (Permitted Non-Illuminated Accessory Signs).

(2/2/11)

25-80

BICYCLE PARKING

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of this Section, inclusive, related to bicycle parking spaces shall apply to:

- (a) #developments#;
- (b) #enlargements# that increase the #floor area# within a #building# by 50 percent or more;
- (c) #dwelling units# created by #conversions# of non-#residential floor area#;
- (d) new #dwelling units# in #buildings# or #building segments# constructed after April 22, 2009;
- (e) new enclosed #accessory group parking facilities# with 35 or more automobile parking spaces; and
- (f) open parking areas #accessory# to #commercial# or #community facility uses# that contain 18 or more automobile parking spaces or are greater than 6,000 square feet in area.

In addition, the provisions of Section 25-85 (Floor Area Exemption) shall apply to all #buildings# as set forth therein.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total area, in square feet, of bicycle parking spaces and the total area, in square feet, excluded from the calculation of #floor area# for such spaces shall be noted on the certificate of occupancy.

(4/22/09)

25-81

Required Bicycle Parking Spaces

(2/2/11)

25-811

Enclosed bicycle parking spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table in this Section. For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the #accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table, or one for every 10 automobile parking spaces that are enclosed within a #building or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

REQUIRED BICYCLE PARKING SPACES FOR RESIDENTIAL OR COMMUNITY FACILITY USES

Type of #Use#	Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement

FOR RESIDENTIAL USES

Use Group 1

None required

Use Group 2 1 per 2 #dwelling units#

#Non-profit residences for the elderly# 1 per 10,000 square
or #dwelling units# for the elderly feet of #floor area#
as specified in Section 25-25(d)

FOR COMMUNITY FACILITY USES*

College or #school# student dormitories 1 per 2,000 square
or fraternity and sorority student houses feet of #floor area#

Colleges, universities, or seminaries**

(a) Classrooms, laboratories, 1 per 5,000 square
student centers or offices feet of #floor area#

(b) Theaters, auditoriums, 1 per 20,000 square
gymnasiums or stadiums feet of #floor area#

Libraries, museums or non-commercial 1 per 20,000 square
art galleries feet of #floor area#

Monasteries, convents or novitiates; None required
houses of worship, rectories or
parish houses; Use Group 4B

All other Use Group 3 and Use Group 4 1 per 10,000 square
#uses# not otherwise listed in feet of #floor area#
this table

* #Non-profit hospital staff dwellings# shall be subject to
the requirements for Use Group 2 #residential uses#

** Up to half of required spaces may be provided as unenclosed
bicycle parking spaces pursuant to the requirements of
Section 25-83 (Restrictions on Operation, Size and Location
of Enclosed Bicycle Parking Spaces)

However, the bicycle parking requirements set forth in the table
shall be waived for bicycle parking spaces that are #accessory#
to:

(a) #buildings# or #building segments# containing 10 #dwelling
units# or less;

(b) colleges, universities or seminaries where the number of
required bicycle parking spaces is six or less;

- (c) college or #school# student dormitories or fraternity and sorority student houses where the number of required bicycle parking spaces is five or less; or
- (d) all other #community facility uses# not otherwise listed in the table where the number of required bicycle parking spaces is three or less.

(4/22/09)

25-812

Unenclosed bicycle parking spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for open parking areas #accessory# to #community facility uses# that contain 18 or more spaces or are greater than 6,000 square feet in area, which meet the applicability standards of Section 25-67 (Parking Lot Landscaping), unenclosed #accessory# bicycle parking spaces shall be provided as follows:

- (a) One bicycle parking space shall be provided for every ten automobile parking spaces, up to 200 automobile parking spaces. Thereafter, one bicycle parking space shall be provided for every 100 automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle parking space.
- (b) Each bicycle rack shall allow for the bicycle frame and at least one wheel to be locked to the rack. If bicycles can be locked to each side of the rack without conflict, each side may be counted toward a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and an eight foot wide aisle shall be provided between bicycle rack areas.
- (c) Bicycle racks shall be provided within 50 feet of a main entrance of a #building# and a minimum of 24 inches from any wall. However, if more than 40 bicycle parking spaces are required, 50 percent of such spaces may be provided at a distance of up to 100 feet from the main entrance of a #building#. Department of Transportation bicycle racks provided on a fronting sidewalk may be counted toward this requirement, provided such racks meet the standards of this paragraph, (c).

(4/22/09)

25-82

Authorization for Reduction of Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the City Planning Commission may authorize a reduction in the number of required bicycle parking spaces set forth in Section 25-811 (Enclosed bicycle parking spaces), or a waiver of all such spaces, upon finding there are subsurface conditions, below-ground infrastructure or other site planning constraints that would make accommodating such bicycle parking spaces on or below the first #story# of the #building# infeasible. The Commission may request reports from licensed engineers or registered architects in considering such reduction.

(4/22/09)

25-83

Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all #accessory# bicycle parking spaces shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in Section 25-84 (Certification for Off-Site Bicycle Parking Spaces).

All enclosed #accessory# bicycle parking spaces shall be surrounded on all sides by a solid enclosure, except where a parking garage is open at the sides, and covered by a roof for weather protection. Each bicycle space shall adjoin a rack or similar system for securing the bicycle. Bicycle parking spaces shall be located in an area secured by a lock or similar means, or adjoin a securely-anchored rack to which the bicycle frame and at least one wheel can be locked. Fifteen square feet of area shall be provided for each bicycle space. However, the area for each bicycle space may be reduced by up to nine square feet per bicycle if the Commissioner of Buildings certifies that a layout has been submitted to adequately accommodate the specified number of bicycles.

A plaque shall be placed at the exterior of the entry to the

bicycle parking area, outside any locked door, with lettering at least three-quarter inches in height stating "Bicycle Parking."

For colleges, universities or seminaries, one-half of required enclosed #accessory# bicycle parking spaces may be provided as open unenclosed spaces, provided that such spaces meet the standards of Section 25-812 (Unenclosed bicycle parking spaces), paragraph (b).

All bicycle parking spaces which are #accessory# to #residences# shall be made available for the storage and independent access of the bicycles used by the occupants of such #residences#.

All required bicycle parking spaces which are #accessory# to a #community facility use# shall be made available for the storage and independent access of the bicycles used by the employees of such #use#, except that bicycle parking spaces #accessory# to colleges or universities shall be accessible to all authorized users of such #building#, and that bicycle parking spaces #accessory# to community facilities with sleeping accommodations may be accessible to the occupants of such facility.

Bicycle spaces may be located in a room secured by a lock or similar means, provided that access is through a commonly-accessible area and access is made available to eligible users on an equal basis.

(4/22/09)

25-84

Certification for Off-Site Bicycle Parking Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for colleges, universities, seminaries, hospitals and related facilities, except animal hospitals, #accessory# bicycle parking spaces required pursuant to Section 25-811 (Enclosed bicycle parking spaces) may be provided on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that all such bicycle parking spaces are:

- (a) located on a #zoning lot# not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #use# to which they are #accessory#, or within a subsurface parking and other service facility that serves multiple #zoning lots#, including the #zoning lot# occupied by the

#use# to which they are #accessory#; and

- (b) subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces as accessible throughout the life of the #use# generating the #accessory# bicycle parking spaces.

A plaque shall be placed within 30 feet of a #building# entrance, with lettering at least three-quarter inches in height stating "Bicycle Parking" followed by information directing users to the address of the off-site location.

The number of off-site #accessory# bicycle parking spaces provided pursuant to this Section and the area of such bicycle parking spaces, in square feet, shall be noted on the certificate of occupancy for both the #building# in which the off-site bicycle parking spaces are located, and the #building# containing the #use# to which such bicycle parking spaces are #accessory#.

(2/2/11)

25-85

Floor Area Exemption

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, space provided for enclosed #accessory# bicycle parking spaces pursuant to the standards of this Section, shall be excluded from the calculation of #floor area#, provided that:

- (a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by the number of required spaces or, if spaces are waived pursuant to paragraphs (a), (b), (c) or (d) of Section 25-811 (Enclosed bicycle parking spaces), the number that would have been required but for the waiver, or, if spaces are not required because the #building# was constructed prior to April 22, 2009, the number that would be required if such #building# were newly constructed; and
- (b) the #accessory# bicycle parking spaces provided meet the standards for required bicycle parking of Section 25-83 (Restrictions on Operation, Size and Location of Enclosed Bicycle Parking Spaces).

Notwithstanding the provisions of paragraph (a) of this Section,

for the #uses# listed in the table, the amount of space that may be excluded from the calculation of #floor area# shall not exceed an amount equal to 15 square feet multiplied by the number of spaces set forth in the table.

MAXIMUM BICYCLE PARKING SPACES
EXCLUDED FROM FLOOR AREA

Type of #Use#	Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement
---------------	---

FOR RESIDENTIAL USES

#Non-profit residences for the elderly# or #dwelling units# for the elderly as specified in Section 25-25(d)	1 per 2,000 square feet of #floor area#
--	---

FOR COMMUNITY FACILITY USES

Philanthropic or non-profit institutions with sleeping accommodations	1 per 2,000 square feet of #floor area#
Proprietary, non-profit or voluntary hospitals and related facilities, except animal hospitals	1 per 5,000 square feet of #floor area#

However, in no event shall this Section apply to #single-# or #two-family residences# and in no event shall this Section apply to #accessory# bicycle parking spaces provided off-site pursuant to Section 25-84 (Certification for Off-Site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory group parking facility# shall not be counted as #floor area# provided that such portion of the #accessory group parking facility# does not count as #floor area#.

(4/22/09)

25-86

Waiver or Reduction of Spaces for Subsidized Housing

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except in the Special Southern Hunters Point District, the number of required bicycle parking spaces set forth in Section 25-811 (Enclosed bicycle parking spaces) may be reduced or waived by the Commissioner of Buildings, provided that the Commissioner of the Department of Housing Preservation and Development has submitted a letter certifying that:

- (a) at least 50 percent of the #dwelling units# in the #building# or #building segment# will be income-restricted pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING PROGRAM) or pursuant to the terms of a grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. An exemption or abatement of real property taxes shall not qualify as a grant, loan or subsidy for the purposes of this paragraph;
- (b) there is insufficient space within the #building# to accommodate the required number of bicycle parking spaces on or below the first #story# of the #building#, including within an enclosed #accessory group parking facility#;
- (c) if permitted automobile parking spaces are provided, the required bicycle spaces cannot be accommodated within an enclosed #group parking facility# by reconfiguring automobile parking spaces or removing three or fewer permitted automobile parking spaces;
- (d) additional space cannot reasonably be constructed based on the amount of subsidy available to the project; and
- (e) the number of required bicycle parking spaces is being reduced by the minimum amount necessary to address these limitations.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article II: Residence District Regulations

Chapter 6 - Special Urban Design Guidelines - Streetscape Special
Requirements for Developments in R9 and R10 Districts,
Developments with Private Roads and Street Tree Planting

Effective date of most recently amended section of Article II Chapter 6: 04/30/12

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CITY PLANNING COMMISSION
nyc.gov/planning

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(8/12/04)

Chapter 6

Special Urban Design Guidelines - Streetscape

Special Requirements for Developments in R9 and R10 Districts, Developments with Private Roads and Street Tree Planting

(2/2/11)

26-00

Applicability of this Chapter

The regulations of this Chapter shall apply:

- (a) in R9 and R10 Districts, to #developments#, as defined in Section 26-13, as set forth in Section 26-10 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS). However, the provisions of Section 26-10 shall not apply within any Special Purpose District or to any #Quality Housing building#;
- (b) in R3, R4 and R5 Districts, to #zoning lots# with #buildings# accessed by #private roads#, as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS), except where such #zoning lots#:
 - (1) consist entirely of #single-family detached residences#;
 - (2) are accessed by #private roads# that existed on February 6, 2002; or
 - (3) are located within #lower density growth management areas#, in which case the provisions of paragraph (c) of this Section shall apply;
- (c) in #lower density growth management areas#, to #zoning lots# with #buildings# accessed by #private roads#, as set forth in Section 26-30 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS); and
- (d) #developments#, #enlargements# or #conversions# in all districts, as applicable, as set forth in Section 26-40 (STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS).

(2/2/11)

26-10

SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS

In R9 and R10 Districts, an application to the Department of Buildings for a permit respecting any #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 #arcades#, #street wall# articulation, curb cuts, #street# trees, sidewalk paving, a central refuse storage area and such other necessary information as may be required by the Commissioner of Buildings.

(2/2/11)

26-11

General Purposes

The urban design guidelines are established to strengthen, at street level, the relationship of developments with existing buildings and to improve the quality of the streetscape by:

- (a) maintaining the visual continuity of developments at street level;
- (b) enhancing the visual character of the neighborhood; and
- (c) reducing conflict between pedestrian and vehicular circulation.

(2/2/11)

26-12

General Purposes of Sections 26-13 through 26-17

In harmony with the general purposes and intent of this Resolution and the general purposes of Section 26-11, the regulations of Sections 26-11 through 26-17, inclusive, are intended to:

- (a) guide the location of arcades to assure horizontal continuity of developments with existing building arcades and to maintain visual continuity at street level;
- (b) require transparency and/or articulation of front walls to improve the visual quality of the street;

- (c) improve the quality of the street environment;
- (d) limit the number and location of curb cuts, minimizing undue conflict between pedestrian and vehicular movements; and
- (e) eliminate trash on sidewalks by requiring central refuse storage areas within the zoning lot.

(2/2/11)

26-13

Definitions

For the purposes of Sections 26-10 through 26-17, inclusive, the following definitions shall apply:

Contiguous block

A "contiguous block" is a #block# containing one or more #zoning lots# separated by a #narrow street# from the #block# containing the #development#.

Contiguous lot

A "contiguous lot" is a #zoning lot# that shares a common #side lot line# with the #zoning lot# of the #development#.

Development

In addition to the definition of #development# set forth in Section 12-10 (DEFINITIONS), "development" shall also include an #enlargement# involving an increase in #lot coverage#.

(2/2/11)

26-14

Horizontal Continuity

Horizontal continuity regulations set forth in this Section are intended to relate #developments# with existing #buildings#, at #street# level, in order to maintain visual and functional continuity relating to the following aspects.

(10/17/07)

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 #publicly accessible open area#.

(2/2/11)

26-142

Street wall articulation

When any #building# wall of a #development# that is five feet or more in height adjoins a sidewalk, a #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 width, 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 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#.

(2/6/02)

26-15

Curb Cuts

No curb cuts are permitted on #wide streets#. Curb cuts are permitted along #narrow streets# provided that no #zoning lot# has more than one curb cut on any #narrow street# frontage.

Additional curb cuts, in excess of one for each #narrow street# frontage, for #zoning lots# in excess of 30,000 square feet of #lot area#, or curb cuts on #wide streets# for #zoning lots# that have no #narrow street# frontage may be allowed, provided that the City Planning Commission and the Department of Transportation certify to the Commissioner of Buildings that such additional curb cuts will not result in conflict between pedestrian and vehicular circulation and will result in a good overall site plan.

An application to the Commission for certification respecting any additional curb cut shall be made on a standard application form for such certification and shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut. The Commission shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage and will give due consideration to their opinion as to the appropriateness of such curb cuts.

In cases where a #zoning lot# has no #narrow street# frontage, the Commission may waive the applicable #accessory# off-street parking requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided).

The parking requirements set forth in Sections 25-21, 25-31 or 36-31 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

(2/2/11)

26-16

Central Refuse Storage Area

All #developments# shall provide facilities for central trash storage within the #zoning lot#. Where such facilities are provided outside of a #building#, such facilities shall be screened by an enclosure containing materials compatible with the materials of the front #building# wall of the #development#.

In all cases, there shall be an area for central trash collection provided at the rate of 75 square feet for uncompressed garbage or 50 square feet for compressed garbage for each 10,000 square feet of #lot area#. Such area shall be ventilated.

(2/6/02)

26-17

Streetscape Modifications

The City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Chapter. Such modifications will be allowed when the Commission finds that such modifications will enhance the design quality of the #development#.

(2/2/11)

26-20

SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS

To provide for the orderly development of #residences# that are distant from #streets#, site planning requirements are established in Sections 26-20 through 26-27, inclusive. The regulations of this Section are intended to:

- (a) optimize vehicular access within and among #zoning lots# containing #private roads#;
- (b) regulate the size of and distance between curb cuts to minimize undue conflict between pedestrian and vehicular movement;
- (c) provide for sidewalks to facilitate social interaction and enhance pedestrian safety; and

- (d) provide for tree planting along #private roads# in order to enhance the visual and environmental character of the neighborhood.

(2/2/11)

26-21

Requirements for Private Roads

#Private roads# shall consist of a paved road bed constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops. The minimum width of a #private road# shall be 38 feet from curb to curb along its entire length or, where at least three #accessory# parking spaces are provided for every two #dwelling units# and no such spaces are located within the bed of a #private road#, the minimum width shall be 34 feet. The entrance to any #group parking facility# may be narrower than such minimum widths for a distance not to exceed 20 feet, and a #private road# may contain a landscaped median provided the paved width of such #private road# meets the minimum width required exclusive of such medians. The City Planning Commission may modify the required width of a #private road#, pursuant to Section 26-26 (Modification and Waiver Provisions).

(2/6/02)

26-22

Requirements for Curbs and Curb Cuts

Curbs shall be provided along each side of the entire length of a #private road#.

A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#. Curb cuts providing access from #private roads# to parking spaces located outside the road bed of the #private road# shall not exceed a width of 18 feet, including splays.

A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts.

(4/30/08)

26-23**Requirements for Planting Strips and Trees**

A minimum three-foot wide planting strip shall be provided adjacent to and along the entire length of the required curb. Within the required planting strip, one tree of at least three inches in caliper shall be planted for every 25 feet of length of such planting strip.

Driveways are permitted to traverse such planting strips, and utilities are permitted to be located within such planting strips.

(2/6/02)

26-24**Requirements for Sidewalks**

A minimum four-foot wide paved sidewalk shall be provided adjacent to and along the entire length of the required planting strips. However, no sidewalk shall be required along that side of a #private road# that does not have a #building# wall facing it.

(2/6/02)

26-25**Requirements for Open Areas Between Required Sidewalks and Buildings**

An area open to the sky at least five feet in depth shall be provided between a required sidewalk and any #building#, except that any driveway or parking space located within such open area shall have a depth of at least 18 feet measured perpendicular to such sidewalk. Such open area shall be planted except for parking spaces and entryways to #buildings#. Where an open area at least 18 feet in depth is required, overhangs of #buildings# above the first #story# that project not more than three feet into the required open area are permitted, provided the lowest level of the overhang is at least seven feet above grade at the face of the #building#. Supports for such overhang are permitted, provided that the total area occupied by such supports does not exceed 15 percent of the area underneath the overhang.

(2/2/11)

26-26

Modification and Waiver Provisions

- (a) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, provided that:
 - (1) such modifications or waivers will enhance the design quality of the #zoning lot#;
 - (2) any decrease in the required width of the paved road bed is in conjunction with a superior parking plan that would not be feasible with a wider road bed; and
 - (3) any decrease in the required width of the paved road bed will result in the preservation of existing natural features or a superior landscaping plan that would not be feasible with a wider road bed.

No modification or waiver may be granted which would waive or decrease the width of the paved road bed to less than 34 feet.

- (b) The City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-20 through 26-27, inclusive, for #zoning lots# within the #Special South Richmond Development District#, that:
 - (1) contain #designated open space# and a portion of the #waterfront esplanade#, where such #zoning lots#:
 - (i) have been granted an authorization pursuant to Section 107-65 (Modifications of Existing Topography) within one year prior to February 6, 2002; or
 - (ii) are conditioned upon a restrictive declaration that has received a minor modification by the City Planning Commission; or
 - (2) are located wholly or partially within Area M and have filed an application for an authorization pursuant to Section 107-69 (Residential Uses in Area M) within one year prior to February 6, 2002; or
 - (3) have been granted authorizations pursuant to Section 107-64 (Removal of Trees) and 107-65 and are located on

a #zoning lot# where a change in the City Map has been approved within three years prior to February 6, 2002, and where certified copies of the alteration map for such change in the City Map have not yet been filed in accordance with Section 198, subsection (c), of the New York City Charter, as of February 6, 2002.

In order to authorize such modifications or waivers pursuant to this paragraph, (b), the Commission shall find that such #zoning lots# will be #developed# pursuant to a good site plan, and that adequate access to all #dwelling units#, adequate parking spaces located outside of the roadbed of the #private road#, adequate spacing of all curb cuts and adequate landscaping will be provided.

(2/2/11)

26-27

Waiver of Bulk Regulations within Unimproved Streets

In R3, R4 and R5 Districts, and in C1 and C2 Districts mapped within R3, R4 and R5 Districts, and in C3 Districts, the City Planning Commission may authorize the waiver of #bulk# regulations for:

- (a) #zoning lots# with #private roads# that access at least 20 #dwelling units# consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law; and
- (b) #zoning lots# with #private roads# that access fewer than 20 #dwelling units# consisting in part of construction within #streets# that are unimproved and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law and where such #zoning lot# has received an authorization pursuant to paragraph (a) of Section 26-26;

The Commission may authorize the waiver of #bulk# regulations affected by such #streets# where #buildings# would be #non-complying# absent such waiver, provided the Board of Standards and Appeals has prescribed conditions pursuant to Section 35 of the General City Law which require the #buildings# or portions thereof to be located within the unimproved #streets# to be compliant and conforming to the provisions of this Resolution. Such waivers shall only be as necessary to address #non-compliance# resulting from the location of the #buildings# within

and outside the unimproved #streets#.

The Commission shall find that the #private roads# are adequate to serve present and future transportation needs and that, through the grant of such waivers, the #development# complies to the maximum extent feasible with all applicable zoning regulations as if such unimproved #streets# were not mapped, and that the #private road# system results in a good site plan.

(2/2/11)

26-30

SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS

For all #zoning lots# with #buildings# accessed by #private roads# in #lower density growth management areas#, the provisions of Sections 26-20 through 26-27, inclusive, shall apply. In addition, such regulations are supplemented or superseded in accordance with the provisions of this Section.

(8/12/04)

26-31

Yards

For the purposes of this Section, a #private road# shall be considered to be a #street#, and a line seven feet from and parallel to the required curb of the #private road# shall be considered to be a #street line#, and the applicable #yard# regulations of Sections 23-40, inclusive, and 23-51, et seq., shall be applied accordingly. However, no #yard# shall be required along that side of a #private road#, or portion thereof, that does not have a #building# wall facing it. Furthermore, where a #building# on a #through lot# fronts upon a #street# and a #private road#, one #front yard# shall have a depth of at least 30 feet. Where such 30 foot #front yard# adjoins a #street#, such #yard# shall include a landscaped strip at least eight feet wide to screen the #yard# from such #street#, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type expected to form a year-round dense screen at least six feet high within three years.

(4/30/08)

26-32

Minimum Distance between Walls and Lot Lines

- (a) Except in the Borough of Staten Island, the minimum distances set forth in Section 23-711 (Standard minimum distance between buildings) shall not apply between two #buildings# where each such #building# faces a #front yard# required pursuant to Section 26-31. In lieu thereof, such #buildings# shall be at least 13 feet apart.
- (b) For the purposes of applying the provisions of Section 23-88 (Minimum Distance Between Lot Lines and Building Walls), the required curb of the #private road# shall be considered to be a #street line#.

(8/12/04)

26-33

Entrances, Parking Location and Curb Cuts

The entrances and exits of all #private roads# shall be located not less than 50 feet from the intersection of any two #street lines#.

No required #accessory# off-street parking spaces shall be located between the required curbs of a #private road#, except where such spaces:

- (a) are perpendicular to the roadbed;
- (b) are located on only one side of a #private road# or portion of a #private road#, so that no such spaces are located on opposite sides of the road bed or within 20 feet of being opposite to one another; and
- (c) are within rows of not more than 10 adjacent spaces. Such rows shall be separated one from another by a planting strip at least 18 feet deep and eight feet wide, within which a tree of at least three-inch caliper is planted.

All #accessory# off-street parking spaces shall comply with the parking location and curb cut regulations set forth in Section 25-632. For the purposes of applying such regulations, the #private road# shall be considered to be a #street#. In addition, the provisions of Sections 25-64 (Restrictions on Use of Open Space for Parking) and 25-66 (Screening) shall apply.

(2/2/11)

26-34

Lighting, Signage and Crosswalks

All #private roads# shall provide street lighting, street signage and crosswalks to minimum Department of Transportation standards for public #streets#.

(8/12/04)

26-35

Screening

All #private roads# shall be screened from adjoining #zoning lots# by a landscaped strip at least eight feet wide, and all open off-street parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide. Such landscaped strips shall be densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

(2/2/11)

26-36

Modification and Waiver Provisions

Except in the Borough of Staten Island, the City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-30 through 26-35, inclusive, provided that the depth of a #rear yard# shall not be less than 15 feet and the depth of a #front yard# shall not be less than five feet. In order to authorize such modifications or waivers, the Commission shall find that:

- (a) such modifications result in a site plan that provides sufficient open areas for the residents;
- (b) any reduction in open areas shall be permitted only where the Commission finds that a good site plan has been provided that includes a superior landscaping plan; and
- (c) such modifications will not impair the essential character

of the surrounding area.

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

(4/30/08)

26-40

STREET TREE PLANTING AND PLANTING STRIP REQUIREMENTS

(2/2/11)

26-41

Street Tree Planting

In accordance with applicability requirements of underlying district regulations, one #street# tree, pre-existing or newly planted, shall be provided for every 25 feet of #street# frontage of the #zoning lot#. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the #street# adjacent to the #zoning lot#.

Where the Department of Parks and Recreation determines that such tree planting would be infeasible adjacent to the #zoning lot#, or in historic districts where the Landmarks Preservation Commission determines that such tree planting would not be in character with the historic district, such tree shall be planted in an alternative location, to be selected by the Department of Parks and Recreation, except that if the Department of Parks and Recreation determines that no alternative location is available, or if no alternative location is provided within 30 days of an application for a Department of Parks and Recreation permit, such off-site tree shall be waived. Off-site trees shall be planted at alternative locations within:

- (a) an existing empty #street# tree pit or planting strip; or
- (b) an unpaved area owned by the City of New York.

All such alternative locations shall be within the Community District or one-half mile of such #zoning lot#.

In lieu of planting an off-site tree in an available alternative

location, or in the event that planting adjacent to the #zoning lot# cannot be completed due to the season, funds equivalent to the cost of planting such tree, as established by rule of the Department of Parks and Recreation, may be deposited in an account of the City of New York. Such funds shall be dedicated to the planting of #street# trees by the City at an alternative location or, in the case of an off-season deposit, in front of the #zoning lot# at the next appropriate planting season.

The species and caliper of all #street# trees shall be determined by the Department of Parks and Recreation, and all such trees shall be planted in accordance with the #street# tree planting standards of the Department of Parks and Recreation.

(4/30/12)

26-42

Planting Strips

In accordance with applicability requirements of underlying district regulations, the owner of the #development#, #enlargement# or #converted building# shall provide and maintain a planting strip. #Street# trees required pursuant to Section 26-41 shall be planted within such planting strip. In addition to such #street# trees, such strip shall be fully planted with grass or groundcover, except as provided in Section 26-421. Such planting strip shall be located adjacent to, and extend along, the entire length of the curb of the #street#. However, in the event that both adjoining properties have planting strips adjacent to the #front lot line#, such planting strip may be located along the #front lot line#. The width of such planting strip shall be the greatest width feasible given the required minimum paved width of the sidewalk on #street# segments upon which the #building# fronts, except that no planting strip less than six inches in width shall be required.

(4/30/12)

26-421

Modifications of planting strip requirements

Driveways are permitted to traverse planting strips. Planting strips may be interrupted by utilities and paved areas required for bus stops.

On #zoning lots# containing #schools#, permeable pavers or

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article II: Residence District Regulations Chapter 8 - The Quality Housing Program

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(8/14/87)

Chapter 8

The Quality Housing Program

(6/29/94)

28-00

GENERAL PURPOSES

The Quality Housing Program is established to foster the provision of multifamily housing that:

- (a) is compatible with existing neighborhood scale and character;
- (b) provides on-site recreation space to meet the needs of its occupants; and
- (c) is designed to promote the security and safety of the residents.

(2/2/11)

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, R9D, R9X, R10A or R10X Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, all such #buildings# shall comply with the Quality Housing Program standards and requirements as set forth in this Chapter. In R5D Districts, only the requirements set forth in Sections 26-41 (Street Tree Planting), 28-23 (Refuse Storage and Disposal), 28-33 (Planting Areas) and 28-53 (Location of Accessory Parking) shall apply.

In other R6, R7, R8, R9 or R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, #residential developments#, or #residential enlargements# where permitted, electing to use the optional Quality Housing #bulk# regulations in Article II, Chapter 3, shall comply with the Quality Housing Program standards and requirements set forth in

this Chapter.

The provisions of Article VII, Chapter 8 (Large-Scale Residential Developments), are not applicable to #Quality Housing buildings#.

The provisions of this Chapter shall not apply to #dwelling units converted# pursuant to Article I, Chapter 5, unless such #conversions# meet the requirements for #residential developments# of Article II (Residence District Regulations).

(6/29/94)

28-02

Definitions

Vertical circulation core

A "vertical circulation core" is an elevator core (consisting of one or more elevators) or a central stairwell in a non-elevator #building#.

(2/2/11)

28-03

Quality Housing Program Elements

The Quality Housing Program consists of four components: neighborhood impact, #building# interior, recreation space and planting, and safety and security.

The neighborhood impact component controls the effect of the #Quality Housing building# on the neighborhood and includes mandatory #bulk# regulations.

The #building# interior component sets a minimum size of a #dwelling unit#, mandates special refuse storage and disposal systems, and encourages laundry facilities and daylight in corridors.

The recreation and planting component establishes minimum space standards for indoor and outdoor recreation space and requires planting of open areas between the front #building# wall and the #street#.

The safety and security component encourages fewer #dwelling units# per corridor.

Each #Quality Housing building# shall comply with the mandatory requirements of this Chapter.

(8/14/87)

28-10

NEIGHBORHOOD IMPACT

(2/2/11)

28-11

Bulk Regulations

The #bulk# regulations for #Quality Housing buildings# are set forth in the provisions applicable to the Quality Housing Program in Article II, Chapter 3; Article II, Chapter 4; Article III, Chapter 4 and Article III, Chapter 5.

(8/14/87)

28-20

BUILDING INTERIOR

(6/29/94)

28-21

Size of Dwelling Units

A #dwelling unit# shall have an area of at least 400 square feet of #floor area#.

(6/29/94)

28-22

Windows

All windows in the #residential# portion of a #development# or #enlargement# shall be double glazed.

(2/2/11)

28-23

Refuse Storage and Disposal

In R6 through R10 Districts, #developments#, with nine or more #dwelling units# or #rooming units# per #vertical circulation core#, and #enlargements#, #extensions# or #conversions# that result in nine or more #dwelling units# or #rooming units# per #vertical circulation core#, shall comply with the provisions of this Section.

In R5D Districts, #developments# with nine or more #dwelling units# per #zoning lot#, and #enlargements#, #extensions# or #conversions# that result in nine or more #dwelling units# per #zoning lot#, shall comply with the provisions of this Section. Such provisions shall also apply to any #zoning lot# with less than nine units where such #zoning lot# and any adjacent #zoning lot# with a total of nine or more #dwelling units# are #developed# or #enlarged# under common ownership or control.

The storage of refuse shall occur entirely within an enclosed area on the #zoning lot# and appropriate locations within the #zoning lot# shall be delineated for this purpose: at least one for #residential uses# and at least one for #community facility# and #commercial uses#. #Residential# storage and removal locations shall be provided at the rate of 2.9 cubic feet per #dwelling unit# or 1.15 cubic feet per #rooming unit#.

A refuse disposal room of not less than twelve square feet with no dimension less than three feet shall be provided on each #story# that has entrances to #dwelling units# or #rooming units#. Twelve square feet of such refuse storage room shall be excluded from the definition of #floor area#.

(6/29/94)

28-24

Laundry Facilities

If the #building# provides the following, then that portion of the laundry room which is used to meet these minimum requirements shall be excluded from the definition of #floor area#:

(a) at least one washing machine per 20 #dwelling units# or

#rooming units# and at least one dryer per 40 #dwelling units# or #rooming units#;

- (b) such machines are located in a room or rooms with an additional three square feet of unobstructed floor space equipped with chairs and tables for folding laundry for each machine provided;
- (c) such rooms have at least one exterior wall with windows measuring not less than 9.5 percent of the total floor space of the rooms; and
- (d) such windows meet the applicable requirements of Section 24-60 (COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND LOT LINES).

(6/29/94)

28-25

Daylight in Corridors

Fifty percent of the square footage of a corridor may be excluded from the definition of #floor area# if a window with a clear, non-tinted, glazed area of at least 20 square feet is provided in such corridor, provided that such window:

- (a) shall be directly visible from 50 percent of the corridor or from the #vertical circulation core#. This standard shall be achieved when a visually unobstructed straight line can be drawn between such corridor, elevator or stairwell, and the window; and
- (b) is located at least 20 feet from a wall or a #side# or #rear lot line# measured in a horizontal plane and perpendicular to the rough window opening.

(8/14/87)

28-30

RECREATION SPACE AND PLANTING AREAS

(2/2/11)

28-31

Required Recreation Space

All #developments#, #enlargements#, #extensions# or #conversions#, with nine or more #dwelling units# or #rooming units#, shall provide at least the minimum amount of recreation space as set forth in the table in this Section.

The amount of recreation space required is expressed as a percentage of the total #residential floor area# of the #development#, #enlargement#, #extension# or #conversion#, and may be aggregated in one type, indoors or outdoors.

The floor space of indoor recreation space provided in accordance with the standards set forth in Section 28-32 (Standards for Recreation Space), not exceeding the amount required in the table, shall be excluded from the definition of #floor area#.

Minimum Required Recreation Space (as a percentage of the #residential floor area#)	District
3.3	R6 R7
2.8	R8 R9 R10

(6/29/94)

28-32

Standards for Recreation Space

- (a) All recreation space shall be accessible to the residents of the #building#. In a mixed use #building#, the recreation space shall be accessible only from the #residential# portion of the #building#.
- (b) The minimum dimension of any recreation space shall be 15 feet. The minimum size of any outdoor recreation space shall be 225 square feet, and the minimum size of any indoor recreation space shall be 300 square feet.
- (c) Outdoor recreation space shall be open to the sky except that #building# projections, not to exceed seven feet in depth, may cover up to ten percent of the outdoor recreation space, provided that the lowest level of the projection is at least ten feet above the level of the outdoor recreation space.
- (d) Any indoor recreation room located in a #story# shall have

at least one exterior wall with windows that measure not less than 9.5 percent of the total floor space of the room and such windows shall meet the applicable requirements of Section 24-60 (COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES).

(2/2/11)

28-33

Planting Areas

The area of the #zoning lot# between the #street line# and the #street wall# of the #building# shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, pursuant to the provisions of Section 23-892 (In R6 through R10 Districts).

(8/14/87)

28-40

SAFETY AND SECURITY

(6/29/94)

28-41

Density per Corridor

If the number of #dwelling units# or #rooming units# served by a #vertical circulation core# and corridor on each #story# does not exceed the number set forth in the following table, 50 percent of the square feet of the corridor serving such #dwelling units# or #rooming units# on such #story# may be excluded from the definition of #floor area#.

#Dwelling units# with entrance doors on more than one corridor (duplex and triplex units), may count each entrance door as a fraction of the total number of doors to such #dwelling unit# when determining the number of #dwelling units# served per corridor.

DENSITY OF
DWELLING UNITS PER CORRIDOR

Number of #Dwelling Units# and #Rooming Units# Served by a Corridor per #Story#	District
11	R6 R7
10	R8
8	R9 R10

(4/14/10)

28-50

PARKING FOR QUALITY HOUSING

Except as modified by the provisions of this Section, #accessory# off-street parking shall be provided as set forth in the applicable underlying district regulations.

(2/2/11)

28-51

Screening

All open #accessory# off-street #group parking facilities# shall be screened from #dwelling units#, adjacent #zoning lots# and #streets# in accordance with paragraph (a) of Section 25-66.

(4/14/10)

28-52

Special Regulations for Off-Site Accessory Parking

Off-site #accessory# parking spaces may be unenclosed, provided that the #zoning lot# on which such spaces are located does not contain a #residential use#.

(4/14/10)

28-53

Location of Accessory Parking

On-site #accessory# off-street parking shall not be permitted between the #street line# and the #street wall# of a #building# or its prolongation.

However, on #through lots# measuring less than 180 feet in depth from #street# to #street#, #accessory# off-street parking may be located between the #street line# and any #street wall# located beyond 50 feet of such #street line#.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article III: Commercial District Regulations Chapter 1 - Statement of Legislative Intent

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(12/15/61)

Article III
Commercial District Regulations

Chapter 1
Statement of Legislative Intent

(2/26/67)

31-00
GENERAL PURPOSES OF COMMERCIAL DISTRICTS

The Commercial Districts established in this Resolution are designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) to provide sufficient space, in appropriate locations in proximity to residential areas, for local retail development catering to the regular shopping needs of the occupants of nearby residences, with due allowance for the need for a choice of sites;
- (b) to provide appropriate space and, in particular, sufficient depth from a street, to satisfy the needs of modern local retail development, including the need for off-street parking spaces in areas to which a large proportion of shoppers come by automobile, and to encourage the natural tendency of local retail development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants;
- (c) to protect both local retail development and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences;
- (d) to protect both local retail development and nearby residences against congestion, particularly in areas where the established pattern is predominantly residential but includes local retail uses on the lower floors, by regulating the intensity of local retail development, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities;

- (e) to provide sufficient and appropriate space and, in particular, sufficient depth from the street, to meet the needs of the city's expected future economy for modern commercial floor space in central, major or secondary commercial centers, including the need for off-street parking space in areas where a large proportion of customers come by automobile, with due allowance for the need for a choice of sites, and to encourage the natural tendency of commercial development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants;
- (f) to protect commercial development in central, major or secondary commercial centers, as far as is possible and appropriate in each area, against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences;
- (g) to protect commercial development in central, major or secondary commercial centers against congestion, as far as possible, by limiting the bulk of buildings in relation to the land around them and to one another, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities;
- (h) to provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities, with due allowance for the need for a choice of sites;
- (i) to provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms, within proper standards;
- (j) to protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings; and
- (k) to promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to strengthen the economic base of the City, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

(12/15/61)

31-10

PURPOSES OF SPECIFIC COMMERCIAL DISTRICTS

(12/15/61)

31-11

C1 Local Retail Districts

These districts are designed to provide for local shopping and include a wide range of retail stores and personal service establishments which cater to frequently recurring needs. Since these establishments are required in convenient locations near all residential areas, and since they are relatively unobjectionable to nearby residences, these districts are widely mapped. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging continuous retail frontage and by prohibiting local service and manufacturing establishments which tend to break such continuity.

(12/15/61)

31-12

C2 Local Service Districts

These districts are designed to provide for a wide range of essential local services not involving regular local shopping. Since these establishments are less frequently visited by customers, they tend to break the continuity of prime retail frontage and, therefore, hamper the development of convenient shopping. The permitted services create relatively few objectionable influences for nearby residential areas.

(12/15/61)

31-13

C3 Waterfront Recreation District

This district is designed to provide for the growing recreational

activities of pleasure boating and fishing by permitting rental, servicing, and storage of boats in appropriate waterfront areas, normally adjacent to residential development.

(12/15/61)

31-14

C4 General Commercial Districts

These districts comprise the City's major and secondary shopping centers, which provide for occasional family shopping needs and for essential services to business establishments over a wide area, and which have a substantial number of large stores generating considerable traffic. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging continuous retail frontage and by prohibiting service and manufacturing establishments which tend to break up such continuity.

(4/9/81)

31-15

C5 Restricted Central Commercial Districts

These districts are designed to provide for office buildings and the great variety of large retail stores and related activities which occupy the prime retail frontage in the central business district, and which serve the entire metropolitan region. The district regulations also permit a few high-value custom manufacturing establishments which are generally associated with the predominant retail activities, and which depend on personal contacts with persons living all over the region. The district regulations are also designed to provide for continuous retail frontage.

(4/9/81)

31-16

C6 General Central Commercial Districts

These districts are designed to provide for the wide range of retail, office, amusement service, custom manufacturing, and related uses normally found in the central business district and regional commercial centers but to exclude non-retail uses which

generate a large volume of trucking.

(12/15/61)

31-17

C7 Commercial Amusement District

This district is designed to permit large open commercial amusement parks and is mapped in only a few areas.

(12/15/61)

31-18

C8 General Service Districts

These districts are designed to provide for necessary services for a wider area than is served by the Local Service Districts. Since these service establishments often involve objectionable influences, such as noise from heavy service operations and large volumes of truck traffic, they are incompatible with both residential and retail uses. New residential development is excluded from these districts.

(5/13/82)

31-20

SPECIAL MIDTOWN DISTRICT

The regulations regarding C5P, C5-2.5, C5-3.5, C6-4.5, C6-6.5 and C6-7.5 Districts and any other underlying districts within the #Special Midtown District# are set forth in Article VIII, Chapter 1 (Special Midtown District).

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

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(12/15/61)

Chapter 2

Use Regulations

(10/9/13)

32-00

GENERAL PROVISIONS

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, including each #use# listed separately therein, are permitted in #Commercial Districts# as indicated in Sections 32-11 to 32-25, inclusive, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 32-01 (Special Provisions for Adult Establishments).

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# of non-#residential floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residences# of Article II (Residence District Regulations).

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

Column A	Column B	Column C
C1 and C2 in R9A	R9	32-43
C1 and C2 in R10A	R10	32-43
C1-8A	C1-8	32-43
C1-9A	C1-9	32-43
C2-7A	C2-7	32-43
C2-8A	C2-8	32-43

C4-6A	C4-6	32-43
C4-7A	C4-7	32-43
C6-1A	C6-1	32-15 32-16 32-17 32-20 32-644

In a C8 District, any #use# listed in Use Group 11A or 16 that involves the production, processing, cleaning, servicing, testing or repair of products, goods, or materials shall conform to the performance standards for M1 Districts as set forth in Sections 42-20 and 42-28 inclusive, relating to Performance Standards.

In C5 and C6 Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, all existing lawful #uses# in Use Groups 17B or E in existing enclosed #buildings# erected prior to December 15, 1961, shall be considered conforming and shall conform to the performance standards for M1 Districts as set forth in Sections 42-20 and 42-28, inclusive, relating to Performance Standards. Such #uses# may be #extended# within #buildings# or into #abutting buildings# on the same #zoning lot#.

Whenever a #use# is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive #use# listing, either in the same or another Use Group, the more specific listing shall control.

The letters A, B, B1, C, D, E, F, G or H in the Parking Requirement Category following a #use# listed in Sections 32-14 to 32-25, inclusive, refer to the classification of #commercial uses# to determine required #accessory# off-street parking spaces as set forth in the table in Section 36-21 (General Provisions).

The #uses# listed in the various Use Groups set forth in Sections 32-11 to 32-25, inclusive, are also listed in alphabetical order in the Index at the end of this Resolution, for the convenience of those using the Resolution. Whenever there is any difference in meaning or implication between the text of these Use Groups and the text of the Index, the text of these Use Groups shall prevail.

In the area, which as a result of #zoning map# change 840260 ZMM is zoned C6-2A, existing lawful meat markets listed in Use Group 17A, in existing enclosed #buildings# erected prior to December 15, 1961, shall be a conforming #use#.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

The following chart sets forth the Use Groups permitted in the various #Commercial Districts#.

USE GROUPS PERMITTED
IN COMMERCIAL DISTRICTS

	Use Groups			
	#Residential#	#Community Facilities#		
Districts	1	2	3	4
Local Retail C1	x	x	x	x
Local Service C2	x	x	x	x
Waterfront Recreation C3	x	x	x	x
General Commercial C4	x	x	x	x
Restricted Central Commercial C5	x	x	x	x
General Central Commercial C6	x	x	x	x
Commercial Amusement C7				
General Service C8				x

	Use Groups												
	Retail & #Commercial#												Gen. Ser-vice
Districts	5	6	7	8	9	10	11	12	13	14	15	16	
Local Retail C1	x	x											
Local Service C2	x	x	x	x	x					x			
Waterfront Recreation C3										x			

General Commercial C4	x	x		x	x	x		x			
Restricted Central Commercial C5	x	x			x	x	x				
General Central Commercial C6	x	x	x	x	x	x	x	x			
Commercial Amusement C7									x	x	x x
General Service C8	x	x	x	x	x	x	x	x	x	x	x

(10/13/10)

32-01

Special Provisions for Adult Establishments

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in C1, C2, C3, C4, C5, C6-1, C6-2 or C6-3 Districts.
- (b) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences# or new #joint living-work quarters for artists# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

- (c) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a previously established #adult establishment#.
- (d) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no more than one #adult establishment# permitted under this Section shall be established on a #zoning lot#.
- (e) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, #adult establishments# shall not exceed, in total, 10,000 square feet of #floor area# and #cellar# space not used for enclosed storage or mechanical equipment.
- (f) #Adult establishments# which were established on October 25, 1995, and conform to all provisions of the Zoning Resolution relating to #adult establishments# other than the provisions of all or any combination of paragraphs (c), (d), and (e) of this Section, shall not be subject to the provisions of Section 52-77 (Termination of Adult Establishments).

For purposes of this Section, an #adult establishment# shall be established upon the date of a permit issued by the Department of Buildings therefor, or, in the case of an #adult establishment# in existence prior to August 8, 2001, as determined by the Department of Buildings, subject to rules as the Department of Buildings may prescribe regarding the failure to perform work authorized under a permit or to commence operation pursuant to a permit and the discontinuance of an #adult establishment#.

(12/15/61)

32-10

USES PERMITTED AS-OF-RIGHT

(1/18/11)

32-11

Use Groups 1 and 2

C1 C2 C3 C4 C5 C6

Use Groups 1 and 2, as set forth in Section 22-11 and Section 22-12. However, in C3A Districts, Use Group 2 shall be limited to #single#-or #two-family detached# or #zero lot line residences#.

In #lower density growth management areas# in the Borough of

Staten Island, except C3A Districts, Use Groups 1 and 2 shall be permitted only within #mixed buildings#. However, no #residences# shall be allowed on the following #zoning lots#, except by special permit pursuant to Section 74-49 (Residential Use in C4-1 Districts in The Borough of Staten Island):

- (a) any #zoning lot# in a C4-1 District, where such district occupies at least four acres within a #block#; or
- (b) any other #zoning lot# in a C4-1 District, where such #zoning lot# had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date.

(7/6/72)

32-12

Use Group 3

C1 C2 C3 C4 C5 C6

Use Group 3, as set forth in Section 22-13.

(7/6/72)

32-13

Use Group 4

C1 C2 C3 C4 C5 C6 C8

Use Group 4, as set forth in Section 22-14.

(8/17/90)

32-14

Use Group 5

C1* C2** C4 C5 C6 C8

Use Group 5 consists of hotels used primarily for transient occupancy.

A. Transient Accommodations

#Hotels, transient# [PRC-H]

B. #Accessory Uses#

- * In a C1-1, C1-2, C1-3 or C1-4 District, a #transient hotel# shall not be permitted.
- ** In a C2-1, C2-2, C2-3 or C2-4 District, each #transient hotel# shall be located on a #zoning lot# in whole or in part within a 1,000 foot radius of the entrance or exit of a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent #street#.

(3/26/14)

32-15

Use Group 6

C1 C2 C4 C5 C6 C8

Use Group 6 consists primarily of retail stores and personal service establishments which:

- (1) provide for a wide variety of local consumer needs; and
- (2) have a small service area and are, therefore, distributed widely throughout the City.

Public service establishments serving small areas are also included. Retail and service establishments are listed in two subgroups, both of which are permitted in all C1 Districts.

The #uses# listed in subgroup A are also permitted within a #large-scale residential development# to provide daily convenience shopping for its residents.

A. Convenience Retail or Service Establishments

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment [PRC-B]

Barber shops [PRC-B]

Beauty parlors [PRC-B]

Drug stores [PRC-B]

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds [PRC-B]

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime, and those which have #accessory# drive-through facilities² [PRC-B]

Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores [PRC-Either A or B³]

Hardware stores [PRC-B]

Laundry establishments, hand or automatic self-service [PRC-B¹]

Liquor stores, package [PRC-B]

Post offices [PRC-H]

Shoe or hat repair shops [PRC-B]

Stationery stores [PRC-B]

Tailor or dressmaking shops, custom [PRC-B]

Variety stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

B. Offices

Offices, business, professional including ambulatory diagnostic or treatment health care, or governmental [PRC-B1]

Veterinary medicine for small animals, provided all activities are conducted within a #completely enclosed building#; where such #building# contains a #residential use#, no access shall be from an entrance serving the #residential# portion [PRC-B1]

C. Retail or Service Establishments

Antique stores [PRC-B]

Art galleries, commercial [PRC-B]

Artists' supply stores [PRC-B]

Automobile supply stores, with no installation or repair services [PRC-B]

Banks, including drive-in banks [PRC-B]

Bicycle sales [PRC-B]

Book stores [PRC-B]

Candy or ice cream stores [PRC-B]

Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B1]

Cigar or tobacco stores [PRC-B]

Clothing or clothing accessory stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Clothing rental establishments, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour. In Community District 1 in the Borough of Brooklyn, docks for ferries with a vessel capacity of up to 399 passengers shall be allowed, provided that such docks are certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). The maximum dock capacity is the U. S. Coast Guard-certified capacity of the largest vessel using the dock [PRC-H]

Docks for water taxis, with a vessel capacity of up to 99 passengers. In Community District 1 in the Borough of Brooklyn, such docks shall be certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). The maximum dock capacity is the U. S. Coast Guard-certified capacity of the largest vessel using

the dock

Docks or mooring facilities for non-commercial pleasure boats [PRC-H]

Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Eating or drinking establishments with entertainment, but not dancing, with a capacity of 200 persons or fewer⁴ [PRC-B]

Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or fewer [PRC-B]

Electrolysis studios [PRC-B]

Fishing tackle or equipment, rental or sales [PRC-B1]

Florist shops [PRC-B]

Frozen food lockers¹ [PRC-B]

Furniture stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B1]

Furrier shops, custom [PRC-B]

Gift shops [PRC-B]

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment [PRC-B]

Jewelry or art metal craft shops [PRC-B]

Leather goods or luggage stores [PRC-B]

Loan offices¹ [PRC-B1]

Locksmith shops¹ [PRC-B]

Medical or orthopedic appliance stores [PRC-B]

Meeting halls¹ [PRC-D]

Millinery shops [PRC-B]

Music stores [PRC-B]

Newsstands, open or enclosed [PRC-B]

Optician or optometrist establishments [PRC-B]

Paint stores [PRC-B]

Pet shops [PRC-B]

Photographic equipment or supply stores [PRC-B]

Photographic studios [PRC-B]

Picture framing shops [PRC-B]

Record stores [PRC-B]

Seed or garden supply stores [PRC-B]

Sewing machine stores, selling household machines only [PRC-B]

Shoe stores [PRC-B]

Sporting or athletic stores [PRC-B]

Stamp or coin stores [PRC-B]

Telegraph offices [PRC-B]

Television, radio, phonograph or household appliance stores, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Toy stores [PRC-B]

Travel bureaus [PRC-B]

Typewriter stores [PRC-B]

Wallpaper stores [PRC-B]

Watch or clock stores or repair shops [PRC-B]

D. Public Service Establishments⁵

Court houses [PRC-C]

Electric or gas utility substations, open or enclosed, limited in each case to a site of not more than 10,000

square feet¹

Fire or police stations [PRC-C]

Public utility stations for oil or gas metering or regulating¹

Solar energy systems

Telephone exchanges or other communications equipment structures. In all districts the height above #curb level# of such structures not existing on December 15, 1961, shall not exceed that attributable to #commercial buildings# of equivalent #lot coverage#, having an average floor to floor height of 14 feet above the lobby floor which may be as much as 25 feet in height. For the purpose of making this height computation, the gross area of all floors of the #building# including accessory mechanical equipment space except the #cellar# shall be included as #floor area#. Such height computation for the structure shall not preclude the ability to utilize unused #floor area# anywhere on the #zoning lot# or by special permit, subject to the normal provisions of the Resolution.

Terminal facilities at river crossings for access to electric, gas, or steam lines¹

Water or sewage pumping stations¹

E. Clubs

Non-commercial clubs, without restrictions on activities or facilities except for any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 [PRC-D]

F. #Accessory Uses#

¹ In C5 Districts, a #use# in Use Group 6, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

² Eating or drinking places with #accessory# drive-through facilities shall be permitted in C1

Districts only as provided in Section 73-243, and shall not be permitted in C5 Districts

- 3 Food stores with 2,000 square feet or more of #floor area# per establishment are classified in parking requirement category A and food stores with less than 2,000 square feet of #floor area# are classified in parking requirement category B, pursuant to Section 36-21 (General Provisions)
- 4 Permitted in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3 and C5 Districts, only as provided in Section 73-241
- 5 In a C6-1A District, #uses# in Use Group 6D are not permitted

(4/30/12)

32-16

Use Group 7

C2 C6* C8

Use Group 7 consists primarily of home maintenance or repair services which:

- (1) fulfill recurrent needs of residents in nearby areas;
- (2) have a relatively small service area and are, therefore, widely distributed throughout the City; and
- (3) are incompatible in primary retail districts since they break the continuity of retail frontage.

A. Transient Accommodations

#Motels#, #tourist cabins# or #boatels# [PRC-H]

In C2 Districts, each #motel# or #tourist cabin# shall be located on a #zoning lot# in whole or in part within a 1,000 foot radius of the entrance or exit of a limited-access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent #street#

B. Retail or Service Establishments

Bicycle rental or repair shops [PRC-B1]

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, limited to 2,500 square feet of #floor area# per establishment [PRC-B1]

Exterminators [PRC-B1]

Funeral establishments [PRC-H]

Gun repairs [PRC-B1]

Monument sales establishments, with incidental processing to order, but not including the shaping of headstones [PRC-C]

Moving or storage offices, with storage limited to items for retail sale and to 1,500 square feet of #floor area# per establishment [PRC-B1]

Refreshment stands, drive-in [PRC-H]

Sailmaking establishments [PRC-C]

Sign painting shops, limited to 2,500 square feet of #floor area# per establishment [PRC-B1]

Taxidermist shops [PRC-B1]

Trade embalmers [PRC-B1]

Venetian blind, window shade or awning shops, custom, limited to 2,500 square feet of #floor area# per establishment [PRC-B1]

Window cleaning contractors' establishments, including floor waxing and other similar building maintenance services [PRC-B1]

C. Wholesale Establishments

Wholesale establishments, with not more than 1,500 square feet of #accessory# storage per establishment [PRC-B1]

D. Auto Service Establishments

Automobile glass and mirror shops [PRC-B1]

Automobile seat cover or convertible top establishments,
selling or installation [PRC-B1]

Electric vehicle charging stations and automotive battery
swapping facilities [PRC-B1]

Tire sales establishments, including installation services
[PRC-B1]

E. #Accessory Uses#

* In a C6-1A District, #uses# in Use Group 7 are not permitted

(5/8/13)

32-17

Use Group 8

C2 C4 C6 C8

Use Group 8 consists primarily of amusement or service
establishments which:

- (1) are appropriate in local service districts to serve nearby
residential areas; or
- (2) depend on a wide service radius and may appropriately be
located in secondary or major commercial centers.

Since these establishments are generally patronized by customers
for special purposes not associated with retail shopping, they
are appropriate neither in local shopping areas nor in the
restricted central commercial areas.

A. Amusements

*Billiard parlors or pool halls [PRC-D]

*Bowling alleys, limited to not more than 16 lanes per
establishment [PRC-D]

Model car hobby center, including racing, limited to not
more than 8,000 square feet of #floor area# per
establishment [PRC-D]

Theaters [PRC-D]

In C2-5, C2-6, C2-7, C2-8, C4-5, C4-6, C4-7, C6 and C8-4 Districts, in order to prevent obstruction of #street# areas, a new motion picture theater, in a new or existing #building#, shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. Such requirements shall not apply to any additional motion picture theater created by the subdivision of an existing motion picture theater.

B. Retail or Service Establishments

*Automobile driving schools [PRC-B]

Ice vending machines, coin-operated, including those machines that are self-contained, dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

Lumber stores, limited to 5,000 square feet of #floor area# per establishment exclusive of that #floor area# used for office and display area, and provided that not more than 400 square feet of #floor area# shall be used for cutting of lumber to size [PRC-B1]

*Pawn shops [PRC-B1]

Television, radio, phonograph or household appliance repair shops [PRC-B]

*Upholstering shops dealing directly with consumers [PRC-B1]

C. Automotive Service Establishments

Automobile rental establishments, except that in the #Long Island City area#, as defined in Section 16-02 (Definitions), the number of automobiles that may be stored in such establishments in C2, C4 or C6 Districts shall not exceed 100 spaces and the maximum size in square feet of such storage area shall not exceed 200 times the number of parking spaces provided, exclusive of entrance/exit ramps

#Public parking garages# or #public parking lots# with a capacity of 150 spaces or less, subject to the provisions set forth for #accessory# off-street parking spaces in

Sections 36-53 (Width of Curb Cuts and 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, C4-6, C4-7, 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 the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

D. Public Service Establishments

Prisons [PRC-H]

E. #Accessory Uses#

- * In a C4 District, a #use# in Use Group 8, marked with an asterisk shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

(2/26/98)

32-18

Use Group 9

C2 C4 C5 C6 C8

Use Group 9 consists primarily of business and other services which:

- (1) serve a large area and are, therefore, appropriate in secondary, major or central commercial shopping areas, and
- (2) are also appropriate in local service districts, since these are typically located on the periphery of major or secondary centers.

A. Retail or Service Establishments

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery [PRC-C]

*Banquet halls [PRC-D]

*Blueprinting or photostatting establishments [PRC-B1]

*Business schools or colleges [PRC-B1]

*Catering establishments [PRC-B1]

*Clothing or costume rental establishments [PRC-B]

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited to the following aggregate dock capacities per #zoning lot#:

200 in C2 Districts; 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2, C8-3 Districts; 2,500 in C4-4A, C4-5, C4-6, C4-7, C5, C6, C8-4 Districts.

"Dock capacity" is the U.S. Coast Guard certified capacity of the largest vessel using a dock. "Aggregate dock capacity" is the sum of the dock capacities of all docks on the #zoning lot# [PRC-H]

*Gymnasiums, used exclusively for basketball, handball, paddleball, racketball, squash and tennis. [PRC-B]

*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects [PRC-B1]

*Musical instrument repair shops [PRC-B1]

Plumbing, heating or ventilating equipment showrooms, without repair facilities [PRC-B1]

*Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production [PRC-B1]

Public auction rooms [PRC-D]

*Studios, art, music, dancing or theatrical [PRC-B]

*Trade, or other schools for adults, not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust, odorous matter, heat, humidity, glare or other objectionable effects [PRC-B1]

*Typewriter or other small business machine sales, rental or repairs [PRC-B1]

*Umbrella repair shops [PRC-B]

*Wedding chapels [PRC-D]

B. Wholesale Establishments

Hair products for headwear, wholesaling including styling [PRC-B1]

Photographic developing or photographic printing establishments, limited to 2,500 square feet of #floor area# per establishment except that such #floor area# limitation shall not apply in C6 Districts provided such #use# conforms to the performance standards for M1 Districts and to the applicable regulations of Chapter 19 (Fire Prevention Code) of the Administrative Code [PRC-B1]

C. #Accessory Uses#

- * In C4 or C5 Districts, a #use# in Use Group 9, marked with an asterisk shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

(3/26/14)

32-19

Use Group 10

C4 C5 C6 C8

Use Group 10 consists primarily of large retail establishments (such as department stores) that:

- (1) serve a wide area, ranging from a community to the whole metropolitan area, and are, therefore, appropriate in secondary, major, or central shopping areas; and
- (2) are not appropriate in local shopping or local service areas because of the generation of considerable pedestrian, automobile or truck traffic.

A. Retail or Service Establishments

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment [PRC-B1]

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment [PRC-B]

Department stores [PRC-B]

Depositories for storage of office records, microfilm or computer tapes, or for data processing [PRC-G]

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load. In Community District 1 in the Borough of Brooklyn, such docks shall be certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) [PRC-H]

Dry goods or fabric stores, with no limitation on #floor area# per establishment [PRC-B]

Eating or drinking places, without restrictions on entertainment or dancing, but limited to location in hotels [PRC-D]

Furniture stores, with no limitation on #floor area# per establishment [PRC-B1]

Office or business machine stores, sales or rental [PRC-B1]

Photographic or motion picture production studios [PRC-D]

Radio or television studios [PRC-D]

Television, radio, phonograph or household appliance stores, with no limitation on #floor area# per establishment [PRC-B]

Variety stores, with no limitation on #floor area# per establishment [PRC-B]

B. Wholesale Establishments

Wholesale offices or showrooms, with storage restricted to samples [PRC-B1]

C. #Accessory Uses#

(12/15/61)

32-20

Use Group 11

C5 C6** C8

Use Group 11 consists of a few types of essentially custom manufacturing activities that:

- (1) benefit from a central location and are appropriate in the central business district;
- (2) generally do not create any significant objectionable influences; and
- (3) involve products characterized by a high ratio of value to bulk, so that truck traffic is kept to a minimum.

A. Manufacturing Establishments

*Art needlework, hand weaving or tapestries [PRC-F]

*Books, handbinding or tooling [PRC-F]

*Ceramic products, custom manufacturing [PRC-F]

*Clothing, custom manufacturing or altering for retail [PRC-F]

*Hair products, custom manufacturing [PRC-F]

*Jewelry manufacturing from precious metals [PRC-F]

*Medical, dental, drafting instruments, optical goods, or similar precision instruments [PRC-F]

*Musical instruments, except pianos and organs [PRC-F]

*Orthopedic or medical appliances, custom manufacturing

[PRC-F]

*Printing, custom, limited to 2,500 square feet of #floor area# per establishment for production, provided that such #floor area# limitation shall not apply in C6 Districts
[PRC-F]

*Watchmaking [PRC-F]

B. Wholesale or Similar Establishments

*Ship chandlers [PRC-F]

*Wholesale establishments, with #accessory# storage limited to 2,500 square feet of #floor area# per establishment [PRC-B1]

C. #Accessory Uses#

- * In a C5 District, a #use# in Use Group 11, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)
- ** In a C6-1A District, #uses# in Use Group 11 are not permitted

(5/8/13)

32-21

Use Group 12

C4 C6 C7 C8

Use Group 12 consists primarily of fairly large entertainment facilities that:

- (1) have a wide service area and generate considerable pedestrian, automotive or truck traffic; and
- (2) are, therefore, appropriate only in secondary, major or central commercial areas.

Certain public service establishments are also included.

A. Amusements

Arenas or auditoriums, with capacity limited to 2,500 seats [PRC-D]

*Billiard parlor or pool halls [PRC-D]

*Bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment [PRC-D]

**Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing [PRC-D]

In C4 Districts, a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. In C4 Districts, such establishment shall be a minimum of 100 feet from a #Residence District# boundary, except that within 100 feet from a #Residence District# boundary, such establishment is permitted only by special permit pursuant to Section 73-244.

In C6-1, C6-2, C6-3 and C6-4 Districts, a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. In these districts, the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residential District# boundary.

Historical exhibits, provided such #use# is contained within a #completely enclosed building# [PRC-D]

Indoor golf recreation centers [PRC-D]

Model car hobby center, including racing, with no limitation on #floor area# per establishment [PRC-D]

Public auction rooms [PRC-D]

Skating rinks, enclosed [PRC-D]

Stadiums, with capacity limited to 2,500 seats [PRC-D]

Trade expositions, with rated capacity for not more than 2,500 persons, as determined by the Commissioner of Buildings [PRC-D]

B. Retail Establishments

Antique stores [PRC-B]

Art gallery, commercial [PRC-B]

Book stores [PRC-B]

Candy or ice cream stores [PRC-B]

Cigar and tobacco stores [PRC-B]

Delicatessen stores [PRC-B]

Drug stores [PRC-B]

Gift shops [PRC-B]

Jewelry or art metal craft shops [PRC-B]

Music stores [PRC-B]

Newsstands [PRC-B]

Photographic equipment stores [PRC-B]

Record stores [PRC-B]

Stationery stores [PRC-B]

Toy stores [PRC-B]

C. Public Service Establishments

Police stations [PRC-C]

Water or sewage pumping stations

D. 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 (Width of Curb Cuts and 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 C7 Districts and such #public parking garages# are not permitted as-of-right in C4-5, C4-6, C4-7, 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 the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

E. #Accessory Uses#

- * In a C4 District, a #use# in Use Group 12, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)
- ** In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22th Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, are permitted only by special permit of the Board of Standards and Appeals in accordance with Section 73-244

(4/6/78)

32-22

Use Group 13

C7 C8

Use Group 13 consists of open or low coverage #uses#, mostly open amusement establishments, which either:

- (1) generate noise and traffic, particularly at night, and are

therefore not appropriate in local retail or local service areas; or

- (2) attract customers for special purposes not associated with retail shopping, and are therefore not appropriate in local, secondary, major, or central shopping areas.

A. Amusements, Open or Enclosed

Camps, overnight or outdoor day [PRC-H]

Children's amusement parks, provided that the total area of the #zoning lot# shall not exceed 10,000 square feet, and that no amusement attractions shall be located within 20 feet of a #Residence District# boundary [PRC-E]

Circuses, carnivals or fairs of a temporary nature [PRC-E]

Commercial beaches or swimming pools [PRC-E]

Golf driving ranges [PRC-E]

Miniature golf courses [PRC-E]

Outdoor roller skating rinks [PRC-E]

Outdoor skateboard parks, provided that the total area of the #zoning lot#, excluding the area used for #accessory# off-street parking spaces, shall not exceed two acres, and provided further that temporary enclosure of the skating runs, such as air supported structures, shall not be permitted [PRC-E]

Outdoor skating rinks [PRC-E]

Theaters [PRC-D]

B. Retail Establishments

Banquet halls [PRC-D]

Catering establishments [PRC-B1]

Refreshment stands, drive-in [PRC-H]

C. Service Establishments

Boat fuel sales, open or enclosed, without restriction as to location [PRC-C]

D. #Accessory Uses#

(3/26/14)

32-23

Use Group 14

C2 C3 C7 C8

Use Group 14 consists of the special services and facilities required for boating and related activities.

A. Retail or Service

Bicycle rental or repair shops [PRC-B1]

Bicycle sales [PRC-B]

Boat fuel sales, open or enclosed, restricted to location within 10 feet of a boat dock berth [PRC-C]

Boat launching facilities for non-commercial pleasure boats

Boat rentals, open or enclosed [PRC-H]

Boat showrooms or sales, restricted to boats less than 100 feet in length, provided that such #use# or portion thereof may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary [PRC-C]

Boat storage, repair, or painting, including the incidental sale of boats, boat parts, or accessories, restricted to boats less than 100 feet in length, provided that such #use# or portion thereof may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary [PRC-C]

Candy or ice cream stores [PRC-B]

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour. In Community District 1 in the Borough of Brooklyn, docks for ferries with a vessel capacity of up to 399 passengers shall be allowed, provided that such docks are certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront

areas) [PRC-H]

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited to the following aggregate dock capacities per #zoning lot#:

200 in C2, C3 Districts; 500 in C7, C8-1, C8-2, C8-3 Districts; 2,500 in C8-4 Districts.

"Dock capacity" is the U.S. Coast Guard certified capacity of the largest vessel using a dock. "Aggregate dock capacity" is the sum of the dock capacities of all docks on the #zoning lot#.

Docks for water taxis, with a vessel capacity up to 99 passengers. In Community District 1 in the Borough of Brooklyn, such docks shall be certified by the Chairperson of the City Planning Commission pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). The maximum dock capacity is the U.S. Coast Guard certified capacity of the largest vessel using the dock

Docks or mooring facilities for non-commercial pleasure boats [PRC-H]

Fishing tackle or equipment, rental or sales [PRC-B1]

Ice vending machines, coin-operated, including those machines that are self-contained, dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

Sailmaking establishments [PRC-C]

Sale or rental of sporting goods or equipment, including instruction in skiing, sailing or skin diving [PRC-B]

B. Clubs

Non-commercial clubs, without restrictions on activities or facilities except for any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 [PRC-D]

C. #Accessory Uses#

(3/4/76)

32-24

Use Group 15

C7

Use Group 15 consists of large open commercial amusement establishments which:

- (1) generate considerable noise or traffic; and
- (2) are appropriate only in a few areas designated for open amusement parks.

A. Amusements

Amusement arcades [PRC-E]

Amusement parks, children's, with no limitation on #floor area# per establishment [PRC-E]

Animal exhibits [PRC-E]

Ferris wheels, roller coasters, whips, parachute jumps, merry-go-rounds or similar open midway attractions [PRC-E]

Freak shows, wax museums, dodgem scooters or similar open or enclosed midway attractions [PRC-E]

Open booths with games of skill or chance, including shooting galleries [PRC-E]

(2/2/11)

32-25

Use Group 16

C8

Use Group 16 consists of automotive and other necessary semi-industrial #uses# which:

- (1) are required widely throughout the city; and
- (2) involve offensive noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare,

or other objectionable influences, making such #uses# incompatible with #residential uses# and other #commercial uses#.

A. Retail or Service Establishments

Animal hospitals or kennels [PRC-B1]

Animal pounds or crematoriums [PRC-C]

Automobile, motorcycle, trailer or boat sales, open or enclosed [PRC-C]

Blacksmith shops [PRC-C]

Building materials sales, open or enclosed, limited to 10,000 square feet of #lot area# per establishment, provided that not more than 5,000 square feet of such #lot area# is used for open storage [PRC-B1]

Carpentry, custom woodworking or custom furniture making shops [PRC-B1]

Crematoriums, human [PRC-C]

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 square feet of #lot area# per establishment [PRC-B1]

Fuel, ice, oil, coal or wood sales, open or enclosed, limited to 5,000 square feet of #lot area# per establishment [PRC-B1]

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units [PRC-B1]

Machinery rental or sales establishments [PRC-B1]

Mirror silvering or glass cutting shops [PRC-B1]

Motorcycle or motor scooter rental establishments [PRC-C]

Poultry or rabbit killing establishments, for retail sale on the same #zoning lot# only [PRC-B1]

Riding academies, open or enclosed [PRC-C]

Sign painting shops, with no limitation on #floor area# per establishment [PRC-B1]

Silver plating shops, custom [PRC-B1]

Soldering or welding shops [PRC-B1]

Stables for horses [PRC-C]

Tool, die or pattern making establishments, or similar small machine shops [PRC-B1]

Trade schools for adults [PRC-B1]

B. Automotive Service Establishments

Automobile, truck, motorcycle or #trailer# repairs [PRC-C]

Automobile laundries, provided that the #zoning lot# contains reservoir space for not less than 10 automobiles per washing lane

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a #completely enclosed building#

C. Vehicle Storage Establishments

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps [PRC-G]

Dead storage of motor vehicles

Public transit yards, open or enclosed, including #accessory# motor fuel pumps [PRC-G]

D. Heavy Service, Wholesale, or Storage Establishments

Carpet cleaning establishments [PRC-F]

Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment [PRC-F]

Laundries, with no limitation on type of operation [PRC-F]

Linen, towel or diaper supply establishments [PRC-F]

Moving or storage offices, with no limitation as to storage

or #floor area# per establishment [PRC-G]

Packing or crating establishments [PRC-G]

Photographic developing or printing with no limitation on
#floor area# per establishment [PRC-C]

Trucking terminals or motor freight stations, limited to
20,000 square feet of #lot area# per establishment [PRC-G]

Warehouses [PRC-G]

Wholesale establishments, with no limitation on #accessory#
storage [PRC-C]

E. #Accessory Uses#

(12/15/61)

32-30

USES PERMITTED BY SPECIAL PERMIT

(3/22/06)

32-31

By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by
special permit of the Board of Standards and Appeals, in
accordance with standards set forth in Article VII, Chapter 3.

C4-1

Amusement arcades [PRC-E]

C2 C4 C6 C7

#Automotive service stations#, open or enclosed, with sites of
not less than 7,500 square feet per establishment, and provided
that facilities for lubrication, minor repairs, or washing are
permitted only if located within a #completely enclosed building#

C3

#Boatels# [PRC-H]

C1 C2 C3

Camps, overnight or outdoor day [PRC-H]

C8

Children's amusement parks, with sites of not less than 10,000 square feet nor more than 75,000 square feet per establishment [PRC-E]

C3

Commercial beaches [PRC-E]

C3

Commercial swimming pools [PRC-E]

C1-1 C1-2 C1-3 C3

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime, which have #accessory# drive-through facilities [PRC-B]

C1-1 C1-2 C1-3 C3

Eating or drinking establishments, including those which provide musical entertainment but not dancing, with a capacity of 200 persons or less, or outdoor table service, which have #accessory# drive-through facilities [PRC-B]

C1-1 C1-2 C1-3 C1-4 C2-1 C2-2 C2-3 C2-4 C3 C5

Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less [PRC-B]

C3

Eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less [PRC-B]

C2 C3 C4* C6-4**

Eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

C1 C2 C3 C4 C5 C6 C7 C8

Electric utility substations, limited to a site of not less than 10,000 square feet nor more than 40,000 square feet

C1 C4

Funeral establishments [PRC-H]

C6

Newspaper publishing establishments

C1-8X C1-9 C2 C4 C5 C6 C8

#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), massage establishments [PRC-B]

C1 C2 C3 C4 C5 C6 C7 C8

Public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet

C1 C2 C3 C4 C5 C6 C7 C8

Radio or television towers, non-#accessory#

C2 C6 C7

Riding academies or stables [PRC-C]

C1 C2 C3 C4 C5 C6 C7 C8

Sand, gravel or clay pits

C8

#Schools#, provided they have no living or sleeping accommodations

C1

Theaters, limited to a maximum capacity of 500 persons [PRC-D]

* In C4 Districts, such #use# is permitted within 100 feet from a #Residence District# boundary, only as provided in Section 73-244

** In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue, such #use# is permitted only as provided in Section 73-244

(5/8/13)

32-32

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4, or as otherwise indicated in this Section.

C8

Amusement parks, children's, with sites of not less than 75,000 square feet nor more than 10 acres per establishment [PRC-E]

C4 C6 C7 C8

Arenas, auditoriums or stadiums with a capacity in excess of 2,500 seats [PRC-D]

C2

Automobile rental establishments, open

Bus stations:

C1 C2 C4 C6 C7 C8

With less than 10 berths

C4 C6

With 10 or more berths

C2 C3 C4 C5 C6 C7 C8

Docks for #gambling vessels#, pursuant to Section 62-837

C6

Docks for passenger ocean vessels, pursuant to Section 62-831

C1 C2 C3 C4 C5 C6

Domiciliary care facilities for adults

C7 C8

Drive-in theaters, with a maximum capacity of 500 automobiles

C3 C4 C5 C6 C7 C8

Heliports

C4 C6 C7 C8

Indoor interactive entertainment facilities with eating and drinking [PRC-D]

C1 C2 C3 C4 C5 C6 C7

#Non-profit hospital staff dwellings#, located not more than 1,500 feet from the non-profit or voluntary hospital

C1 C2 C3 C4 C5 C6

Nursing homes and health-related facilities in Community Districts in which the conditions set forth in Section 22-42 (Certification of Certain Community Facility Uses) apply.

#Public parking garages#*:

C1

Limited in capacity to 100 spaces

C2-1 C2-2 C2-3 C2-4 C4-1 C4-2 C4-3 C4-4 C7 C8-1 C8-2 C8-3

With capacity of more than 150 spaces

C2-5 C2-6 C2-7 C2-8 C4-5 C4-6 C4-7 C5 C6 C7 C8-4
With any capacity

#Public parking lots#*:

C1
Limited in capacity to 100 spaces

C2 C4 C6 C7 C8
With capacity of more than 150 spaces

C5 C7
With any capacity

C1 C2 C3 C4 C5 C6 C7 C8
Public transit, railroad or electric utility substations, limited
in each case to a site of not less than 40,000 square feet nor
more than 10 acres

C8
Racetracks

C1 C2 C3 C4 C5 C6 C7 C8
Railroad passenger stations

C6
Research and development facility, scientific

C1 C2 C3 C4 C5 C6 C7 C8
Seaplane bases

C1 C2 C3 C4 C5 C6 C7 C8
Sewage disposal plants

C4 C6 C7 C8
Trade expositions, with a rated capacity for more than 2,500
persons [PRC-D]

C8
Trucking terminals or motor freight stations with sites in excess
of 20,000 square feet per establishment [PRC-G]

C1 C2 C3 C4 C5 C6 C7 C8
#Uses# listed in a permitted Use Group for which #railroad or
transit air space# is #developed#

* In the #Manhattan Core#, these #uses# are subject to the
provisions of Article I, Chapter 3, and in the #Long Island

City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

(12/15/61)

32-40

SUPPLEMENTARY USE REGULATIONS

(2/2/11)

32-41

Enclosure within Buildings

C1 C2 C3 C4 C5 C6 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions), 36-61 (Permitted Accessory Off-Street Loading Berths) and 73-36 (Physical Culture or Health Establishments), all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject to the provisions of this Section with respect to enclosure within #buildings#. With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

(12/15/61)

32-411

In C1, C5, C6-5 or C6-7 Districts

C1 C5 C6-5 C6-7

In the districts indicated, all such #uses# shall be located within #completely enclosed buildings#.

(1/14/65)

32-412

In other Commercial Districts

C2 C3 C4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C8

In the districts indicated, all such #uses# shall be located within #completely enclosed buildings# or within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

(12/15/61)

32-42

Location within Buildings

(2/26/14)

32-421

Limitation on floors occupied by commercial uses

C1 C2 C3

In the districts indicated, in any #building#, or portion of a #building# occupied on one or more of its upper #stories# by #residential uses# or by #community facility uses#, no #commercial uses# listed in Use Group 6, 7, 8, 9 or 14 shall be located above the level of the first #story# ceiling, provided, however, that permitted #signs#, other than #advertising signs#, #accessory# to such #commercial uses# may extend to a maximum height of two feet above the level of the finished floor of the second #story#, but in no event higher than six inches below the lowest window sill of the second #story#. In any other #building#, or portion thereof, not more than two #stories# may be occupied by #commercial uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14.

However, in C1 or C2 Districts mapped within R9 or R10 Districts or in C1-8, C1-9, C2-7 or C2-8 Districts, non-#residential uses# listed in Use Group 6, 7, 8, 9 or 14, where permitted by the applicable district regulations, may occupy the lowest two #stories# in any #building# constructed after September 17, 1970. For #buildings# constructed in such districts prior to September 17, 1970, located in Community District 6 in the Borough of Manhattan, such non-#residential uses# may occupy the lowest two #stories# in such #building#, provided that:

- (a) the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the second #story# has not been occupied by a #community facility use#, a #dwelling unit# or a #rooming unit#, notwithstanding the certificate of occupancy, if any, for a continuous period from May 1, 2013 until a certification has been issued pursuant to this Section; and
- (b) the second #story# of at least one other #building# on the same #block# frontage is occupied by a #use# listed in Use Groups 6, 7, 8, 9 or 14.

(2/2/11)

32-422

Location of floors occupied by commercial uses

C4 C5 C6

In the districts indicated, in any #building#, or portion of a #building# occupied by #residential uses#, #commercial uses# listed in Use Group 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16 may be located only on a #story# below the lowest #story# occupied in whole or in part by such #dwelling units# or #rooming units#, except that this limitation shall not preclude the location of any such #commercial use# below the level of the first #story# ceiling, or the extension of a permitted #sign#, other than an #advertising sign#, #accessory# to such #commercial use#, to a maximum height of two feet above the level of the finished floor of the second #story#, but in no event higher than six inches below the lowest window sill on the second #story#.

(12/15/61)

32-423

Limitation on ground floor location

C4 C5

In the districts indicated, #uses# in the Use Groups listed in the following table and marked with asterisks in the Use Group listing shall be located only as follows and as set forth in the following table:

- (a) on a floor above or below the ground floor; or

- (b) on the ground floor, but not within 50 feet of any #street wall# of the #building# and with no #show window# facing on the #street#.

Use Group in Which Limitation Applies	District
8, 9 or 12	C4
6, 9 or 11	C5

(12/21/05)

32-43

Ground Floor Use in Certain Locations

(2/2/11)

32-431

Ground floor use in C1-8A, C1-9A, C2-7A, C2-8A, C4-6A and C4-7A Districts

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

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

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

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

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

(2/2/11)

32-432

Ground floor use in Community Board 7, Borough of Manhattan

Within the boundaries of Community Board 7 in the Borough of Manhattan, when a #development#, #enlargement# or change of #use# is located in an R10 equivalent #Commercial District#, #uses# within #stories# that have a floor level within five feet of #curb level# fronting on a #wide street# shall be limited to non-#residential uses#, except lobby space.

(1/18/11)

32-433

Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island

C1 C2 C4

In all C1, C2 and C4 Districts in the Borough of Staten Island, ground floor #uses# shall conform with the provisions of this Section.

(a) Ground floor level #use# requirements

All #uses# on the ground floor of a #building# shall be limited to non-#residential uses# and have a depth of at least 30 feet from the #street wall# of the #building#, except that:

- (1) #residential# lobbies, and an associated vertical circulation core, as well as entrances to #accessory# parking spaces, shall be permitted on the ground floor, provided such lobbies and entrances conform to the frontage requirements of paragraph (b) of this Section;
- (2) enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted on the ground floor, provided they are located beyond 30 feet of the #street wall# of the #building#; and
- (3) where a #commercial district# is mapped along an entire #block# front, and a #zoning lot# includes #street# frontage along such #block# front, and also includes #street# frontage along a #block# front that is not mapped as a #commercial district# in its entirety, non-

#residential uses# shall be required only within 30 feet of the #street wall# facing the #block# front mapped in its entirety as a #commercial district#.

The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

(b) Ground floor frontage requirements

Non-#residential uses# shall extend along the entire width of the ground floor of the #building#, except as follows:

- (1) in C1 and C2 Districts mapped within R1, R2 and R3 Districts, and in C4 Districts, #residential# lobbies and entrances to #accessory# parking spaces shall be permitted, provided such lobbies and entrances do not occupy more than 25 percent of the #street wall# width of the #building#; and
- (2) in C1 and C2 Districts mapped within R4, R5 and R6 Districts, #residential# lobbies and entrances to #accessory# parking spaces shall be permitted, provided that:
 - (i) for #zoning lots# with a #street# frontage of less than 60 feet, such lobbies and entrances do not occupy more than 50 percent of the #street wall# width along such frontage, or 20 feet, whichever is less. In addition, an entrance to #accessory# parking spaces shall not exceed a width of 15 feet; and
 - (ii) for #zoning lots# with a #street# frontage equal to or greater than 60 feet, such lobbies and entrances do not occupy more than 25 percent of the #aggregate width of street wall# of the #building#.

(c) #Non-conforming buildings#

#Buildings# containing #non-conforming residential uses# on the ground floor shall be permitted to #enlarge# without regard to the #use# regulations of this Section, provided that such #enlargement# complies with the provisions of the #residential yard# regulations set forth in Section 23-40.

32-434

Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts

C4-5D C6-3D

In the districts indicated and in C2 Districts mapped within R7D or R9D Districts, #uses# within #stories# that have a floor level 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#. In C6-3D Districts, a vertical circulation core shall be permitted within such minimum 30 foot depth.

Enclosed parking spaces, or parking spaces within a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy #stories# that have a floor level within five feet of #curb level# 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#.

In C6-3D Districts, each ground floor level #street wall# of a #commercial# or #community facility use# shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials. However, where the #street wall# or portion thereof fronts an elevated rail line or is located within 50 feet of a #street wall# that fronts an elevated rail line, the glazing requirement of the area of the ground floor level #street wall# may be reduced from 70 percent to 50 percent, and not less than 35 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 15 percent of such area may be glazed with translucent materials. Furthermore, all security gates installed after

September 30, 2009, that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.

In C4-5D Districts, and in C2 Districts mapped within R7D or R9D Districts, #buildings# developed after October 11, 2012, or portions of #buildings enlarged# on the ground floor level after October 11, 2012, shall comply with the glazing provisions set forth in Section 132-30 (SPECIAL TRANSPARENCY REGULATIONS), inclusive. Such provisions shall apply in such districts to #building# frontages on Fulton Street in the Borough of Brooklyn and to frontages on Webster Avenue in the Borough of the Bronx. However, these provisions shall not apply to #buildings# on #zoning lots# with a width of less than 20 feet, provided such #zoning lot# existed on October 11, 2012.

(2/22/90)

32-44

Air Space over a Railroad or Transit Right-of-way or Yard

(6/23/05)

32-441

Definitions

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section or in Section 98-01.

(2/2/11)

32-442

Use of railroad or transit air space

C1 C2 C3 C4 C5 C6 C7 C8

- (a) In all districts, as indicated, #railroad or transit air space# may be #developed# or used only for a permitted #use accessory# to the railroad or transit right-of-way or yard, a #use# permitted by the City Planning Commission as set forth in Section 74-681 (Development within or over a

railroad or transit right-of-way or yard), or a railroad passenger station permitted by the Commission as set forth in Section 74-62 (Railroad Passenger Stations) unless the right-of-way or yard or portion thereof is no longer required for railroad or transit #use# as set forth in paragraph (b) of this Section.

If any #building or other structure# constructed in such #railroad or transit air space# in accordance with the provisions of Section 74-681 is #enlarged# or replaced by a new #building or other structure#, the provisions of this Section shall apply to such #enlargement# or replacement.

However, any #use# legally established in such #railroad or transit air space# in accordance with the provisions of Section 74-681 may be changed to another #use# listed in a permitted Use Group and no additional special permit from the Commission shall be required for such change of #use#.

Any #building or other structure# within or over a railroad or transit right-of-way or yard, which #building or other structure# was completed prior to September 27, 1962, or constructed in accordance with the applicable provisions of Sections 11-31 to 11-34, inclusive, prior to December 5, 1991, may be #enlarged# or replaced in accordance with the applicable district regulations without any requirement for a special permit from the Commission. Ownership of rights permitting the #enlargement# or replacement of such a #building or other structure# shall be deemed to be equivalent to ownership of a #zoning lot# or portion thereof, provided that such #enlargement# or replacement will be on one #block# and the rights are in single ownership and recorded prior to February 22, 1990. Such ownership of rights shall be deemed to include alternative arrangements specified in the #zoning lot# definition in Section 12-10 (DEFINITIONS).

#Enlargement# or replacement utilizing these ownership rights shall be deemed to be constructed upon the equivalent of a #zoning lot#.

- (b) When the #use# of a railroad or transit right-of-way or yard or portion thereof has been permanently discontinued or terminated and a #large-scale residential# or #community facility development# or a #large-scale general development# requiring one or more special permits is proposed, no #use# or #development# of the property shall be allowed until the Commission has authorized the size and configuration of all #zoning lots# on such property. As a condition for such authorization, the Commission shall find that:

- (1) the proposed #zoning lots#, indicated by a map describing the boundaries of the total area of each lot, are not excessively large, elongated or irregular in shape and that no #development# on any #zoning lot# would result in the potential for an excessive concentration of #bulk# that would be incompatible with allowable #developments# on adjoining property; and
- (2) each resulting #zoning lot# has direct access to one or more #streets#.

No subsequent alteration in size or configuration of any #zoning lot# approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such #zoning lot# designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land, or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate cover the entire tract of land comprising the #zoning lot#, which is executed and recorded as specified in the definition of #zoning lot# in Section 12-10 (DEFINITIONS).

Prior to granting any #zoning lot# authorization relating to such right-of-way or yard, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use such property or portion thereof for a railroad or transit #use#.

- (c) Notwithstanding the above, the #High Line#, as defined in Section 98-01, shall be governed by the provisions of Section 98-17 (Air Space Over a Railroad or Transit Right of Way or Yard).

(2/2/11)

32-45

Certification of Certain Community Facility Uses

C1 C2 C3 C4 C5 C6

In all districts, as indicated, for any nursing homes and health-related facilities or #enlargement#, #extension# or change in

#use# thereof, the City Planning Commission shall certify to the Department of Buildings, prior to the filing of any plans by the applicant for a building permit for such #use#, that none of the following conditions applies to the Community District within which such #use#, or #enlargement#, #extension# or change in such #use#, is to be located:

- (1) the ratio between the number of beds for such #uses# in existence, under construction or approved toward construction by the appropriate Federal or State governmental agency, to the population of the Community District compared to such ratio for other Community Districts shows a relative concentration of facilities covered in this Section in the affected district;
- (2) a scarcity of land for general community purposes exists; or
- (3) the incidence of construction of facilities for the last three years warrants review over these facilities because they threaten to disrupt the land use balance in the community.

If the Commission finds that one or more of the conditions set forth in this Section applies to the Community District within which such #use#, or #enlargement#, #extension# or change in such #use#, is to be located, a special permit pursuant to Section 74-90 shall be required.

(12/15/61)

32-50

SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

(12/15/61)

32-51

Limitations on Business Entrances, Show Windows or Signs

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the location of primary business entrances, #show windows# or #signs# shall be subject to the provisions of this Section.

For the purposes of this Section, a lot of record or a group of contiguous lots of record held in single ownership or control at

December 15, 1961, or any applicable amendment thereto shall be considered a single #zoning lot#, regardless of any subsequent subdivision.

For the purposes of this Section, a #corner lot# shall include the entire #zoning lot# notwithstanding the 100 foot limitation in the definition of #corner lots# in Section 12-10 (DEFINITIONS). All other #zoning lots# shall be considered #zoning lots# with single frontage.

The provisions of this Section shall not apply to:

- (a) vehicular entrances or exits for permitted drive-in #uses# or automotive service establishments or for permitted or required #accessory# off-street parking spaces or loading berths;
- (b) service entrances, or other entrances less than 3 feet, 6 inches in width;
- (c) windows other than #show windows#; or
- (d) ventilators, fire escapes or other appurtenances required by law.

(12/15/61)

32-511

For zoning lots with single frontage

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #zoning lots# with single frontage, no primary business entrance, #show window# or #sign# shall be located on that portion of the #street# frontage within a distance of 20 feet from frontage on the same side of the #street# in a #Residence District#.

However, where the #street# frontage of such #zoning lot# or portion thereof within the #Commercial District# is less than 30 feet in length, the minimum distance shall be reduced to 10 feet. For #zoning lots# with a frontage of more than 30 feet, an application may be made to the Board of Standards and Appeals to reduce such minimum distance to 10 feet, as provided in Section 73-50 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES).

(12/15/61)

32-512

For corner lots

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no primary business entrance, #show window#, or #sign# shall be located on that portion of the #street# frontage of a #corner lot# within 75 feet of frontage on the same side of the #street# in a #Residence District#.

However, primary business entrances, #show windows# or #signs# may be located on frontage less than 75 feet, but not less than 20 feet, from a #Residence District# boundary:

- (a) if the total length of the #block# face containing such frontage is less than 220 feet;
- (b) if such frontage adjoins frontage on a #corner lot# in a #Residence District#; or
- (c) if such frontage is separated from frontage in the #Residence District# by one or more #zoning lots# with single frontage.

(2/2/11)

32-52

Exceptions for Integrated Developments Divided by District Boundaries

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, primary business entrances, #show windows# or #signs# may be located on any frontage within a #Commercial District#, if the Commissioner of Buildings finds that the #zoning lot# on which the business entrance, #show window# or #sign# is to be located:

- (a) is divided by a boundary between the #Commercial District# and a #Residence District#; or
- (b) is presently in the same ownership as adjoining property located in a #Residence District# and no #building# in the #Residence District# exists, or will in the future be erected, within a distance of 75 feet from the #Commercial District#, as evidenced by deed restrictions filed in an

office of record binding the owner and the owner's heirs and assigns.

(4/8/98)

32-60
SIGN REGULATIONS

(5/22/63)

32-61
Definitions

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

(2/2/11)

32-62
Permitted Signs

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #signs# other than #advertising signs# are permitted subject to the provisions of the following Sections:

Section 32-64 (Surface Area and Illumination Provisions)

Section 32-65 (Permitted Projection or Height of Signs)

Section 32-66 (Additional Regulations for Signs Near
Certain Parks and Designated Arterial
Highways)

Section 32-67 (Special Provisions Applying along District
Boundaries)

Section 32-68 (Permitted Signs on Residential or Mixed
Buildings)

Section 32-69 (Additional Sign Regulations for Adult
Establishments)

However, notwithstanding any provision of this Section, flags, banners or pennants other than those that are #advertising signs#, located on any #zoning lot# used primarily for #community facility uses# of a civic, philanthropic, educational or religious nature, are permitted in all districts, as indicated, without limitation.

(2/2/11)

32-63

Permitted Advertising Signs

C6-5 C6-7 C7 C8

In the districts indicated, #advertising signs# are permitted subject to the applicable provisions of the following Sections:

Section 32-64 (Surface Area and Illumination Provisions)

Section 32-65 (Permitted Projection or Height of Signs)

Section 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section 32-67 (Special Provisions Applying along District Boundaries)

Section 32-68 (Permitted Signs on Residential or Mixed Buildings).

(2/27/01)

32-64

Surface Area and Illumination Provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted #signs# shall be subject to the restrictions on #surface area# and illumination as set forth in this Section, provided that the following #signs# shall be exempted from such restrictions on #surface area#:

#Illuminated# non-#flashing signs# other than #advertising signs# located in a window within a #building#, with a total #surface area# not exceeding eight square feet on any

#zoning lot# and limited to not more than three such #signs# in any window.

For the purpose of determining permitted #surface area# of #signs# for #zoning lots# occupied by more than one establishment, any portion of such #zoning lot# occupied by a #building# or part of a #building# accommodating one or more establishments on the ground floor may be considered as a separate #zoning lot#.

No #illuminated sign# shall have a degree or method of illumination which exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any #illuminated sign# does not project or reflect on #residences#, #loft dwellings# or #joint living-work quarters for artists# so as to interfere with the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a #sign with indirect illumination# to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into #residences#, #loft dwellings# or #joint living-work quarters for artists#.

(12/15/61)

32-641

Total surface area of signs

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the total #surface area# of all permitted #signs#, including non-#illuminated# or #illuminated signs#, shall not exceed the limitation established for non-#illuminated signs#, as set forth in Section 32-642.

(1/20/65)

32-642

Non-illuminated signs

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, non-#illuminated signs# with total #surface areas# not exceeding those shown in the following table are permitted:

Maximum Surface Area	District
50 square feet	C3
Three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 150 sq. ft. for #interior# or #through lots# or 150 sq. ft. on each frontage for #corner lots#.	C1 C2
Three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 200 sq. ft. for #interior# or #through lots# or 200 sq. ft. on each frontage for #corner lots#.	C5-1 C5-2 C5-3 C5-5
Five times the #street# frontage of the #zoning lot# (in feet), but in no event more than 500 sq. ft. for #interior# or #through lots# or 500 sq. ft. on each frontage for #corner lots#.	C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9
Six times the #street# frontage of the #zoning lot# (in feet), but in no event more than 750 sq. ft. for each #sign#.	C8
No restrictions as to size	C6-5 C6-7 C7

(12/15/61)

32-643

Illuminated non-flashing signs

C1 C2

In the districts indicated, #illuminated# non-#flashing signs# are permitted with a total #surface area# (in square feet) not exceeding three times the #street# frontage of the #zoning lot# in feet, but in no event shall the total #surface area# exceed 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#.

(6/21/73)

32-644

Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts

C4 C5-4 C6 C7

In the districts indicated, #illuminated# or #flashing signs# with total #surface areas# not exceeding those shown in the following table are permitted:

Maximum Surface Area (in square feet)	District
Five times the #street# frontage of the #zoning lot# (in feet), but in no event more than 500 square feet for #interior# or #through lots# or 500 square feet on each frontage for #corner lots#.	C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9
No restrictions as to size	C6-5 C6-7 C7

However, in a C6-1A District, #flashing signs# are not permitted.

(4/8/98)

32-645

Illuminated or flashing signs in C8 Districts

C8

In the district indicated, #illuminated# or #flashing signs#, other than #advertising signs#, and #advertising signs# with indirect illumination, are permitted, provided that the total #surface area# of all such #signs# (in square feet) shall not exceed five times the #street# frontage of the #zoning lot# (in feet) and that the #surface area# of each #sign# shall not exceed 500 square feet.

(12/15/61)

32-65

Permitted Projection or Height of Signs

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted #signs# are subject to the applicable regulations of this Section.

(4/8/98)

32-651

Permitted projection in C6-5, C6-7 or C7 Districts

C6-5 C6-7 C7

In the districts indicated, except as otherwise provided in Section 32-653 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than eight feet.

(4/8/98)

32-652

Permitted projection in all other Commercial Districts

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9 C8

In the districts indicated, except as otherwise provided in Section 32-653 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#.

(2/27/01)

32-653

Additional regulations for projecting signs

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, permitted #signs# other than #advertising signs# may be displayed as follows:

- (a) Non-#illuminated signs# may be displayed on awnings or canopies permitted by the Administrative Code, with a #surface area# not exceeding 12 square feet and with the height of letters not exceeding 12 inches. Any commercial copy on such #signs# shall be limited to identification of the name or address of the #building# or an establishment contained therein.
- (b) #Signs# may be displayed on marquees permitted by the Administrative Code, provided that no such #sign# in a

district other than a C6-5, C6-7 or C-7 District shall project more than 48 inches above nor more than 12 inches below such marquee.

(12/15/61)

32-654

Height of signs in C8 Districts

C8

In the district indicated, permitted #signs# shall not extend to a height greater than 40 feet above #curb level#, provided that non-#illuminated signs# or #signs with indirect illumination# may extend to a maximum height of 58 feet.

(1/20/65)

32-655

Height of signs in all other Commercial Districts

C1 C2 C3 C4 C5 C6 C7

In the districts indicated, no permitted #sign# shall extend above #curb level# at a height greater than the following:

Maximum Height (in feet)	Districts
25	C1 C2 C3 C5-1 C5-2 C5-3 C5-5
40	C4 C5-4 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9
No restriction as to height	C6-5 C6-7 C7

(1/20/65)

32-656

Height of signs above roof

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9

In the districts indicated, no #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, except that a vertical #sign#, the horizontal width of which, parallel to the wall, does not exceed 28 inches, may extend no higher than 15 feet above the roof level.

(3/11/65)

32-657

Roof signs

C1 C2 C3 C4 C5 C6-1 C6-2 C6-3 C6-4 C6-6 C6-8 C6-9

In the districts indicated, no #signs# shall be permitted on the roof of any #building#.

(2/27/01)

32-66

Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted #signs# are subject to the applicable regulations of this Section.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

(2/27/01)

32-661

Additional regulations for signs other than advertising signs

C6-5 C6-7 C7 C8

In the districts indicated, and within 200 feet of an arterial highway or a #public park# with an area of one-half acre or more, no permitted #sign# that is within view of such arterial highway

or #public park# shall exceed 500 square feet of #surface area#.

Beyond 200 feet from such arterial highway or #public park#, the surface area of such #signs# may be increased one square foot for each linear foot such #sign# is located from the arterial highway or #public park#.

Upon application, these requirements shall be waived, provided that the Chairperson of the City Planning Commission certifies that:

- (a) such waiver is limited to a single, non-#flashing sign# that is located on a #zoning lot# not less than one and one-half acres; and
- (b) all other permitted #signs# located on such #zoning lot# that are subject to the provisions of this Section conform with all the #sign# regulations applicable in C1 Districts.

(2/27/01)

32-662

Additional regulations for advertising signs

C6-5 C6-7 C7 C8

In all districts, as indicated, no #advertising sign# shall be located, nor shall an existing #advertising sign# be structurally altered, relocated or reconstructed within 200 feet of an arterial highway or of a #public park# with an area of one half acre or more, if such #advertising sign# is within view of such arterial highway or #public park#. For the purposes of this Section, arterial highways shall include all highways which are shown on the Master Plan of Arterial Highways and Major Streets, as "principal routes," "parkways" or "toll crossings," and which have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply. Beyond 200 feet from such arterial highway or #public park#, an #advertising sign# shall be located at a distance of at least as many linear feet therefrom as there are square feet of #surface area# on the face of such #sign#. However, in all districts as indicated, the more restrictive of the following shall apply:

- (1) Any #advertising sign# erected, structurally altered, relocated or reconstructed prior to June 1, 1968, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, shall have legal #non-conforming use# status

pursuant to Section 52-83, to the extent of its size existing on May 31, 1968.

- (2) Any #advertising sign# erected, structurally altered, relocated or reconstructed between June 1, 1968 and November 1, 1979, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, and whose size does not exceed 1,200 square feet in #surface area# on its face, 30 feet in height, and 60 feet in length, shall have legal #non-conforming use# status pursuant to Section 52-83, to the extent of its size existing on November 1, 1979. All #advertising signs# not in conformance with the standards set forth herein shall terminate.

(2/27/01)

32-663

Advertising signs on waterways

No moving or stationary #advertising sign# shall be displayed on a vessel plying waterways adjacent to #Commercial Districts# and within view from an arterial highway. For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings" and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

For the purposes of this Section, #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

(4/8/98)

32-67

Special Provisions Applying along District Boundaries

C2 C3 C4 C5 C6 C7 C8

In the districts indicated, and within 100 feet of the #street line# of any #street# or portion thereof in which the boundary of an adjoining #Residence District# is located, or which adjoins a #public park# of one-half acre or more, no #advertising sign#

that faces at an angle of less than 165 degrees away from such #Residence District# or park boundary shall be permitted and all other #signs# facing at less than such an angle shall conform with all the #sign# regulations applicable in C1 Districts as set forth in Sections 32-61 to 32-68, inclusive, relating to Sign Regulations.

(2/2/11)

32-68

Permitted Signs on Residential or Mixed Buildings

C1 C2 C3 C4 C5 C6

In the districts indicated, any #use# listed in Use Group 1 or 2 shall conform to the #sign# regulations for #Residence Districts# set forth in Sections 22-31 to 22-34, inclusive. In #residential# or #mixed buildings#, #residential sign# regulations shall apply to the #residential# portion.

Where non-#residential uses# are permitted to occupy two floors of the #building#, all #signs accessory# to non-#residential uses# located on the second floor shall be non-#illuminated signs#, and shall be located below the level of the finished floor of the third #story#.

(4/8/98)

32-69

Additional Sign Regulations for Adult Establishments

C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C7 C8

#Signs#, other than #advertising signs#, for #adult establishments# are permitted only as set forth in this Section and are limited to locations in the districts indicated.

All permitted #signs#, other than #advertising signs#, for #adult establishments# shall conform with all the #sign# regulations applicable in C1 Districts as set forth in this Chapter, except that the provisions of Section 32-64 (Surface Area and Illumination Provisions) shall not apply. In lieu thereof, the maximum #surface area# of all #signs#, other than #advertising signs#, for #adult establishments# shall not exceed, in the aggregate, three times the #street# frontage of the #zoning lot#, but in no event more than 150 square feet per establishment, of which no more than 50 square feet may be #illuminated# non-

#flashing signs#.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article III: Commercial District Regulations

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

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(12/15/61)

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

(12/15/61)

33-00

APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

(10/9/13)

33-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial use# and partly for #community facility use#, on any #zoning lot# or portion of a #zoning lot# located in any #Commercial District#, including all #developments# or #enlargements#. As used in this Chapter, the term "any #building#" shall therefore not include a #residential building# or a #mixed building#, the #bulk# regulations for which are set forth in Article III, Chapter 4, and Article III, Chapter 5, respectively. In addition, the #bulk# regulations of this Chapter, or of specified sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale residential developments#, #community facility uses# in #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 33-12, paragraph (c), 33-13, paragraph (b) and 33-15, paragraph (a).

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# of non-#residential floor area#, to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residential development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

(11/19/87)

33-02

Definitions

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

(2/2/11)

33-03

Street Tree Planting in Commercial Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;
#Special Clinton District#;
#Special Downtown Brooklyn District#;
#Special Downtown Jamaica District#;
#Special Grand Concourse District#;
#Special Hillside Preservation District#;
#Special Hudson Yards District#;
#Special Little Italy District#;
#Special Long Island City Mixed Use District#;
#Special Ocean Parkway District#;
#Special South Richmond Development District#;

- (c) #enlargements#, pursuant to the Quality Housing Program, of #single-# or #two-family residences# by 20 percent or more;
- (d) #conversions# of 20 percent or more of the #floor area# of a #building# to a #residential use#; or
- (e) construction of a detached garage that is 400 square feet or greater.

The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C and 16D.

(1/18/11)

33-04

Lower Density Growth Management Areas

For areas designated as #lower density growth management areas#, pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)

Section 12-10 (DEFINITIONS - Floor area; Lower density growth management area; Private road)

Section 22-14 (Use Group 4 - Ambulatory diagnostic or treatment health care facilities)

Section 32-11 (Use Groups 1 and 2)

Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)

Section 33-121 (In districts with bulk governed by Residence District bulk regulations)

Section 33-431 (In districts with bulk governed by surrounding Residence District)

Section 36-21 (General provisions)

Section 36-231 (In districts with high, medium or low parking requirements)

Section 36-27 (Waiver for Certain Small Zoning Lots)

Section 36-521 (Size of spaces)

Section 36-581 (Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx)

Section 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO DEVELOPMENTS WITH PRIVATE ROADS)

Section 37-20 (SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND); inclusive

Section 73-125 (Ambulatory diagnostic or treatment health care facilities)

Section 107-412 (Special bulk regulations for certain community facility uses in lower density growth management areas)

Section 107-464 (Side yards for permitted non-residential use)

Section 107-62 (Yard, Court and Parking Regulations)

Section 119-05 (Applicability of Parking Location Regulations)

Section 119-214 (Tier II requirements for driveways and private roads)

Section 128-052 (Applicability of Article I, Chapter 2)

(12/15/61)

33-10

FLOOR AREA REGULATIONS

(11/19/87)

33-11

Definitions

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

(2/2/11)

33-12

Maximum Floor Area Ratio

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for 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 Public Plaza)

Section 33-14 (Floor Area Bonus for Arcades)

Section 33-15 (Floor Area Bonus for Front Yards)

Section 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 C6-3D C6-3X C6-4A

(a) In contextual Commercial Districts

In the districts indicated, and in C1 and C2 Districts mapped within R9A, R9D, 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, in R10 equivalent #Commercial Districts# without a letter suffix, the maximum #floor area ratio# shall not exceed 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 #public plaza# pursuant to Section 33-13.

(2/2/11)

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, for a #zoning lot# containing a #commercial# or #community facility use#, the maximum #floor area ratio# 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	Column A	Column B	Column C
	For #Zoning Lots# Containing only #Commercial Use#	For #Zoning Lots# Containing only #Community Facility Use#	For #Zoning Lots# Containing both #Commercial# and #Community Facility Uses#
R1 R2	1.00	0.50	1.00
R3-1 R3A R3X	1.00	1.00	1.00
R3-2	1.00	1.60	1.60
R4 R5	1.00	2.00	2.00
R5D R6B	2.00	2.00	2.00
R6A R7B	2.00	3.00	3.00
R7A R8B	2.00	4.00*	4.00
R7D	2.00	4.20	4.20
R6 R7-1	2.00	4.80	4.80
R7X	2.00	5.00	5.00
R7-2 R8 R8A	2.00	6.50	6.50
R8X	2.00	6.00	6.00
R9	2.00	10.00	10.00
R9A	2.00	7.50	7.50
R9D	2.00	9.00	9.00
R9X	2.00	9.00	9.00
R10	2.00	10.00	10.00

* In R8B Districts, within the boundaries of Community District 8 in the Borough of Manhattan, the maximum #floor

area ratio# on a #zoning lot# containing #community facility use# exclusively shall not exceed 5.10

In addition, the following provisions shall apply:

- (a) For #zoning lots# containing both #commercial uses# and #community facility uses#, the total #floor area# used for #commercial uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial uses# set forth in Column A.
- (b) In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for #community facility uses# on a #zoning lot# containing both #commercial uses# and #community facility uses# is 0.50 unless it is increased pursuant to the special permit provisions of Section 74-901 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts.)
- (c) In C1 and C2 Districts mapped within R1, R2, R3-1, R3A and R3X Districts in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, the maximum #floor area ratio# for any #zoning lot# containing a #building# used for ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS) shall be 1.2.
- (d) In C1 and C2 Districts mapped within R3, R4, R5, R6, R7, R8 and R9 Districts, for any #zoning lot# containing nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and philanthropic or non-profit institutions with sleeping accommodations, the total #floor area# for all such #community facility uses# shall not exceed the amount as set forth in paragraph (b) of Section 24-111 unless modified pursuant to Section 74-902.
- (e) The maximum #floor area ratio# for any #zoning lot# used partly for #commercial uses# and partly for nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and philanthropic or non-profit institutions with sleeping accommodations shall not exceed the amount permitted for a #zoning lot# containing #commercial uses# as set forth in Column A. However, for the districts in which the allowable #floor area ratio#, as set forth in paragraph (b) of Section 24-111, exceeds the amount permitted for a #zoning lot# containing #commercial uses#, as set forth in Column A, the provisions of paragraph (b) of Section 24-111 shall be used to compute the maximum #floor

area# permissible for the #zoning lot# unless modified pursuant to Section 74-902.

(10/11/12)

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 #zoning lot# containing only #commercial uses# 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 C4-4L C4-5A C4-5X C5-1	4.00
C4-5D	4.20
C8-4	5.00
C6-1 C6-2 C6-3	6.00
C6-3D	9.00
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

(10/11/12)

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 #zoning lot# containing #community facility uses#, or for a #zoning lot# containing 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 C4-4L C4-5A	4.00
C4-5D	4.20
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 C6-3D 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

For #zoning lots# containing both #commercial uses# and #community facility uses#, the total #floor area# used for #commercial uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial uses# in Section 33-122.

In all #Commercial Districts# except C7 and C8 Districts, for any #zoning lot# containing nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and

philanthropic or non-profit institutions with sleeping accommodations, the total #floor area# used for the #community facility use# shall not exceed the amount as set forth in paragraph (b) of Section 24-111 (Maximum floor area ratio for certain community facility uses), applying the equivalent #Residential District# (indicated in Section 34-112) for the #Commercial District# in which such #use# is located unless modified pursuant to Section 74-902.

The maximum #floor area ratio# for any #zoning lot# used partly for #commercial use# and partly for nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and philanthropic or non-profit institutions with sleeping accommodations shall not exceed the amount permitted for a #zoning lot# containing #commercial uses# by the applicable district regulations. However, for the districts in which the allowable #floor area ratio#, as set forth in paragraph (b) of Section 24-111, exceeds the amount permitted for a #zoning lot# containing #commercial uses#, the provisions of paragraph (b) of Section 24-111 shall be used to compute the maximum #floor area# permissible for the #zoning lot# unless modified pursuant to Section 74-902.

(10/17/07)

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 #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 #publicly accessible open area# for which a #floor area# bonus has been received by certification, pursuant to Section 37-73 (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 #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

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

In all #Commercial Districts#, no existing #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 74-761 (Elimination or reduction in size of bonused public amenities).

(2/2/11)

33-13

Floor Area Bonus for a Public Plaza

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

(a) #Zoning lots# containing #community facility uses#

In the districts indicated, and in other C1 or C2 Districts when mapped within R9 or R10 Districts, for #zoning lots# containing #community facility uses#, for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a #zoning lot# containing only #community facility uses# or both #commercial# and #community facility uses#, may be increased by six square feet.

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

(b) #Zoning lots# containing only #commercial uses#

In the districts indicated, for #zoning lots# containing only #commercial uses#, for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under

the provisions of Section 33-12 for a #commercial use# may be increased as set forth in the following table:

Districts	Permitted Additional Square Feet of #Floor Area# per Square Foot of #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

- (c) #Zoning lots# containing #community facility uses# or both #commercial# and #community facility uses#

In the districts indicated, for #zoning lots# containing only #community facility uses# or both #commercial# and #community facility uses#, for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, 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 Additional Square Feet of #Floor Area# per Square Foot of #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

33-14**Floor Area Bonus for Arcades**

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

- (a) In the districts indicated, for #zoning lots# containing #commercial uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 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 #zoning lot# containing only #commercial uses# 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

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

- (b) In the districts indicated, and in C1 or C2 Districts when mapped within an R9 or R10 District, for #zoning lots# containing #community facility uses#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 37-80, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 for a #zoning lot# containing only #community facility uses# or both #commercial# and #community facility uses# 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#
-----------	--

C1 or C2 when mapped within R9 or R10 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	3 square feet
C6-1 C6-2	2 square feet

(10/17/07)

33-15

Floor Area Bonus for Front Yards

(2/2/11)

33-151

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, when mapped within an R1, R2, R3, R4 or R5 District, except R5D Districts, on any #zoning lot# on which there are provided #yards# as set forth in this Section, the maximum #floor area ratio# set forth in Section 33-12 (Maximum Floor Area Ratio) for a #zoning lot# containing only #community facility uses# or both #commercial# and #community facility uses#, may be increased to the #floor area ratio# set forth in the following table provided that:

- (a) on #interior lots#, a #front yard# not less than 30 feet in depth is provided;
- (b) on #corner lots#, two #front yards#, each not less than 20 feet in depth, are provided; or
- (c) on #through lots#, a #front yard# not less than 30 feet in depth is provided along each #front lot line#.

MAXIMUM FLOOR AREA RATIO

Districts	Maximum #Floor Area Ratio#
Within R1, R2, R3-1, R3A	1.60

or R3X Districts

Within R4 or R5 Districts

2.40

(10/17/07)

33-152

In certain other Commercial Districts

C3 C4-1

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

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

Regulations Applying to Special Situations

(10/17/07)

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.

(12/15/61)

33-20

YARD REGULATIONS

Definitions and General Provisions

(11/19/87)

33-21

Definitions

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

(12/15/61)

33-22

Level of Yards

In all #Commercial Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#. However, this Section shall not be construed to require that natural grade level be disturbed in order to comply with this requirement.

No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent# except as otherwise provided in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(4/30/12)

33-23

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Commercial Districts#, the following obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

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

(1) Arbors or trellises;

(2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

- (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (3) Canopies;
- (4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
- (5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
- (6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;

- (7) Fences;
- (8) Flagpoles;
- (9) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
- (10) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

- (11) Steps, and ramps for people with disabilities;
 - (12) Terraces or porches, open;
 - (13) Walls, not exceeding eight feet in height and not roofed or part of a #building#.
- (b) In any #rear yard# or #rear yard equivalent#:
- (1) Balconies, unenclosed, subject to the provisions of Section 24-165;
 - (2) Breezeways;
 - (3) Any #building# or portion of a #building# used for any permitted #use# other than #residences#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section 33-42 (Permitted Obstructions), shall be permitted above such a #building#, or portion thereof;
 - (4) Fire escapes;
 - (5) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 33-42, shall be permitted above such an #accessory building#, or portion thereof;
 - (6) Solar energy systems:
 - (i) on the roof of a #building# permitted as an obstruction to such #yard#, up to four feet in height as measured perpendicular to the roof surface when located above a permitted #commercial# or #community facility use# or attached parking structure;

- (ii) on the roof of a #building# permitted as an obstruction to such #yard#, shall be limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;
 - (iii) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;
- (7) Water-conserving devices required in connection with air conditioning or refrigeration systems in #buildings# existing prior to May 20, 1966, if located not less than 8 feet from any #lot line#.

However, no portion of a #rear yard equivalent# that is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

(12/15/61)

33-24

Measurement of Yard Width or Depth

In all #Commercial Districts#, the width or depth of a #yard# or #rear yard equivalent# shall be measured perpendicular to #lot lines#.

(4/30/12)

33-25

Minimum Required Side Yards

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #side yards# are required. However, if an open area extending along a #side lot line# is provided at any level, it shall be either:

- (a) at least eight feet wide at every point; or
- (b) at least five feet wide at every point, with an average width of eight feet, such average being the mean of the width of the open area at its narrowest point and its width

at its widest point, provided that:

- (1) such widest point shall be on a #street line#;
- (2) no portion of a #building# shall project beyond a straight line connecting such two points; and
- (3) in the case of a #zoning lot# bounded by a #side lot line# extending from #street# to #street#, such average shall be computed and such open area shall be provided as though each half of such #side lot line# bounded a separate #zoning lot#.

Permitted obstructions pursuant to paragraph (a) of Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

(4/30/08)

33-26

Minimum Required Rear Yards

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 33-27 (Special Provisions for Shallow Interior Lots), 33-28 (Special Provisions for Through Lots) or 33-30 (OTHER SPECIAL PROVISIONS FOR REAR YARDS). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 33-261 (Beyond one hundred feet of a street line).

(4/30/08)

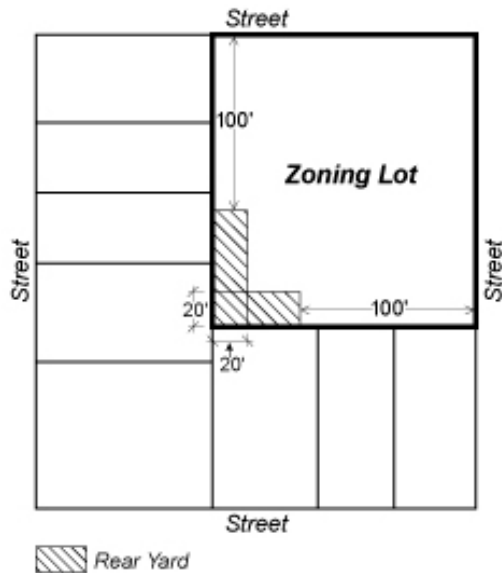
33-261

Beyond one hundred feet of a street line

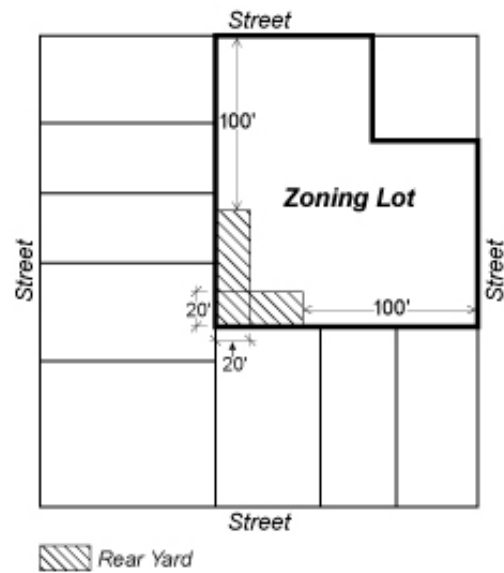
C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #corner lots#, and for #zoning lots# that are bounded by two or more #streets# that are neither #corner lots# or #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and a #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot

line# coincides with a #rear lot line# of an adjoining #zoning lot#.



CORNER LOT
(33-261.1, 43-261.1)



ZONING LOT BOUNDED BY
TWO OR MORE STREETS
(NEITHER A CORNER LOT NOR A THROUGH LOT)
(33-261.2, 43-261.1)

Regulations Applying to Special Situations

(12/15/61)

33-27

Special Provisions for Shallow Interior Lots

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, if an #interior lot# consists entirely of a tract of land:

- (a) which was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and
- (b) which is less than 70 feet deep;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each two feet by which the maximum depth of such #interior lot# is less than 70 feet. No #rear yard# is required on any #interior lot# with a maximum depth of 50 feet or less.

(4/30/08)

33-28

Special Provisions for Through Lots

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the regulations of this Section shall apply to all #through lots#. In the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required.

(4/30/08)

33-281

Excepted districts

C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-4

In the districts indicated, no #rear yard# regulations shall apply to any #through lot#, except as otherwise provided in Section 33-303 (For zoning lots with multiple rear lot lines).

(12/15/61)

33-282

Excepted through lots

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

In the districts indicated, no #rear yard# regulations shall apply to any #through lots# which extend less than 110 feet in maximum depth from #street# to #street#.

(9/30/09)

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 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, R9D, R9X or R10 Districts, a #rear yard equivalent# shall be provided only as set forth in this paragraph; or
- (b) two open areas, each adjoining and extending along the full length of the #street line#, and each with a minimum depth of 20 feet measured from such #street line#; except that in C1 or C2 Districts the depth of such required open area along one #street line# may be decreased provided that a corresponding increase of the depth of the open area along the other #street line# is made; or
- (c) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 20 feet measured from each such #side lot line#.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(2/8/62)

33-29

Special Provisions Applying along District Boundaries

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, open areas shall be provided in accordance with the provisions of this Section along the boundaries of #Residence Districts# except where such district boundaries are also the boundaries of railroad rights-of-way or cemeteries.

(12/15/61)

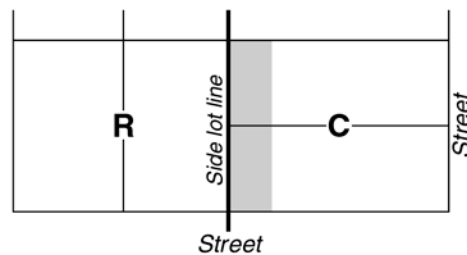
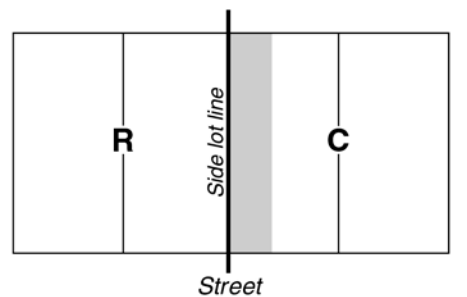
33-291



Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of the boundary of a #Commercial District# that coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District an open area not higher than #curb level# shall be provided within the #Commercial District# with at least the width or depth set forth in the following table. Such an open area shall not be used for #accessory# off-street loading, or for storage or processing of any kind.

Districts	Required Width or Depth of #Yard# (in feet)
C1 C2 C3 C4 C5 C6 C7	8
C8	15



 Required Open Area
8' or 15' width or depth
 District Boundary

REQUIRED YARD ALONG DISTRICT BOUNDARY
 COINCIDENT WITH SIDE LOT LINES
 (33-291)

(12/15/61)

33-292

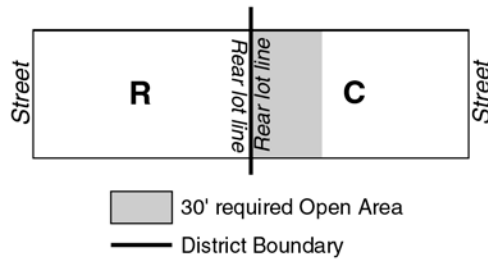
Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of the #rear lot line# of a #zoning lot# in a #Commercial District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area at a level not higher than indicated in the following table, shall be provided along such boundary and within the #Commercial District#. Such an open area shall not be used for storage or processing of any kind.

REQUIRED DEPTH OF YARD

Districts	Maximum Level of #Yard#	Depth (in feet)
C1 C2 C3 C4 C5 C6 C7	23 feet above #curb level#	30
C8	#Curb level#	30



REQUIRED YARD ALONG DISTRICT BOUNDARIES COINCIDENT WITH REAR LOT LINES (33-292)

(12/15/61)

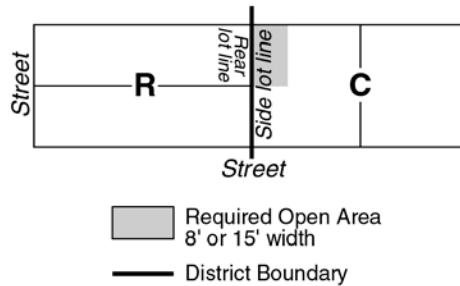
33-293

Required yards along district boundary coincident with side lot line of zoning lot in a Commercial District

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, along such portion of a #side lot line# of a #zoning lot# in a #Commercial District# that coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area at #curb level# of at least the width set forth in the following table shall be provided along such boundary within the #Commercial District#. Such an open area shall not be used for #accessory# off-street loading, or for storage or processing of any kind.

Districts	Required Width of #Yard# (in feet)
C1 C2 C3 C4 C5 C6 C7	8



REQUIRED YARD ALONG DISTRICT BOUNDARIES
(33-293)

(12/15/61)

33-30

OTHER SPECIAL PROVISIONS FOR REAR YARDS

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the #rear yard# requirements set forth in Section 33-26 (Minimum Required Rear Yards) shall be modified as set forth in this Section.

(12/15/61)

33-301

Within one hundred feet of corners

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

(5/20/65)

33-302

Along short dimension of block

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

(4/30/08)

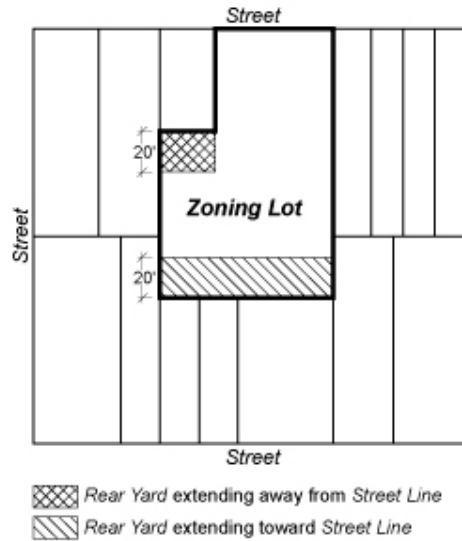
33-303

For zoning lots with multiple rear lot lines

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply:

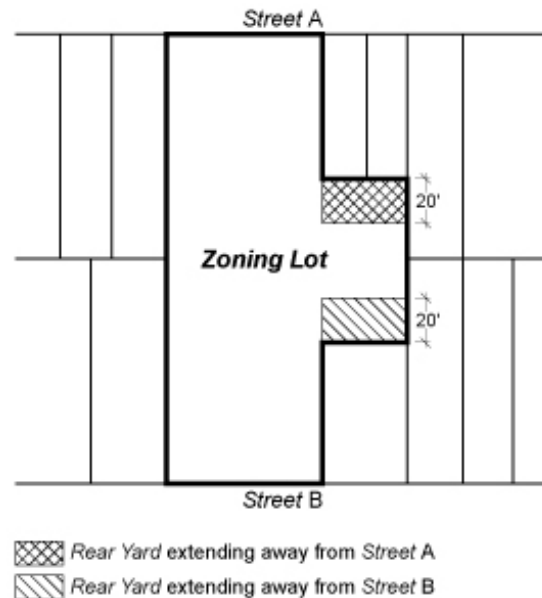
- (a) A #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



(33-303a)

- (b) No #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

- (c) For portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



(33-303c)

(12/15/61)

33-31

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 with different #yard# regulations, the provisions set forth in Article VII, Chapter 7 shall apply.

(4/30/08)

33-32

Modifications of Yard Regulations

C5-5 C6-8 C6-9

- (a) In the districts indicated, the regulations set forth in Sections 33-26 to 33-30, inclusive, relating to #rear yard# regulations, may be modified in accordance with the provisions of Section 73-68 (Height and Setback and Yard Modifications).

C1 C2 C3 C4 C5 C6 C7 C8

- (b) In all districts, the regulations set forth in Section 33-303 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

(12/15/61)

33-40

HEIGHT AND SETBACK REGULATIONS

Definitions and General Provisions

(11/19/87)

33-41

Definitions

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

(4/30/12)

33-42

Permitted Obstructions

In all #Commercial Districts#, the following obstructions shall be permitted and may thus penetrate a maximum height limit or #sky exposure planes#, as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks) or 33-491 (Limited Height Districts):

- (a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

- (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
- (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
- (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with Section 33-42 (Permitted Obstructions).

When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

- (b) Balconies, unenclosed, subject to the provisions of Section 24-166;
- (c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 33-43, 33-44 or 33-45 (Tower Regulations);
- (d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;
- (e) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (f) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:
 - (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or

stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;

- (2) all mechanical equipment shall be screened on all sides;
- (3) such obstructions and screening are contained within a volume that complies with one of the following:
 - (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
 - (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (f), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#;

- (g) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;
- (h) Flagpoles or aerals;
- (i) House of worship towers, ornamental, having no #floor area#

in portion of tower penetrating such height limit or #sky exposure plane#;

- (j) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (k) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
- (l) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (m) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (n) Solar energy systems:
 - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:

- (i) in #Commercial Districts# mapped within R1 through R5 Districts and in C3 and C4-1 Districts, a height of six feet;
 - (ii) in all other #Commercial Districts# and #Commercial Districts# mapped within R6 through R10 Districts, a height of 15 feet; and
 - (iii) when located on a bulkhead or other obstruction pursuant to paragraph (f) of this Section, a height of six feet;
- (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

- (o) Spires or belfries;
- (p) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (q) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (r) Wind energy systems on portions of #buildings# with a height of 100 feet or greater, provided that:
 - (1) the highest point of the wind turbine assembly does not exceed 55 feet;
 - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
 - (3) in districts where new #residences# or new #joint living work quarters for artists# are allowed as-of-right or by special permit or authorization, or within 100 feet of such districts, the diameter of the swept

area of the rotor does not exceed 15 feet;

(s) Window washing equipment mounted on a roof;

(t) Wire, chain link or other transparent fences.

(2/2/11)

33-43

Maximum Height of Walls and Required Setbacks

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in this Section, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above #curb level# set forth in this Section. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in this Section. The regulations of this Section shall apply except as otherwise provided in Sections 33-42 (Permitted Obstructions), 33-44 (Alternate Front Setbacks), 33-45 (Tower Regulations), 33-49 (Special Height Limitations), inclusive, 74-85 (Height and Setback Regulations for Residential Buildings) or 85-04 (Modifications of Bulk Regulations).

(2/2/11)

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

(a) In the districts indicated, the maximum height of a front wall and the required front setback of a #building or other structure# shall be determined by the #Residence District# within which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

MAXIMUM HEIGHT OF
FRONT WALL AND REQUIRED FRONT SETBACKS

		Maximum Height of a Front Wall or other portion of a #Building or Other Structure# within the #Initial Setback Distance#	Height above the #Street Line# (in feet)	#Sky Exposure Plane#			
#Initial Setback Distance# (in feet)				Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)			
On #Narrow Street#	On #Wide Street#			On #Narrow Street#		On #Wide Street#	
				Vertical Distance	Hori- zontal Distance	Vertical Distance	Hori- zontal Distance

Within R1, R2, R3, R4, R5, R5A or R5B Districts

20	15	30 feet or two #stories#, whichever is less	30	1 to 1	1 to 1
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Within R6 or R7 Districts

20	15	60 feet or four #stories#, whichever is less	60	2.7 to 1	5.6 to 1
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Within R8, R9 or R10 Districts

20	15	85 feet or six #stories#, whichever is less	85	2.7 to 1	5.6 to 1
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However, in accordance with the provisions of Section 32-42 (Location within Buildings), no #commercial building# or portion thereof occupied by non-#residential uses# listed in Use Groups 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility use# and #commercial use#, when mapped within R4, R5, R5A or R5B Districts, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above #street line# shall be 35 feet and, when mapped within R7-2 Districts, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

In C1 or C2 Districts mapped within R1, R2 or R3 Districts

in the Borough of Staten Island or in Community District 10 in the Bronx, for #buildings# containing ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), the maximum height of a front wall or other portion of a #building# within the #initial setback distance# shall be 35 feet, or three #stories#, whichever is less. However, such increased height shall only be permitted beyond 20 feet of a #Residence District# boundary or beyond 20 feet of any portion of a #building# containing a #residential use# located in a #Commercial 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, R9D, 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.

(2/2/11)

33-432

In other Commercial Districts

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

- (a) In the districts indicated, the maximum height of a front wall and the required front setback of a #building or other structure#, except as otherwise set forth in this Section, shall be as set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

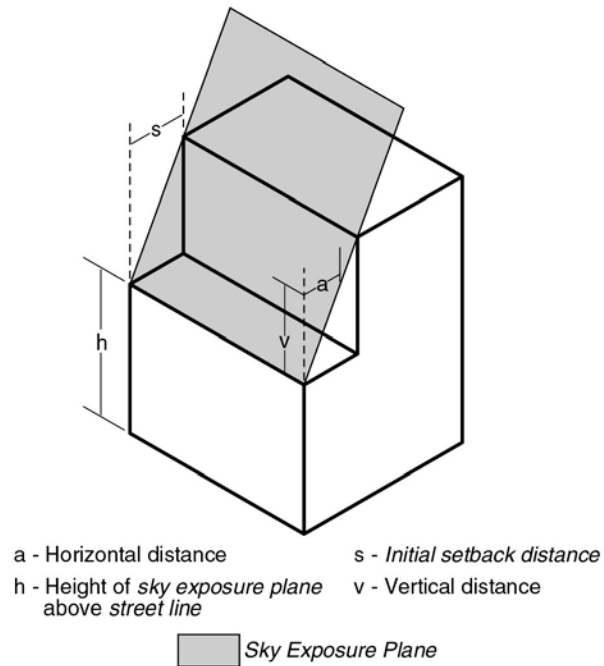
#Initial Setback Distance# (in feet)	Maximum Height of a Front Wall or other portion of a #Building or Other Structure#	Height above the	#Sky Exposure Plane#	
			Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)	
			On #Narrow Street#	On #Wide Street#

On #Narrow Street#	On #Wide Street#	within the #Initial Setback Distance#	#Street Line# (in feet)	Vertical Distance	Hori- zontal Distance	Vertical Distance	Hori- zontal Distance
Within C3 C4-1 C8-1							
20	15	30 feet or two #stories#, whichever is less	30	1	to 1	1	to 1
Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 C7 C8-2 C8-3							
20	15	60 feet or four #stories#, whichever is less	60	2.7	to 1	5.6	to 1
Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C5 C6 C8-4							
20	15	85 feet or six #stories#, whichever is less	85	2.7	to 1	5.6	to 1

However, in accordance with the provisions of Section 32-42 (Location within Buildings), in C1, C2 or C3 Districts, no #commercial building#, or portion thereof, occupied by non-#residential uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two #stories#, whichever is less.

In C4-1 or C8-1 Districts, for #community facility buildings# or #buildings# used for both #community facility# and #commercial use#, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above #street line# shall be 35 feet.

In C1-6, C2-6, C4-4 or C4-5 Districts, for #community facility buildings# or #buildings# used for both #community facility# and #commercial use#, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.



SKY EXPOSURE PLANE
IN OTHER COMMERCIAL DISTRICTS
(23-632, 24-522, 33-432, 43-43)

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 C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A
C6-3A C6-3D 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.

(11/13/12)

33-433

Special height and setback regulations

- (a) Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in an R10 equivalent #Commercial Districts# without a letter suffix shall comply with the requirements of Section 23-634 (Special height and setback regulations in R10 Districts within Community District7, Borough of Manhattan).

- (b) Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of the Quality Housing Program.
- (c) In C1 or C2 Districts mapped within R5D Districts, all #buildings or other structures# shall comply with the height and setback requirements of Section 23-60.

(2/2/11)

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 #public plaza#, such open area may be counted for the bonus provided for a #public plaza# in the districts indicated in Section 33-13 (Floor Area Bonus for a Public Plaza).

(6/29/06)

33-441

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

In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be determined by the #Residence District# in which such

#Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

ALTERNATE REQUIRED FRONT SETBACKS

Depth of Optional Front Open Area (in feet)		Height above #Street Line# (in feet)	Alternate #Sky Exposure Plane# Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
			On #Narrow Street#		On #Wide Street#	
			Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
On #Narrow Street#	On #Wide Street#					
Within R1, R2, R3, R4, R5, R5A or R5B Districts						
15	10	30	1.4	to 1	1.4	to 1
Within R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
Within R8, R9 or R10 Districts						
15	10	85	3.7	to 1	7.6	to 1

However, in accordance with the provisions of Section 32-42 (Location within Buildings), no #commercial building#, or portion thereof, occupied by non-#residential uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility use# and #commercial use#, when mapped within R4, R5, R5A or R5B Districts, the height above #street line# shall be 35 feet.

(2/2/11)

33-442

In other Commercial Districts

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

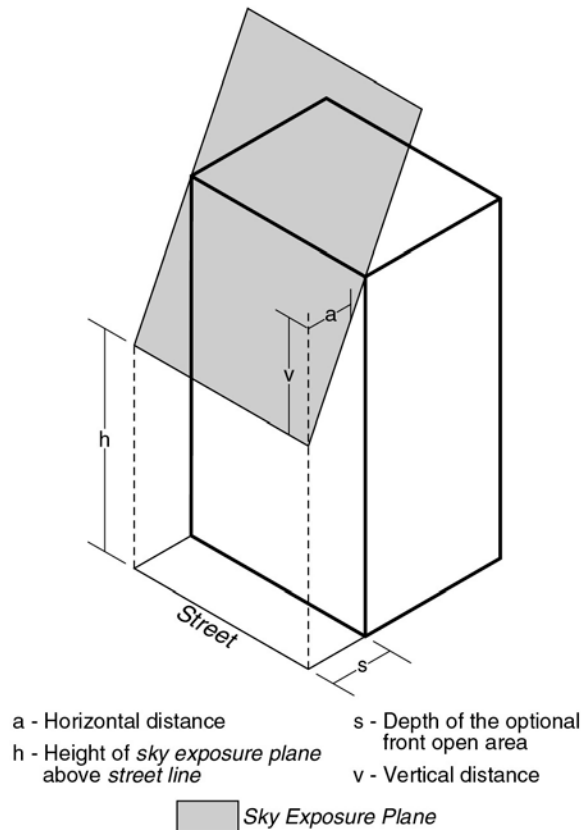
In the districts indicated, the alternate front setback regulations applicable to a #building or other structure# shall be as set forth in the following table:

ALTERNATE REQUIRED FRONT SETBACKS

			Alternate #Sky Exposure Plane#						
			Slope over #Zoning Lot# (Expressed as a Ratio of Vertical Distance to Horizontal Distance)						
Depth of Optional Front Open Area (in feet)		Height above #Street Line# (in feet)	On #Narrow Street#				On #Wide Street#		
On #Narrow Street#	On #Wide Street#		Vertical Distance	Horizontal Distance		Vertical Distance	Horizontal Distance		
Within C3 C4-1 C8-1									
15	10	30	1.4	to 1		1.4	to 1		
Within C1-6 C2-6 C4-2 C4-3 C4-4 C4-5 C7 C8-2 C8-3									
15	10	60	3.7	to 1		7.6	to 1		
Within C1-7 C1-8 C1-9 C2-7 C2-8 C4-2F C4-6 C4-7 C5 C6 C8-4									
15	10	85	3.7	to 1		7.6	to 1		

However, in accordance with the provisions of Section 32-42 (Location within Buildings), in C1, C2 or C3 Districts, no #commercial building# or portion thereof occupied by #uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two #stories#, whichever is less.

In C4-1 or C8-1 Districts, for #community facility buildings# or #buildings# used for both #community facility use# and #commercial use#, the maximum height above #street line# shall be 35 feet or three #stories#, whichever is less.



ALTERNATE SKY EXPOSURE PLANE
(23-64, 24-53, 33-442, 43-44)

(12/15/61)

33-45 Tower Regulations

(2/2/11)

33-451 In certain specified Commercial Districts

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

In the districts indicated, any #buildings# or portions thereof which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section 33-454 (Towers on small lots), may penetrate an established #sky

exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower.) At any given level, except where the provisions set forth in Section 33-455 (Alternate regulations for towers on lots bounded by two or more streets) or 33-456 (Alternate setback regulations on lots bounded by two or more streets) or 33-457 (Tower setbacks on narrow blocks) are applicable and where the option is taken to be governed by such provisions, such tower may occupy any portion of the #zoning lot# not located less than 15 feet from the #street line# of a #narrow street#, or less than 10 feet from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 1,600 square feet.

If all of the #buildings# on a #zoning lot# containing such tower do not occupy at any level more than the maximum percent of the #lot area# set forth in this Section or Section 33-454 for towers, the tower may occupy any portion of the #zoning lot# located 20 feet or more from the #street line# of a #narrow street# or 15 feet or more from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 2,000 square feet.

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

(6/29/94)

33-452

Community facility buildings in C1 or C2 Districts when mapped within R7-2, R8, R9 or R10 Districts

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

In the districts indicated, when mapped within an R7-2, R8, R9, or R10 Districts, the provisions set forth in Section 33-451 (In certain specified Commercial Districts) shall apply to any #community facility building#. If a #building# is used for both #community facility# and #commercial uses#, no portion of such #building# occupied by #commercial use# shall penetrate the #sky exposure plane# as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks) or 33-44 (Alternate Front Setbacks).

(6/29/94)

33-453

Community facility buildings in certain specified Commercial Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C5-1 C6-1 C6-2
C6-3 C8-3 C8-4

In the districts indicated, the provisions set forth in Section 33-451 (In certain specified Commercial Districts) shall apply to any #community facility building#. If a #building# is used for both #community facility# and #commercial uses#, no portion of such #building# occupied by #commercial use# shall penetrate the #sky exposure plane# as set forth in Section 33-43 (Maximum Height of Walls and Required Setbacks) or 33-44 (Alternate Front Setbacks).

(12/15/61)

33-454

Towers on small lots

C1 C2 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

In the districts indicated, a tower permitted under the provisions of Sections 33-451, 33-452 or 33-453 may occupy the percent of the #lot area# of a #zoning lot# set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percent of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45

15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

(2/2/11)

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 #zoning lot# is less than the #floor area ratio# permitted under the provisions of Sections 33-12 (Maximum Floor Area Ratio), 33-13 (Floor Area Bonus for a Public Plaza) or 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 Sections 33-12, 33-13 or 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 Sections 33-12, 33-13 or 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) If a #zoning lot# occupies an entire #block#, the maximum setback, set forth in paragraph (b) of this Section, of 45 feet on each #narrow street# bounding the #zoning lot# may be reduced by one foot for every six feet of setback provided on a #wide street# bounding the #zoning lot# in addition to the setbacks otherwise required for #wide streets# as set forth in such paragraph, provided that no setback on a #narrow street# resulting from such reduction shall be less than 35 feet or one-tenth the #aggregate width of street walls# of the tower, whichever shall require the greater setback.
- (d) The additional setbacks on #wide streets# set forth in paragraph (c) of this Section may be provided entirely on one #wide street# or divided in any proportion among any two #wide streets# bounding the #zoning lot#.
- (e) Notwithstanding any other provision set forth in this Section, no #building# or portion of a #building# 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#.

(2/2/11)

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 #zoning lot# is less than the #floor area ratio# permitted under the provisions of Section 33-12, 33-13 or 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 #zoning lot# is less than the #floor area ratio# permitted under the provisions of Section 33-12, 33-13 or 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#.

(4/22/65)

33-457

Tower setbacks on narrow blocks

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

In the districts indicated, if a #zoning lot# is bounded by at least three #street lines#, and any two of the #street lines# are opposite to each other and parallel or within 45 degrees of being parallel to each other, and their average distance apart is 150 feet or less, the minimum distance a tower is required to be set back from such opposite #street lines# under the provisions of Section 33-455 (Alternate regulations for towers on lots bounded by two or more streets), or Section 33-456 (Alternate setback regulations on lots bounded by two or more streets), is reduced in accordance with the following table:

TOWER SETBACKS ON NARROW BLOCKS

	Reduction of Required Tower Setback	Minimum Setback for Tower Built under Provisions of this Section
On #narrow street#	30 percent or ten feet, whichever is less	15 feet
On #wide street#	40 percent or ten feet, whichever is less	10 feet

(6/29/94)

33-46

Special Provisions for Zoning Lots Directly Adjoining Public Parks

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, a #public park# with an area between one and fifteen acres shall be considered a #wide street# for the purpose of applying the front height and setback regulations specified in Section 33-43 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, this Section shall not apply to a #public park# more than 75 percent of which is paved.

(7/6/72)

33-47

Modification of Height and Setback Regulations

(1/14/65)

33-471

Commercial and community facility uses

C5-5 C6-8 C6-9 C8

In the districts indicated, for #commercial# or #community facility uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section 73-68 (Height and Setback and Yard Modifications).

(7/6/72)

33-472

Community facility uses

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for certain #community facility uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

(8/14/87)

33-48

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 height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 33-45 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

(2/2/11)

33-49

Special Height and Setback Limitations

(6/29/94)

33-491

Limited Height Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height Above #Curb Level# or #Base Plane#, as Applicable
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet

(2/2/11)

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 C6-3D 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, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply to portions of #buildings# with #street walls# less than 45 feet in width.

(10/11/12)

33-493

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 C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A
C6-3D 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, R9D, 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).

(12/15/61)

33-50

COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES

Basic Regulations

(7/6/72)

33-51

Minimum Dimensions of Courts for Community Facility Buildings

C1 C2 C3 C4 C5 C6 C8

In all districts, as indicated, the regulations set forth in the following Sections shall apply to all #buildings# containing #community facility uses#:

Section 24-61 (General Provisions and Applicability)

Section 24-62 (Minimum Dimensions of Courts)

Section 24-63 (Outer Court Regulations)

Section 24-64 (Inner Court Regulations)

Section 24-65 (Minimum Distance between Required Windows and Walls or Lot Lines)

Section 24-66 (Modifications of Court Regulations or Distance Requirements)

Section 24-67 (Special Provisions for Buildings Used Partly for Residential Uses)

Section 24-68 (Permitted Obstructions in Courts).

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article III: Commercial District Regulations

Chapter 4 - Bulk Regulations for Residential Buildings in
Commercial Districts

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(12/15/61)

Chapter 4
Bulk Regulations for Residential Buildings in Commercial
Districts

(12/15/61)

34-00
APPLICABILITY AND DEFINITIONS

(10/9/13)

34-01
Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #zoning lot# containing only #residential buildings# in any #Commercial District# in which such #buildings# are permitted. Where a #residential building# and one or more #buildings# containing non-#residential uses# are on a single #zoning lot#, the #bulk# regulations of Article III, Chapter 5, shall apply. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

However, in C3A Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), shall apply to #residential buildings#.

In C4-4L Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for C4-4L Districts in Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), shall apply to #residential buildings#.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 34-112.

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# of non-#residential floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article 1, Chapter 5 (Residential Conversions within Existing Buildings), unless such #conversions# meet the requirements for new #residential development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

(10/11/12)

34-011

Quality Housing Program

- (a) 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, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, 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).
- (b) In the districts listed in paragraph (a) without a letter suffix, and in C5-2, C5-3, C5-4, C5-5, C6-1, C6-1A, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the #bulk# regulations applicable to #Quality Housing buildings# may, as an alternative, be applied under the same conditions set forth in Sections 23-011 and 34-112. In addition, all #Quality Housing buildings# shall comply with Section 34-233 (Special provisions applying along district boundaries).

(11/19/87)

34-02

Definitions

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

(12/15/61)

34-10

APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

(2/2/11)

34-11

General Provisions

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations of Article II, Chapter 3, shall apply to all #residential buildings# in accordance with the provisions of this Section, except as modified by the provisions of Sections 34-21 to 34-24, inclusive, relating to Exceptions to Applicability of Residence District Controls.

(12/15/61)

34-111

Residential bulk regulations in C1 or C2 Districts whose bulk is 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

In the districts indicated, the #bulk# regulations for the #Residence District# within which such #Commercial Districts# are mapped apply, except that when such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts apply.

(9/30/09)

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
C4-5D	R7D
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
C6-3D	R9D
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

(10/17/07)

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 #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 #publicly accessible open area# for which a #floor area# bonus has been received, by certification pursuant to Section 37-73 (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 #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

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

In all #Commercial Districts#, no existing #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 74-761 (Elimination or reduction in size of bonused public amenities).

(12/15/61)

34-20

EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS

(7/26/01)

34-21

General Provisions

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations applicable to #residential buildings# as set forth in Section 34-11 (General Provisions) are modified by the provisions of Sections 34-22 (Modification of Floor Area and Open Space Regulations), 34-23 (Modification of Yard Regulations) and 34-24 (Modification of Height and Setback Regulations). The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

(6/12/96)

34-22

Modification of Floor Area and Open Space Regulations

C1 C2 C3 C4 C5 C6

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

(2/2/11)

34-221

Maximum floor area ratio

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum #floor area ratio# on a #zoning lot# shall be the applicable maximum #floor area ratio# permitted pursuant to the provisions of Article II, Chapter 3, except as provided for in the following Sections:

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

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

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

(6/12/96)

34-222

Change of use

C1 C2 C3 C4 C5 C6

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

(2/2/11)

34-223

Floor area bonus for a public plaza

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

In the districts indicated, except for #Quality Housing buildings#, for each square foot of #public plaza# provided in accordance with the provisions of Section 37-70, inclusive, 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.

(2/2/11)

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 #Quality Housing buildings#, for each square foot of #arcade# provided in accordance with the provisions of Section 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.

(10/17/07)

34-225

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

In C4-7 Districts within Community District 7 in the Borough of Manhattan, the total #floor area# permitted on a #zoning lot# under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING).

(7/26/01)

34-23

Modifications of Yard Regulations

(7/26/01)

34-231

Modification of front yard requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 34-233 (Special provisions applying along district boundaries), no #front yard# shall be required for any #residential building#.

(4/30/12)

34-232

Modification of side yard requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 34-233 (Special provisions applying along district boundaries), no #side yard# shall be required for any #residential building#. However, if any open area extending along

a #side lot line# is provided, such open area shall have a width of not less than eight feet. Permitted obstructions, pursuant to paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

(2/2/11)

34-233

Special provisions applying along district boundaries

C1 C2 C3 C4 C5 C6

- (a) In the districts indicated, if a #Commercial District# boundary coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District and a #side lot line# of any adjoining #zoning lot# in such #Commercial District#, a #front yard# is required for any #residential building# on such #zoning lot# in the #Commercial District#. The depth of such #front yard# shall be equal to the required depth of a #front yard# in the adjacent #Residence District#.

C1 C2 C3 C4 C5 C6

- (b) In the districts indicated, along such portion of the boundary of a #Commercial District# that coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# with a width of at least eight feet is required for a #residential building# on a #zoning lot# within the #Commercial District#.

In addition, the provisions of paragraph (e) of Section 34-24 shall apply to such #building#.

(2/2/11)

34-24

Modification of Height and Setback Regulations

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Article II, Chapter 3, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

C1 C2 C3 C4 C5 C6

(a) Application of sky exposure planes

In the districts indicated, except as set forth in paragraph (a) of Section 34-233 (Special provisions applying along district boundaries), no #front yard# is required for any #residential building# in a #Commercial District#. Therefore, in applying the height and setback regulations in a #Commercial District#, a #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#. In cases where the provisions of paragraph (a) of Section 34-233 apply, the #sky exposure plane# is measured from a point above the #front yard line#.

C1 C2

(b) When mapped within R3 or R4A Districts

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

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

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

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

(d) Special provisions for narrow #buildings#

In the districts indicated, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall not apply to #buildings or other structures# except for #Quality Housing buildings#.

C1 C2 C3 C4 C5 C6

(e) Special provisions applying along district boundaries

The portion of a #Quality Housing building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District shall comply with the requirements for R6B Districts in paragraphs (b) and (c) of Section 23-633 (Street wall location and height and setback regulations in

certain districts).

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article III: Commercial District Regulations

Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

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(12/15/61)

Chapter 5

Bulk Regulations for Mixed Buildings in Commercial Districts

(12/15/61)

35-00

APPLICABILITY AND DEFINITIONS

(10/9/13)

35-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #mixed building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. The #bulk# regulations of this Chapter shall also apply in any #Commercial District# where there are multiple #buildings# on a single #zoning lot# and such #zoning lot# contains a #residential use# and either a #commercial use# or a #community facility use#. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross-reference.

However, in C3A Districts, except for #community facility uses# that have received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law, or its successor, the #bulk# regulations of this Chapter shall not apply, and the #bulk# regulations for R3A Districts of Article II, Chapter 3, shall apply to any #building# that is used partly for #community facility use# and partly for #residential use#.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 35-23.

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# of non-#residential floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residential development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

(10/11/12)

35-011

Quality Housing Program

- (a) 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, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X 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 provisions of Sections 28-33 (Planting Areas) and 28-50 (PARKING FOR QUALITY HOUSING). In C1 and C2 Districts mapped within R5D Districts, only those regulations of Article II, Chapter 8, as set forth in Section 28-01 (Applicability of this Chapter), shall apply.
- (b) In the districts listed in paragraph (a), without a letter suffix, and in C5-2, C5-3, C5-4, C5-5, C6-1, C6-1A, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the #bulk# regulations applicable to #Quality Housing buildings# may, as an alternative, be applied to the #residential# portion of a #building# under the same conditions set forth in Sections 23-011, 35-22 and 35-23, provided that:
 - (1) the entire #building# complies with the #bulk# regulations for #Quality Housing buildings# in Article III, Chapter 5; and

- (2) the entire #building# complies with the applicable provisions of Article II, Chapter 8 (Quality Housing Program).

(11/19/87)

35-02

Definitions

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

(2/2/11)

35-10

GENERAL PROVISIONS

Except as otherwise provided in this Chapter, the portions of a #building# used for #residential use# are subject to the #bulk# regulations set forth in Article II, Chapter 3, and the portions of a #building# used for #commercial# or #community facility use# are subject to the #bulk# regulations set forth in Article III, Chapter 3.

Special provisions applying to #mixed buildings# or #zoning lots# with multiple #buildings# subject to the provisions of this Chapter are set forth in Sections 35-20 (APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS), inclusive, 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS), inclusive, 35-40 (APPLICABILITY OF DENSITY REGULATIONS), inclusive, 35-50 (MODIFICATIONS OF YARD REGULATIONS) and 35-60 (MODIFICATIONS OF HEIGHT AND SETBACK REGULATIONS), inclusive.

(2/2/11)

35-20

APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

(2/2/11)

35-21

General Provisions

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential# portions of #buildings# in accordance with the provisions and modifications set forth in the remaining Sections of this Chapter. The purpose of these modifications is to make the regulations set forth in Article II, Chapter 3, applicable to #Commercial Districts#.

(2/2/11)

35-22

Residential Bulk Regulations in C1 or C2 Districts Whose Bulk is 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

In the districts indicated, the #bulk# regulations for the #Residence Districts# within which such #Commercial Districts# are mapped apply to #residential# portions of #buildings#, except:

- (a) when such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts shall apply; and
- (b) when such districts are mapped within R6, R7, R8, R9 or R10 Districts, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply to #Quality Housing buildings#. In lieu thereof, Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

(10/11/12)

35-23

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

- (a) In the districts indicated, the #bulk# regulations for #residential# portions of #buildings# are the #bulk#

regulations for the #Residence Districts# set forth in the following table. However, for #Quality Housing buildings# the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

The provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall not apply in C4-2F, C4-4, C4-5, C4-6, C4-7, C5 or C6 Districts, except that such provisions shall apply to #Quality Housing buildings#.

Furthermore, in C4-2 Districts in the Borough of Staten Island, the #residential# portion of a #mixed building# and #residential buildings# on #zoning lots# subject to the provisions of this Chapter shall be subject to the #bulk# regulations for #Quality Housing buildings#.

Applicable #Residence District#	District#
R3-2	C3
R3A	C3A
R5	C4-1
R6	C4-2 C4-3 C6-1A
R7	C1-6 C2-6 C4-4 C4-5 C6-1
R8	C1-7 C4-2F C6-2
R9	C1-8 C2-7 C6-3
R10	C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

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 C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A
C6-3A C6-3D C6-3X C6-4A C6-4X

- (b) In the districts indicated, the #bulk# regulations for #residential# portions of #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.

Applicable

#Residence District#	District				
R6A	C4-2A C4-3A				
R7A	C1-6A	C2-6A	C4-4A	C4-4L	C4-5A
R7D	C4-5D				
R7X	C4-5X				
R8A	C1-7A C4-4D C6-2A				
R9A	C1-8A C2-7A C6-3A				
R9D	C6-3D				
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				

(9/24/13)

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 C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A
C6-3A C6-3D 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, R9D, R9X, R10A or R10X Districts, for all #buildings or other structures#, and for #Quality Housing buildings# in other #Commercial Districts#, #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#.

(a) Permitted obstructions

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 C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A
C5-2A C6-2A C6-3A C6-3D 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, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other #Commercial Districts#, the provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

(b) #Street wall# location

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

- (1) In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B or R7X Districts, and for #Quality Housing buildings# in other #Commercial Districts# with a residential equivalent of an R6 or R7 District, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend 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. The remaining 30 percent of the #aggregate width of street walls# may be located beyond eight feet of the #street line#.

Existing #buildings# may be horizontally #enlarged# without regard to #street wall# location provisions, provided the amount of new #floor area# does not exceed 50 percent of the amount of #floor area# existing on June 29, 1994, and the #enlarged# portion of the #building# does not exceed one #story# or 15 feet in height, whichever is less.

For #zoning lots# bounded by more than one #street line#, these #street wall# location provisions shall be mandatory along only one #street line#.

Where only one #street line# is coincident with the boundary of a #Commercial District# mapped along an entire #block# front, the #street wall# location provisions shall apply along such coincident #street line#. For all other #zoning lots#, the #street wall# location provisions shall apply along at least one #street line#.

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, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other C1 or C2 Districts with a residential equivalent of an R8, R9 or R10 District, 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.

In C1 or C2 Districts when mapped within R9D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

- (ii) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

Above a height of 12 feet above the #base plane#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of

two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(2)(i) of this Section.

- (iii) Where a continuous sidewalk widening is provided along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

No #street wall# location rules shall apply along #narrow streets# beyond 50 feet of their intersection with a #wide street#.

For the purposes of applying the provisions of paragraph (b) of this Section, where the New York City Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

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

- (3) In the districts indicated, and for #Quality Housing buildings# in other C4, C5 or C6 Districts with a residential equivalent of an R8, R9 or R10 District, 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, #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 #public plaza#.

In C6-3D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a

maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

C4-4L

(4) In C4-4L Districts, the #street wall# location provisions of paragraph (b)(1) of this Section shall apply along any #street# that does not contain an elevated rail line. For #zoning lots# bounded by a #street# containing an elevated rail line, the following regulations shall apply along the frontage facing the elevated rail line.

(i) A sidewalk widening shall be provided along the entire #zoning lot# frontage of such #street# containing an elevated rail line. Such sidewalk widening shall have a depth of five feet, be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk, and be accessible to the public at all times. A line parallel to and five feet from the #street line# of such #street# containing an elevated rail line, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying all regulations of this Section, inclusive.

(ii) At least 70 percent of the #aggregate width of street walls# shall be located at the #street line# of the #street# containing the elevated rail line and extend to at least the minimum base height, or the height of the #building#, whichever is less, up to the maximum base height.

(c) Setback regulations

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 C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A
C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, for all #buildings#, and for #Quality Housing buildings# in other #Commercial Districts#, setbacks are required for all portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section. Such setbacks

shall be provided in accordance with the following regulations.

- (1) At a height not lower than the minimum base height or higher than the maximum base height specified in Table A of this Section for #buildings# in contextual districts, and Table B for #buildings# in non-contextual districts, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.
- (2) These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it in plan would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of paragraph (a) of this Section may penetrate a required setback area.
- (3) In C6-3D Districts, for #buildings or other structures# on #zoning lots# that front upon an elevated rail line, at a height not lower than 15 feet or higher than 25 feet, a setback with a depth of at least 20 feet shall be provided from any #street wall# fronting on such elevated rail line, except that such dimensions may include the depth of any permitted recesses in the #street wall# and the depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided above the minimum base height.
 - (i) The setback provisions of paragraph (c) of this Section are optional where a #building# wall is within the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#.
 - (ii) Where such #building# is adjacent to a #public park#, such setback may be provided at grade for all portions of #buildings# outside of the area bounded by two intersecting #street lines# and

lines parallel to and 70 feet from such #street lines#, provided that any area unoccupied by a #building# shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

(4) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line, the setback provisions of this paragraph, (c), are modified as follows:

- (i) a setback with a depth of at least 15 feet from the #street line# of the #street# containing the elevated rail line shall be provided at a height not lower than the minimum base height of either 30 feet or three #stories#, whichever is less, and not higher than the maximum base height of either 65 feet or six #stories#, whichever is less; and
- (ii) dormers shall not be a permitted obstruction within such setback distance.

(d) Maximum #building# height

No #building or other structure# shall exceed the maximum #building# height specified in Table A of this Section for contextual districts, or Table B for non-contextual districts, except as provided in this paragraph, (d), inclusive.

C6-3D C6-4X

(1) In the districts indicated, any #building# or #buildings#, or portions thereof, which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 33-454) above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to paragraph (a) of this Section shall not be included in tower #lot coverage#. Such tower or towers may exceed a height limit of 85 feet above the #base plane#, provided:

- (i) at all levels, such tower is set back from the #street wall# of a base at least 15 feet along a #narrow street#, and at least 10 feet along a

#wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#;

- (ii) the base of such tower complies with the #street wall# location provisions of paragraph (b) of this Section, and the setback provisions of paragraph (c) of this Section; and
- (iii) the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 33 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower.

In C6-3D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

In C6-3D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.

C4-4L

- (2) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line and within 125 feet of such #street#, the maximum #building#

height shall be 100 feet or ten #stories#, whichever is less.

(e) Additional regulations

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 C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A
C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other #Commercial Districts#, the following additional provisions shall apply:

- (1) Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location requirements of paragraph (b) of this Section.
- (2) On #through lots# that extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of paragraph (b) shall be mandatory along only one #street# frontage. However, in C4-4L Districts, such #street wall# location regulations shall apply along the frontage of any #street# containing an elevated rail line.
- (3) The #street wall# location and minimum base height provisions of paragraph (b) shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered.
- (4) The minimum base height provisions of paragraph (b) shall not apply to #buildings developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.
- (5) The City Planning Commission may, upon application, authorize modifications in the required #street wall# location of a #development# or #enlargement# if the Commission finds that existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# of the #development# or

#enlargement# in the manner prescribed in this Section.

- (6) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:
 - (i) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section, or as modified in any applicable Special District.
 - (ii) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section, provided that such height not exceed 150 feet and provided that such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.
 - (ii) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.
- (7) In C6-3D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).
- (8) For the purposes of applying the #street wall# location regulations of paragraph (b), any #building# wall oriented so that lines perpendicular to it would intersect a #street line# at an angle of 65 degrees or

less shall not be considered a #street wall#.

TABLE A
HEIGHT AND SETBACK FOR BUILDINGS
OR OTHER STRUCTURES
IN CONTEXTUAL DISTRICTS

District ⁵	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 C4-4L C4-5A	40	65	80
C1 or C2 mapped in R7D C4-5D	60	85	100
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
C1 or C2 mapped in R9A ² C1-8A ² C2-7A ² C6-3A ²	60	95	135
C1 or C2 mapped in R9A ¹ C1-8A ¹ C2-7A ¹ C6-3A ¹	60	102	145
C1 or C2 mapped in R9D C6-3D	60	85 ⁴	-- ³
C1 or C2 mapped in R9X ² C1-8X ² C2-7X ² C6-3X ²	60	120	160
C1 or C2 mapped in R9X ¹ C1-8X ¹ C2-7X ¹ C6-3X ¹	105	120	170
C1 or C2 mapped in R10A ² C1-9A ² C2-8A ² C4-6A ² C4-7A ² C5-1A ² C5-2A ² C6-4A ²	60	125	185
C1 or C2 mapped in R10A ¹ C1-9A ¹ C2-8A ¹ C4-6A ¹ C4-7A ¹ C5-1A ¹ C5-2A ¹ C6-4A ¹	125	150	210
C1 or C2 mapped in R10X C6-4X	60	85	-- ³

- 1 For #zoning lots# or portions thereof within 100 feet of a #wide street#
- 2 For #zoning lots# on a #narrow street#, except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lots# beyond 100 feet of the #street line#
- 3 #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (d) of this Section
- 4 For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet
- 5 Where the New York City Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway

TABLE B
HEIGHT AND SETBACK FOR BUILDINGS
IN NON-CONTEXTUAL DISTRICTS

District ³	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
C1 or C2 mapped in R6 ² C4-2 ² C4-3 ²	30	45	55
C1 or C2 mapped in R6 ¹ inside #Manhattan Core# C4-2 ¹ inside #Manhattan Core# C4-3 ¹ inside #Manhattan Core#	40	55	65
C1 or C2 mapped in R6 ¹ outside #Manhattan Core# C4-2 ¹ outside #Manhattan Core# C4-3 ¹ outside #Manhattan Core#	40	60	70
C1 or C2 mapped in R7 ² C1 or C2 mapped in R7 ¹ inside #Manhattan Core# C1-6 ² C1-6 ¹ inside #Manhattan Core# C2-6 ² C2-6 ¹ inside #Manhattan Core# C4-4 ² C4-4 ¹ inside #Manhattan Core# C4-5 ² C4-5 ¹ inside #Manhattan Core# C6-1 ² C6-1 ¹ inside #Manhattan Core#	40	60	75
C1 or C2 mapped in R7 ¹ outside #Manhattan Core# C1-6 ¹ outside #Manhattan Core# C2-6 ¹ outside #Manhattan Core# C4-4 ¹ outside #Manhattan Core# C4-5 ¹ outside #Manhattan Core# C6-1 ¹ outside #Manhattan Core#	40	65	80
C1 or C2 mapped in R8 ² C1-7 ² C4-2F ² C6-2 ²	60	80	105
C1 or C2 mapped in R8 ¹ C1-7 ¹ C4-2F ¹ C6-2 ¹	60	85	120
C1 or C2 mapped in R9 ² C1-8 ² C2-7 ² C6-3 ²	60	95	135
C1 or C2 mapped in R9 ¹ C1-8 ¹ C2-7 ¹ C6-3 ¹	60	102	145
C1 or C2 mapped in R10 ² C1-9 ² C2-8 ² C4-6 ² C4-7 ² C5 ² C6-4 ² C6-5 ² C6-6 ² C6-7 ² C6-8 ² C6-9 ²	60	125	185
C1 or C2 mapped in R10 ¹ C1-9 ¹ C2-8 ¹ C4-6 ¹ C4-7 ¹ C5 ¹ C6-4 ¹ C6-5 ¹ C6-6 ¹ C6-7 ¹	125	150	210

C6-8¹ C6-9¹

- ¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#
- ² For #zoning lots# on a #narrow street#, except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lots# beyond 100 feet of the #street line#
- ³ Where the New York City Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway

(2/2/11)

35-30

APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS

(2/2/11)

35-31

Maximum Floor Area Ratio

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# subject to the provisions of this Chapter.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, 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#. However, in C4-7 Districts within Community District 7 in the Borough of Manhattan, such maximum #residential floor area ratio# may be increased pursuant to the

provisions of Section 23-90 (INCLUSIONARY HOUSING).

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and R6 Districts without a letter suffix in Community District 1, Brooklyn, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-952 for the applicable district.

However, in #Inclusionary Housing designated areas# mapped within C4-7, C5-4, C6-3D and C6-4 Districts, the maximum base #floor area ratio# for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be either the base #floor area ratio# set forth in Section 23-952 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, or the maximum #floor area ratio# for #commercial uses# in such district, whichever is lesser.

The maximum base #floor area ratio# in #Inclusionary Housing designated areas# may be increased to the maximum #floor area ratio# set forth in Section 23-952 only through the provision of #affordable housing# pursuant to Section 23-90, inclusive.

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

(2/2/11)

35-311

Maximum floor area and special provisions for mixed buildings or zoning lots with multiple buildings containing community facility use in certain districts

C1 C2

In C1 and C2 Districts mapped within R6 Districts, except R6A and R6B Districts, and in R7-1 Districts, the provisions of this Section shall apply to any #zoning lot# where #residential# and #community facility uses# are located within the same #building#.

- (a) For #buildings# containing #residential# and #community facility uses#, where such #buildings# have a ratio of #floor area# in such #building# to #lot area# greater than set forth in Column A in the following table, the maximum such ratio for the #community facility# portions of such

#buildings# shall be as set forth in Column B in the table, and the maximum such ratio for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.

	COLUMN A	COLUMN B
District	Maximum Ratio of #Floor Area# in #Building# to #Lot Area#	Maximum Ratio of #Floor Area# in #Community Facility Use# to #Lot Area#
C1 or C2 mapped in R6	2.5	1.0
C1 or C2 mapped in R7-1	3.5	1.0

- (b) For #buildings# containing #residential# and #community facility uses#, where such #buildings# have a ratio of #floor area# in such #building# to #lot area# that do not exceed the applicable ratio set forth in Column A in the table in paragraph (a) of this Section, the maximum #floor area ratio# for the #community facility# portion of such #buildings# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d) of this Section.
- (c) For #zoning lots# containing multiple #buildings#, the provisions of this paragraph, (c), shall apply to any #building# that does not contain both #community facility# and #residential uses#. The maximum #floor area ratio# permitted for the #commercial# or #community facility# portions of such #buildings# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for the #residential# portions of such #buildings# shall be as set forth in Article II, Chapter 3, subject to the limitations set forth in paragraph (d).
- (d) The total #floor area ratio# permitted for #commercial# or #community facility use# on the #zoning lot# shall be as set forth in Article III, Chapter 3, and the total #floor area ratio# permitted for #residential use# on the #zoning lot# 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#.

For the purposes of this Section, a #building segment# may be considered to be a #building#.

(10/17/07)

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 #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 #publicly accessible open area# for which a #floor area# bonus has been received by certification, pursuant to Section 37-73 (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 #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

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

In all #Commercial Districts#, no existing #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 74-761 (Elimination or reduction in size of bonused public amenities).

(10/11/12)

35-32

Modification of Lot Coverage Regulations

In C4-4L Districts, the maximum #residential lot coverage# provisions of Sections 23-145 (For Quality Housing buildings) and 23-147 (For non-profit residences for the elderly) are modified, as follows:

- (a) for #through lots# with a maximum depth of 180 feet or less, the maximum #residential lot coverage# shall be 80 percent; and
- (b) #corner lots# shall not be subject to a maximum #residential lot coverage# where such #corner lots# are:
 - (1) 5,000 square feet or less in area; or
 - (2) 7,500 square feet or less in area and bounded by #street lines# that intersect to form an angle of less than 65 degrees, where one such #street# contains an elevated rail line.

(2/2/11)

35-33

Open Space Ratio for Residential Portions of Buildings

C1 C2 C3 C4 C5 C6

In the districts indicated, a #zoning lot# containing a #residential building# or the #residential# portion of a #mixed building# shall have a minimum #open space ratio# as required under the provisions of Sections 35-21 to 35-23, inclusive, relating to Section 35-20 (APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS), except as otherwise provided in this Section.

For the purposes of this Section:

- (a) the #floor area# counted in determining the #open space ratio# shall be only that #floor area# in the #residential# portion of the #building#;
- (b) the #lot coverage# shall be deemed to be that portion of the

#zoning lot# which, when viewed directly from above, would be covered by the #residential# portion of the #building# at any level; and

- (c) the applicable #height factor#, if the maximum permitted #residential floor area ratio# is less than the total #floor area ratio# permitted for such #building#, shall be the #height factor# of the #residential# portion of the #building#.

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

(2/2/11)

35-34

Location of Open Space

C1 C2 C3 C4 C5 C6

In the districts indicated, the #open space# required for a #residential building# or the #residential# portion of a #mixed building# under the provisions of Section 35-33 (Open Space Ratio for Residential Portions of Buildings) may be at a level higher than 23 feet above #curb level#. Such #open space# may be provided at ground floor level or upon the roof of:

- (a) the non-#residential# portion of a #mixed building#;
- (b) a #commercial building#; or
- (c) a #community facility building# that #abuts# such #residential building# or #residential# portion of a #mixed building#;

provided that the level of any #open space# may not be higher than two and one-half feet below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of such #mixed building#. #Open space# located on the roof of a #community facility building# separated by open area from #residential# or #mixed buildings# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#.

(2/2/11)

35-341

Open space restrictions in C4-1 Districts

In C4-1 Districts, for #zoning lots# having a #lot area# in excess of four acres, open off-street parking spaces which are #accessory# to #commercial uses# are not permitted obstructions within required #open space#.

In C4-1 Districts, for #zoning lots# having a #lot area# in excess of four acres, #open space# provided on the roof of a #commercial building# that would otherwise qualify as #open space# shall be subject to authorization by the City Planning Commission. In permitting such roof area to qualify as #open space#, the Commission shall find that:

- (a) the location and layout of the roof area is directly accessible, useable and restricted for the residential occupants and their guests for whom no admission charge or membership fee is charged;
- (b) such roof area contains recreational facilities, seating areas and landscaping; and
- (c) all mechanical equipment or emissions therefrom are screened and no intake or exhaust duct faces directly into the #open space#.

(2/2/11)

35-35

Floor Area Bonus for a Public Plaza or Arcade

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 #building# may be applied, provided that any given #public 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

- (a) Prohibition of #public plaza# and #arcade# bonuses

- (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 the total #floor area# of the #building# 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 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, 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 percent or less of the #floor area# on the #zoning lot# is occupied by #residential uses#, then the provisions of Sections 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 Sections 33-13 and 33-14 shall apply.

C6-4X

- (f) In the district indicated, if all #dwelling units# in the #building# are located above a height of 60 feet above the #base plane#, then the bonus provisions of Section 33-13 shall apply.

(2/2/11)

35-351

Arcades

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

- (a) In the districts indicated, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Section 33-14 shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

C4-6 C4-7 C5 C6

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

(2/2/11)

35-40

APPLICABILITY OF DENSITY REGULATIONS

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum number of #dwelling units# or #rooming units# on a #zoning lot# shall equal the maximum #residential floor area# permitted for the #zoning lot# determined in accordance with the provisions set forth in Section 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS) 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 floor area ratio# (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 of the #mixed building# 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 #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 #public plaza#), the maximum permitted #community facility# FAR is 12.0 (10.0 plus a 20 percent increase for a #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).

(2/2/11)

35-50

MODIFICATION OF YARD REGULATIONS

(2/2/11)

35-51

Modification of Front Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, no #front yard# shall be required, except that the provisions of paragraph (a) of Section 34-233 (Special provisions applying along district boundaries) shall apply when #residential uses# are located on the first #story# of a #building#.

(4/30/12)

35-52

Modification of Side Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-54 (Special Provisions Applying Adjacent to R1 through R5 Districts), no #side yard# shall be required although, if any open area extending along a #side lot line# is provided at any level, it shall have a width of not less than eight feet. Permitted obstructions, pursuant to paragraph (a) of Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), shall be permitted in such open areas.

However, in C3A Districts, #side yards# shall be provided in accordance with the regulations for R3A Districts as set forth in Section 23-461 (Side yards for single- or two-family residences).

(4/30/12)

35-53

Modification of Rear Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, for a #residential# portion of a #mixed building#, the required #residential rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#. If the level of such #yard# is at or higher than the first #story#, decks, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, shall be permitted, pursuant to Section 23-62 (Permitted Obstructions).

(10/11/12)

35-531

Residential rear yard equivalents in certain districts

In C4-4L Districts, for #through lots# that have a maximum depth of 180 feet or less and are bounded by a #street# containing an elevated rail line, no #residential rear yard equivalent# shall be required.

(2/2/11)

35-54

Special Provisions Applying Adjacent to R1 through R5 Districts

C1 C2 C3 C4 C5 C6

In the districts indicated, on #zoning lots# adjacent to #zoning lots# in R1, R2, R3, R4 or R5 Districts, a #side yard# at least eight feet wide shall be provided along the entire length of the common #side lot line#. Such #side yard# may be used for #accessory# parking.

(2/2/11)

35-60

MODIFICATION OF HEIGHT AND SETBACK REGULATIONS

(2/2/11)

35-61

Height and Setback Regulations

C1 C2 C3 C4 C5 C6

In the districts indicated, height and setback regulations are modified as follows:

- (a) Except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements), no #front yard# is required for any portion of a #building# in a #Commercial District#. Therefore, in applying the height and setback regulations, a #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#.
- (b) In cases where the provisions of Section 34-233, paragraph (a), apply, as set forth in Section 35-51, the #sky exposure plane# is measured from a point above the #front yard line#.
- (c) In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be applied.

- (d) In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be applied.
- (e) In C3A Districts, the height and setback regulations applicable to R3A Districts shall apply.
- (f) 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 Section 23-64 (Alternate Front Setbacks) shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#.

(2/2/11)

35-62

Maximum Height of Front Wall in Initial Setback Distance

C1 C2 C3 C4 C5 C6

In the districts indicated, except in C1 or C2 Districts mapped within R2A, R2X, R3, R4 or R5 Districts and except in C3A Districts, the maximum height of a front wall within the #initial setback distance# shall be the maximum height of a front wall permitted in the applicable district for a #residential#, #commercial# or #community facility building#, whichever permits the greatest maximum height.

(2/2/11)

35-63

Special Tower Regulations for Mixed Buildings

C1 C2 C4 C5 C6

In the districts indicated, when a #mixed building# is subject to tower regulations, the #residential# tower regulations of paragraphs (a) and (b) or the #commercial# tower regulations of paragraph (c) of this Section shall apply to the entire #building#.

- (a) In C1 or C2 Districts mapped within R9 or R10 Districts, or in C1-8, C1-9, C2-7 or C2-8 Districts, a #mixed building# that meets the location and #floor area# criteria of paragraph (a) of Section 23-65 (Tower Regulations) shall be

governed by the provisions of Section 23-651 (Tower-on-a-base), except that the #building# base regulations of paragraph (b) of Section 23-651 shall be modified, as follows:

- (1) On a #wide street#, and on a #narrow street# within 30 feet of its intersection with a #wide street#, the entire width of the #street wall# of a base shall be located on the #street line#.

However, to allow for articulation of corners 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. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

- (2) On a #narrow street# beyond 30 feet of its intersection with a #wide street#, the #street wall# of a base shall be located within eight feet of a #street line#.
- (3) On a #wide street#, recesses above the ground floor are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate width of such recesses shall not exceed 50 percent of the width of the entire #street wall# at any level.

However, not more than 30 percent of the aggregate width of such recesses shall exceed a depth of eight feet. Furthermore, no recesses shall be permitted below a height of 12 feet, within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except for corner articulation as provided for in paragraph (a)(1) of this Section.

- (4) On a #narrow street#, recesses are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate width of such recesses shall not exceed 50 percent of the width of the entire #street wall# at any level.

However, not more than 30 percent of the aggregate width of such recesses shall exceed a depth of eight feet. Furthermore, no recesses shall be permitted below a height of 12 feet within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except for corner articulation as provided for in paragraph (a)(1) of this Section.

- (b) In C4-6, C5-1 or C6-3 Districts, the #residential# portion of a #mixed building# that in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section 23-65 (Tower Regulations), may be constructed in conformance with the provisions of Section 23-652 (Standard tower regulations), provided the following conditions are met:
- (1) at least 65 percent of the total allowable #floor area# on a #zoning lot# under the applicable district regulations is occupied by #residential uses#;
 - (2) all #uses# within such #mixed building# comply with the provisions of Section 32-42 (Location within Buildings); and
 - (3) only the #residential# portion of such #mixed building# penetrates the #sky exposure plane# as set forth in Sections 33-432 or 33-442 (In other Commercial Districts).
- (c) In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the tower regulations applicable to any #mixed building# shall be the regulations set forth in Section 33-45.

However, in C4-7, C5-2, C5-4, C6-4, C6-5 or C6-8 Districts, when no more than two #stories# of a #mixed building# are occupied by non-#residential uses#, the tower regulations applicable to the #residential# portion of such #mixed building# may be governed by Section 23-652 (Standard tower regulations) or, for towers on small lots, the percentages set forth in Section 23-65 (Tower Regulations).

All #uses# within such #mixed building# shall comply with the provisions of Section 32-42.

The tower regulations shall not apply in C1 or C2 Districts mapped within R9A, R9X, R10A or R10X Districts, or in 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 or C6-4X Districts.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article III: Commercial District Regulations

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

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(12/15/61)

Chapter 6

Accessory Off-Street Parking and Loading Regulations

(12/15/61)

36-00

GENERAL PURPOSES AND DEFINITIONS

Off-Street Parking Regulations

(4/22/09)

36-01

General Purposes

The following regulations on permitted and required accessory off-street parking spaces and accessory bicycle parking spaces are adopted in order to provide parking spaces off the streets sufficient to give necessary access to developing centers of commerce outside the high density central areas, to reduce traffic congestion caused by parking on the streets, to prevent substantial amounts of traffic from circulating in and parking on residential streets surrounding commercial centers, to provide for a higher standard of commercial development within the City and thus to promote and protect public health, safety and general welfare.

(4/22/09)

36-02

Applicability of District Regulations

Except as otherwise provided in this Section, the regulations of this Chapter on permitted and required #accessory# off-street parking spaces and #accessory# bicycle parking spaces apply to #residences#, #community facility uses# or #commercial uses#, as set forth in the provisions of the various Sections. In addition, the regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

(6/27/63)

36-021

Applicability of regulation to non-profit hospital staff dwellings

Except as modified in Sections 36-313 (Application of requirements to non-profit hospital staff dwellings in C1 or C2 Districts with bulk governed by surrounding Residence District) or 36-314 (Application of requirements to non-profit hospital staff dwellings in other Commercial Districts), the district regulations applicable to #residences#, as set forth in this Chapter, shall apply to #non-profit hospital staff dwellings#, and the district regulations applicable to #community facility uses#, as set forth in this Chapter, shall not apply to such #use#. Except as modified in Section 36-314, the regulations of this Chapter applicable to #residences# in C4-2 Districts shall apply to #non-profit hospital staff dwellings# in C8 Districts.

(6/21/73)

36-022

Applicability of regulations of C6-1A Districts

In C6-1A Districts, the parking requirements of C4-4 Districts as set forth in Section 36-20 (Required Accessory Off-Street Parking Spaces for Commercial or Community Facility Uses) shall apply to #commercial# or #community facility uses#. However, for all office #uses# listed in Use Group 6B of Section 32-15 (Use Group 6), there shall be one parking space per 4,000 square feet of #floor area#.

(2/2/11)

36-023

Applicability of regulations in C4-1 Districts

In C4-1 Districts, for #zoning lots# having a #lot area# in excess of four acres, all #group parking facilities# that are #accessory# to #commercial developments# or #enlargements# shall be subject to authorization by the City Planning Commission to assure that the layout of such parking spaces is arranged and located in relation to the #use# or #uses# to which such spaces are #accessory#, so as to provide adequate ingress, egress and

circulation with respect to abutting #streets# or #uses#.

For such #zoning lots#, the Commission may also authorize a reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the #use# proposed.

Furthermore, notwithstanding the applicability requirements of Sections 36-58 (Parking Lot Maneuverability and Curb Cut Regulations), paragraph (a), and 37-91, the Commission shall find that such #group parking facilities# of any size comply with the maneuverability and landscaping provisions of Sections 36-58 and 37-90 (PARKING LOTS), inclusive. For #group parking facilities accessory# to #enlargements#, the Commission may authorize modifications or waivers of such provisions, provided the Commission finds that:

- (a) maneuverability and curb cut regulations have been complied with to the maximum extent practicable;
- (b) the amount of perimeter landscaped areas have been provided to the maximum extent practicable;
- (c) the amount of interior planting islands and their distribution throughout the parking lot have been provided to the maximum extent practicable; and
- (d) perimeter landscaped areas and interior planting islands have been engineered to absorb storm water runoff to the maximum extent practicable.

The Commission may request reports from licensed engineers and landscape architects in considering such modifications.

(5/8/13)

36-024

Applicability of regulations in the Manhattan Core and the Long Island City area

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in the #Long Island City area#, as defined in Section 16-02 (Definitions), are set forth in Article I, Chapter 6.

(4/14/10)

36-026

Applicability of regulations to Quality Housing

On any #zoning lot# containing a #Quality Housing building#, all #accessory# off-street parking spaces shall comply with the provisions of Section 28-50 (PARKING FOR QUALITY HOUSING), inclusive.

(10/95/93)

36-027

Applicability of regulations in the waterfront area

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

In #Commercial Districts# where #residential uses# are governed by the #bulk# regulations of R7-3 Districts, the #accessory# off-street parking regulations of R7-2 Districts shall apply to #residential uses#. In #Commercial Districts# governed by R9-1 District regulations, the #accessory# parking regulations of R9 Districts shall apply to #residential uses#.

(10/9/13)

36-028

Applicability of regulations in flood zones

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

(11/19/87)

36-03

Definitions

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

(12/15/61)

36-10

PERMITTED ACCESSORY OFF-STREET PARKING SPACES

(2/9/94)

36-11

General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except as otherwise provided in Section 85-03 (Modifications of Use Regulations), #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section 36-12 (Maximum Size of Accessory Group Parking Facilities). Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Sections 73-49 (Roof Parking) or 74-53 (Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

(4/14/10)

36-12

Maximum Size of Accessory Group Parking Facilities

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no #accessory group parking facility# shall contain more than 150 off-street parking spaces or, in the case of a #Quality Housing building#, more than 200 spaces, except as provided in Section 36-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 (Accessory Off-Street Parking Spaces in Public Parking Garages).

(6/23/66)

36-13

Modification of Maximum Size of Accessory Group Parking Facilities

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 36-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that such facility:

- (a) has separate vehicular entrances and exits thereto, located not less than 25 feet apart;
- (b) if #accessory# to a #commercial# or #community facility use#, is located on a #street# not less than 60 feet in width; and
- (c) if #accessory# to a #commercial use#, has adequate reservoir space at the entrance to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area such as requirements for shielding of floodlights.

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 (Accessory Off-Street Parking Spaces in Public Parking Garages).

(6/23/66)

36-14

Exceptions to Maximum Size of Accessory Group Parking Facilities

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces, in accordance with the provisions of Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory#

off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 (Accessory Off-Street Parking Spaces in Public Parking Garages).

(12/15/61)

36-20

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

(10/11/12)

36-21

General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #developments# after December 15, 1961, for the #commercial# or #community facility uses# listed in the table. If an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development# or #enlargement#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed#, under single ownership or control, shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons that may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations:

- (a) when, as a result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 36-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 36-53 (Width of Curb Cuts and Location of Access to the Street);
- (c) for houses of worship, in accordance with the provisions of Section 36-25 (Waiver for Locally-Oriented Houses of Worship);
- (d) for ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), pursuant to Section 36-27 (Waiver for small zoning lots containing certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx).

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 PRC-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 C4-4L 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 PRC-B in Use Group 6, 8, 9, 10 or 12 or when permitted by special permit; or #uses# in PRC-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 C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

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

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

1 per 400 sq. ft. of #floor area#¹ - 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 PRC-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 C4-4L 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 C4-4L 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 PRC-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 C4-4L 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

Open commercial amusements. #Uses# in PRC-E in Use Group 13 or 15, or when permitted by special permit

None required - C8-3 C8-4

1 per 500 sq. ft. of #lot area#² - C3 C8-1

1 per 2,000 sq. ft. of #lot area#² - C7 C8-2

Light manufacturing or semi-industrial #uses#. #Uses# in PRC-F in Use Group 11 or 16, and with a minimum of either 7,500 square feet of #floor area# or 15 employees

None required - C5 C6 C8-4

1 per 1,000 sq. ft. of
#floor area#, or 1 per 3
employees, whichever
will require a larger
number of spaces - C8-1 C8-2 C8-3

Storage or miscellaneous #uses#. #Uses# in PRC-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 C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 2,000 sq. ft. of
#floor area#³, 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

Other #commercial uses#. #Uses# in PRC-H in Use Group 5, 6, 7, 8, 9, 10, 13 or 14, or when permitted by special permit

#Boatels#

1 per 2 guest rooms or suites - C2 C3 C6 C8

Camps, overnight or day, with a minimum of either 10,000 square feet of #lot area# or 10 employees

1 per 2,000 sq. ft. of #lot area#, or 1 per 3 employees; whichever will require a lesser number of spaces - C1 C2 C3 C7 C8

Docks for non-commercial pleasure boats; rental boats; ferries; sightseeing, excursion or sport fishing vessels; or passenger ocean vessels (see Section 62-43 for parking requirement)

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 C4-4L 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 C4-4L 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

#Motels# or #tourist cabins#

1 per guest room or suite - C2 C6 C8

Post offices

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8
C4-4A C4-4L 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

Prisons

None required - C4-4 C4-5 C4-6 C4-7 C6 C8-3 C8-4

1 per 10 beds-rated capacity - C4-1 C4-2 C8-1

1 per 20 beds-rated capacity - C4-2A C4-3 C8-2

Refreshment stands, drive-in

1 per 50 sq. ft. of #floor area# - C2-1 C2-2 C2-3 C7 C8-1 C8-2

1 per 100 sq. ft. of #floor area# - C2-4 C2-5 C2-6 C2-7 C2-8 C6
C8-3 C8-4

Funeral establishments

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8
C4-4A C4-4L 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 C4-5D C8-2 C8-3

FOR COMMUNITY FACILITY USES

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

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6
C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

1 per 1,000 sq. ft. of #lot area# used for selling purposes -
C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1

1 per 2,500 sq. ft. of #lot area# used for selling purposes -
C1-3 C2-3 C4-2A C4-3 C8-2

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 C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 150¹ sq. ft. of #floor area# and #cellar# space, except
#cellar# space used for storage - C1-1 C2-1 C3 C4-1

1 per 300¹ sq. ft. of #floor area# and #cellar# space, except
#cellar# space used for storage - C1-2 C2-2 C4-2 C8-1

1 per 400¹ 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 sq. ft. 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

1 per 400 sq. ft. of #floor area# and #cellar# space, except
#cellar# space used for storage, when located in #community
facility buildings# or when located above the first #story#
ceiling in #buildings# with both #commercial# and #community
facility uses# - C1-1, C1-2, C2-1 and C2-2 Districts mapped
within R1, R2, R3A, R3X and R3-1 Districts, and C4-1 and C4-2
Districts, in the Borough of Staten Island and Community District
10 in the Borough of the Bronx

Child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), in #lower density growth management areas#

1 per 1000 sq. ft. when located in #community facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and #community facility uses# - C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts, and C4-1 and C4-2 Districts, in the Borough of Staten Island and Community District 10 in the Borough of the Bronx.

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

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6
C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

1 per 10 persons-rated capacity - C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1

1 per 20 persons-rated capacity - C1-3 C2-3 C4-2A C4-3 C7 C8-2

College student dormitories and fraternity or sorority student houses

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

1 per 6 beds - C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2

1 per 12 beds - C1-3 C2-3 C4-2A C4-3

Colleges, universities, or seminaries

(a) For that #floor area# used for classrooms, laboratories, student centers, or offices

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5
C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6
C8-3 C8-4

1 per 1,000 sq. ft. of #floor area# - C1-1 C1-2 C2-1 C2-2

C3 C4-1 C4-2 C8-1

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

(b) For that #floor area# used for theaters, auditoriums,
gymnasiums, or stadiums

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5
C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6
C8-3 C8-4

1 per 8 persons-rated capacity - C1-1 C1-2 C2-1 C2-2 C3
C4-1 C4-2 C8-1

1 per 16 persons-rated capacity - C1-3 C2-3 C4-2A C4-3
C7 C8-2

Hospitals and related facilities⁴

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
C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

Houses of worship, applicable only to the facility's largest room
of assembly; however, rooms separated by movable partitions shall
be considered a single room

None required - C1 and C2 Districts mapped within R6, R7, R8, R9
or R10 Districts, C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2A C4-3
C4-4 C4-5 C4-6 C4-7 C5 C6 C8-2 C8-3 C8-4

1 per 10 persons-rated capacity - C1 and C2 Districts mapped
within R1, R2 or R3 Districts, C3 C4-1

1 per 15 persons-rated capacity - C1 and C2 Districts mapped
within R4 and R5 Districts, C4-2 C8-1

Libraries, museums, or non-commercial art galleries⁵

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

1 per 1,000 sq. ft. of #floor area# - C1-1 C1-2 C2-1 C2-2 C3 C4-1
C4-2

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

Outdoor skating rinks

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6
C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

1 per 800 sq. ft. of #lot area# - C1-1 C1-2 C2-1 C2-2 C3 C4-1
C4-2 C8-1

1 per 2,000 sq. ft. of #lot area# - C1-3 C2-3 C4-2A C4-3 C7 C8-2

Outdoor tennis courts

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6
C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

1 per 2 courts - C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1

1 per 5 courts - C1-3 C2-3 C4-2A C4-3 C7 C8-2

Philanthropic or non-profit institutions with sleeping accommodations; all types of nursing homes or sanitariums

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

1 per 10 beds - C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2

1 per 20 beds - C1-3 C2-3 C4-2A C4-3

NOTE: PRC = Parking Requirement Category

¹ The parking requirements for ambulatory diagnostic or treatment facilities listed in Use Group 4 and #uses# in PRC-B1 may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Parking Spaces for Ambulatory Diagnostic or Treatment Facilities Listed in Use Group 4 and Uses in Parking Requirement Category B1)

² In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees

- 3 For predominantly open storage of miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements
- 4 Requirements are in addition to area utilized for ambulance parking
- 5 Requirements apply only to the #floor area# not used for storage

(9/9/04)

36-22

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

C1 C2 C3 C4 C5 C6 C7 C8

In all districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section 36-21 (General Provisions)

Section 36-31 (General Provisions).

However, the number of spaces required for houses of worship or for #uses# in parking requirement category D (Places of Assembly) when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for Houses of Worship or Places of Assembly).

(12/15/61)

36-23

Waiver of Requirements for Spaces below Minimum Number

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements for #accessory# off-street parking spaces shall be subject to the waiver provisions of this Section.

(1/18/11)

36-231

In districts with high, medium, or low parking requirements

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

In the districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), and except as otherwise provided in Section 36-27 (Waiver for Certain Small Zoning Lots), the parking requirements set forth in Sections 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to #commercial uses# in parking requirement category A, B, B1, C, D, E, or H, or to permitted #community facility 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	C1-1 C2-1 C3 C4-1
15	C1-2 C2-2 C4-2 C8-1
25	C1-3 C2-3 C4-2A C4-3 C7 C8-2

(6/21/73)

36-232

In districts with very low parking requirements

C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5
C4-6 C4-7 C5 C6 C8-3 C8-4

In all districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 36-21 (General Provisions) or Section 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to:

- (a) #commercial uses# in parking requirement category A or B, if the total number of #accessory# off-street parking spaces

required for all such #uses# on the #zoning lot# is less than 40, or 100 in the case of C6-1A Districts; or

- (b) #commercial uses# in any one of parking requirement categories B1, C, D, E, or H, or a permitted #community facility use#, if the number of #accessory# off-street parking spaces required for the #uses# in each such category or for each such #community facility use# is less than 40.

(12/15/61)

36-233

Exceptions to application of waiver provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the waiver provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number) shall not apply to the following types of #uses#:

- (a) #Manufacturing# or semi-industrial #uses# in parking requirement category F in Use Group 11 or 16.
- (b) Storage or miscellaneous #uses# in parking requirement category G in Use Group 16, or when permitted by special permit.
- (c) The following other #commercial uses# in parking requirement category H in Use Group 7 or 13, or when permitted by special permit:

#Boatels#

Camps, overnight or day

#Motels# or #tourist cabins#

Refreshment stands, drive-in.

- (d) The following #community facility uses#:

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

Outdoor tennis courts.

(4/14/10)

36-24

Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements set forth in Sections 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 36-53 (Width of Curb Cuts and Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base the determination on such report.

(9/9/04)

36-25

Waiver for Locally-Oriented Houses of Worship

C1 C2 C3 C4 C8

In the districts indicated, the requirements set forth in Sections 36-21 (General Provisions) and 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

- (a) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;
- (b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 36-23 (Waiver of Requirements for Spaces below Minimum Number); and
- (c) such house of worship shall not include, as an #accessory use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a) of this Section, multiplied by the persons-rated capacity of the largest room of assembly, shall be subtracted from the persons-rated capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section are not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants, and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the certificate of occupancy for such house of worship be marked or amended to provide that #accessory uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residence of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

(9/9/04)

36-26

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 having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

(1/18/11)

36-27

Waiver for Certain Small Zoning Lots

C1-1 C1-2 C2-1 C2-2 C4-1 C4-2

In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts and in C4-1 and C4-2 Districts, in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, for #zoning lots# with a #lot area# of 4,000 square feet or less with #buildings# containing either ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), no #accessory# off-street parking spaces shall be required, provided such #zoning lot# existed both on January 18, 2011, and on the date of application for a building permit.

(12/15/61)

36-30

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

(4/14/10)

36-31

General Provisions

C1 C2 C3 C4 C5 C6

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided for all #dwelling units# or #rooming units# created constructed after December 15, 1961, in accordance with the provisions of the following Sections and the other applicable provisions of this Chapter, as a condition precedent to the #use# of such #dwelling unit# or

#rooming unit#:

- Section 36-32 (Requirements Where Individual Parking Facilities Are Provided)
- Section 36-33 (Requirements Where Group Parking Facilities Are Provided)
- Section 36-34 (Modification of Requirements for Small Zoning Lots)
- Section 36-35 (Modification of Requirements for Public Housing or Non-profit Residences for Elderly)
- Section 36-37 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)
- Section 36-39 (Special Provisions for Zoning Lots Divided by District Boundaries)

For #dwelling units# or #rooming units# constructed pursuant to the zoning regulations in effect after July 20, 1950, and prior to December 15, 1961, off-street parking spaces #accessory# to such #dwelling units# or #rooming units# cannot be removed if such spaces were required by such zoning regulations, unless such spaces would not be required pursuant to the applicable zoning regulations currently in effect.

For the purposes of these Sections, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

(2/2/11)

36-311

Application of requirements to conversions in C1 or C2 Districts

C1 C2

- (a) In the districts indicated, where such districts are mapped within R1, R2, R3, R4, R5, R6 or R7 Districts, except R7-2 Districts, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# or #rooming units# created by #conversions# on #zoning lots# with less than 5,000 square feet of #lot area#.
- (b) In the districts indicated, where such districts are mapped

within R7-2, R8, R9 or R10 Districts, the requirements of Section 36-31 shall not apply to the additional #dwelling units# or #rooming units# created by #conversions# on #zoning lots# of any size.

(2/2/11)

36-312

Application of requirements to conversions in C3, C4, C5 and C6 Districts

C3 C4-1 C4-2 C4-3

- (a) In the districts indicated, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# or #rooming units# created by #conversions# on #zoning lots# with less than 5,000 square feet of #lot area#.

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

- (b) In the districts indicated, no #accessory# off-street parking is required for additional #dwelling units# or #rooming units# created by #conversion# within #buildings# existing prior to December 15, 1961.

(6/27/63)

36-313

Application of requirements to non-profit hospital staff dwellings in C1 or C2 Districts with bulk governed by surrounding Residence Districts

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 regulations of Sections 36-31 to 36-39, inclusive, relating to Required Accessory Off-Street Parking Spaces for Residences When Permitted in Commercial Districts, shall apply as set forth in this Section to #non-profit hospital staff dwellings#. The district regulations of these Sections applicable to #non-profit hospital staff dwellings# are determined by the #Residence District# within which such #Commercial Districts# are mapped in accordance with the following table, and are the same as the regulations applicable to #residences# in the districts indicated in the right-hand column of the table.

DISTRICT REGULATIONS APPLICABLE TO
NON-PROFIT HOSPITAL STAFF DWELLINGS

#Residence District# within which C1 or C2 District is Mapped	District Whose Regulations are Applicable
R1 R2 R3	C4-1
R4 R5	C4-2
R6 R7 R8 R9 R10	C4-7

(7/6/72)

36-314

**Application of requirements to non-profit hospital staff
dwellings in 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 regulations of Section 36-31 to 36-39, inclusive, relating to Required Accessory Off-Street Parking Spaces for Residences When Permitted in Commercial Districts, shall apply as set forth in this Section to #non-profit hospital staff dwellings#. The district regulations of these Sections applicable to #non-profit hospital staff dwellings# are determined in accordance with the following table, and are the same as the regulations applicable to #residences# in the districts indicated in the table.

Districts	Districts Whose Regulations Are Applicable
C3	C4-1
C4-1 C8-1	C4-2
C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-2 C8-3 C8-4	C4-7

(12/15/61)

36-32

Requirements Where Individual Parking Facilities Are Provided

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5 C3 C4-1 C4-2
C4-3

In the districts indicated, where #group parking facilities# are not provided, the requirements for #accessory# off-street parking spaces are as set forth in this Section.

(4/14/10)

36-321

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 R1, R2, R3, R4 or R5 Districts, and where #group parking facilities# are not provided, one #accessory# off-street parking space, open or enclosed, shall be provided for each #dwelling unit#.

(9/28/04)

36-322

In C3 or C4 Districts

C3 C4-1 C4-2 C4-3

In the districts indicated, where #group parking facilities# are not provided, one #accessory# off-street parking space, open or enclosed, shall be provided for each #dwelling unit#, except that in C3A Districts, the provisions applicable to R3 Districts in Sections 25-22 (Requirements Where Individual Parking Facilities Are Provided) and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES) shall apply.

(2/2/11)

36-33

Requirements Where Group Parking Facilities Are Provided

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, for #residences developed# under single ownership or control where #group parking facilities# are provided, the number of required #accessory# off-street parking spaces is as set forth in Section 25-23 (Requirements Where Group Parking Facilities Are Provided), for the applicable #Residence District#, as determined in accordance with Section 35-22 or 35-23. For the purpose of determining the number of required #accessory# off-street parking spaces for such #residences# in C1-6, C2-6, C4-4, C4-5 and C6-1 Districts, the regulations of an R7-2 District shall apply. For C1 or C2 Districts mapped within #lower density growth management areas#, the number of required #accessory# off-street parking spaces for such #residences# shall be 100 percent of the number of new #dwelling units#, and for C1 or C2 Districts mapped within R5A and R5B Districts, the number of required #accessory# off-street parking spaces for such #residences# shall be in accordance with an R5 District without a letter suffix.

(2/9/94)

36-34

Modification of Requirements for Small Zoning Lots

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

In the districts indicated for small #zoning lots#, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities are Provided), shall be modified in accordance with the provisions set forth in this Section.

(3/25/10)

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 R7-1* R7B
	30	R7-1 R7A R7D R7X
10,001 to 15,000 square feet	30	R7-2
	20	R8** R9 R10

* In C1 or C2 Districts mapped within R7-1 Districts within #lower density growth management areas# in Community District 10, Borough of the Bronx

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

(1/20/65)

36-342

Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts

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

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

Parking Spaces
Required as a
Percent of

#Lot Area#	Total #Dwelling Units#	District		
10,000 square feet or less	50	C4-2	C4-3	
10,001 to 15,000 square feet	30	C1-6	C2-6	C4-4 C4-5 C6-1
	20	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

(8/14/87)

36-343

**Waiver of requirements in C1 or C2 Districts governed by
surrounding Residence District bulk regulations**

C1-4 C1-5 C2-4 C2-5

In the districts indicated, when mapped within an R7-2, R8, R9 or R10 District, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities are Provided) shall be waived for #zoning lots# of 10,000 square feet or less, except in R8B Districts.

(12/15/61)

36-344

**Waiver of requirements in other C1 or C2 Districts or in C4, C5
or C6 Districts**

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

In the districts indicated, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities Are Provided) shall be waived for #zoning lots# of 10,000 square feet or less.

(1/18/11)

36-345**Waiver of requirements for small zoning lots in certain districts in the Borough of Staten Island**

C1 C2

In the districts indicated mapped within R4, R5 and R6 Districts in the Borough of Staten Island, for #zoning lots# with a #lot area# of 4,000 square feet or less, no #accessory# off-street parking spaces shall be required, provided such #zoning lot# existed both on January 18, 2011, and on the date of application for a building permit.

(2/2/11)

36-35**Modification of Requirements for Public Housing or Non-profit Residences for the Elderly**

C1 C2 C3 C4 C5 C6

In the districts indicated, the number of required #accessory# off-street parking spaces is as set forth in Section 25-25 (Modifications of Requirements for Public, Publicly-Assisted and Government Assisted Housing or for Non-profit Residences for the Elderly) for the applicable #Residence District#, as determined in accordance with Section 35-22 or 35-23. For the purpose of determining the number of required #accessory# off-street parking spaces for such #residences# in C4-4, C4-5 and C6-1 Districts, the regulations of an R7B District shall apply, except that for assisted housing projects in #Quality Housing buildings# in such districts, the number of required #accessory# off-street parking spaces for such #residences# shall be in accordance with an R7A District. For C1-6 and C2-6 Districts, the number of required #accessory# off-street parking spaces for such #residences# shall be in accordance with an R7-2 District.

(1/23/69)

36-36**Waiver of Requirements for Small Number of Spaces**

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

In the districts indicated, the requirements set forth in Section

36-31 (General Provisions) shall be subject to the waiver provisions of this Section, except that the waiver provisions shall not apply to #non-profit residences for the elderly#.

(2/2/11)

36-361

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) 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
R7-2 R7A R7D R7X R8 R9 R10	15

However, the following provisions shall apply:

- (a) 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; and
- (b) In C1 or C2 Districts mapped within R6 and R7 Districts in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on March 25, 2010, and on the date of application for a building permit.

(2/2/11)

36-362

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

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

In the districts indicated, the requirements set forth in Section 36-31 (General Provisions) 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:

Maximum Number of Spaces Waived	Districts
5	C4-2 C4-3
15	C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6

(2/2/11)

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)

(2/2/11)

36-364

For conversions in C4 Districts

C4-2 C4-3

In the districts indicated*, the requirements set forth in Section 36-312 (Application of requirements to conversions in C3, C4, C5 and C6 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 73-46 (Waiver of Requirements for Conversions).

- * No #accessory# off-street parking is required for additional #dwelling units# created by #conversions# in the districts not indicated in Section 36-312 (Application of requirements to conversions in C3, C4, C5 and C6 Districts).

(9/9/04)

36-37

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section 36-21 (General Provisions)

Section 36-31 (General Provisions)

However, the number of spaces required for houses of worship or for #uses# in parking requirement category D (Places of Assembly) when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for House of Worship or Places of Assembly).

(4/14/10)

36-38

Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

C1 C2 C3 C4 C5 C6

In the districts indicated, the requirements set forth in Section 36-31 (General Provisions) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 36-53 (Width of Curb Cuts and Location of Access to the Street). The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base his determination on such report.

(8/14/87)

36-39

Special Provisions for Zoning Lots Divided by District Boundaries

C1 C2 C3 C4 C5 C6

In the districts indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

(12/15/61)

36-40

RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

(9/9/04)

36-41

General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences# or to #commercial# or #community facility uses# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 36-42 (Off-Site Spaces for Residences)

Section 36-43 (Off-Site Spaces for Commercial or Community Facility Uses)

Section 36-44 (Joint and Shared Facilities)

Section 36-45 (Additional Regulations for Required Spaces When Provided Off Site)

Section 73-45 (Modification of Off-Site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 36-57 (Accessory Off-Street Parking Spaces in Public Parking Garages).

(7/6/72)

36-42

Off-Site Spaces for Residences

C1 C2 C3 C4 C5 C6

In the districts indicated, all permitted or required off-street parking spaces #accessory# to #residences# may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that in such instances all such spaces are:

- (a) located in a district other than a #Residence District#, or provided in a joint facility located in a district other than an R1 or R2 District on the same #zoning lot# as one of the #buildings# to which it is #accessory#, and conforming to the provisions of Section 36-44 (Joint Facilities); and

(b) not further than the maximum distance from the #zoning lot# specified in this Section.

(7/6/72)

36-421

Maximum distance from zoning lot

C1 C2 C3 C4 C5 C6

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 the #Zoning Lot#	District					
600 feet	C1-1	C1-2	C1-3	C2-1	C2-2	
	C2-3	C3	C4-1	C4-2	C4-3	
1,000 feet	C1-4	C1-5	C1-6	C1-7	C1-8	
	C1-9	C2-4	C2-5	C2-6	C2-7	
	C2-8	C4-4	C4-5	C4-6	C4-7	
					C5	C6

(12/15/61)

36-43

Off-Site Spaces for Commercial or Community Facility Uses

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to #commercial# or #community facility uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses# but within the same district or an adjoining #Commercial District# or #Manufacturing District#. However, all required spaces shall not be further than 600 feet from the nearest boundary of the #zoning lot# on which such #uses# are located.

(9/9/04)

36-44

Joint and Shared Facilities

(9/9/04)

36-441

Joint facilities

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 36-21 (General Provisions)

Section 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

Section 36-31 (General Provisions);

- (b) all such spaces are located in a district where they are permitted under the applicable provisions of Sections 36-42 (Off-Site Spaces for Residences), 36-43 (Off-Site Spaces for Commercial or Community Facility Uses) or 73-45 (Modification of Off-Site Parking Provisions); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

(9/9/04)

36-442

Shared parking facilities for houses of worship

In C1 or C2 Districts mapped within R1, R2, R3, R4 or R5 Districts and in C3, C4-1, C4-2 and C8-1 Districts, required

#accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times;
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship; and
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

(9/9/04)

36-45

Additional Regulations for Required Spaces When Provided Off Site

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 36-42 (Off-Site Spaces for Residences), 36-43 (Off-Site Spaces for Commercial or Community Facility Uses) or 36-44 (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#; and
- (b) such spaces shall conform to all applicable regulations of the district in which they are located.

(9/29/10)

36-46

Restrictions on Use of Accessory Off-Street Parking Spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces, open or enclosed, shall be used primarily for the owners, occupants, employees, customers, residents or visitors of the #use# or #uses# to which such spaces are #accessory#, except as set forth in this Section.

- (a) Any off-street parking spaces #accessory# to #residences# which are not needed by the occupants of such #residences#, may be rented to persons who are not occupants of such #residences# for the accommodation of private passenger motor vehicles used by such persons or may be occupied by #car sharing vehicles#, only as set forth in the following paragraphs:

- (1) In C1 or C2 Districts mapped within #Residence Districts#

In C1 or C2 Districts mapped within R3, R4 or R5A Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all parking spaces in #group parking facilities# containing 20 or more spaces. In C1 or C2 Districts mapped within R5 Districts, except R5A Districts, and in R6, R7, R8, R9 or R10 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all parking spaces, whichever is greater.

- (2) In C1 or C2 Districts not mapped within #Residence Districts#, or in C3, C4, C5, C6 Districts

In the districts indicated, except C3 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed five spaces or 20 percent of all parking spaces, whichever is greater. In C3 Districts, the number of spaces occupied by #car sharing vehicles# shall not exceed 10 percent of all parking spaces in #group parking facilities# containing 20 or more spaces.

Such spaces provided pursuant to paragraph (a) of this Section shall be made available to the occupants of the #residences# to which they are #accessory# within 30 days after written request is made to the landlord.

- (b) #Car sharing vehicles# may occupy off-street parking spaces #accessory# to a non-#residential use# in #group parking facilities# containing 20 spaces or more; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facilities#.

In addition, the rental of such spaces to non-residents shall be subject to the restrictions applying to the specified districts as set forth in Sections 36-461 and 36-462, except that such restrictions shall not apply to spaces occupied by #car sharing vehicles#.

(12/15/61)

36-461

Restrictions on rental of spaces accessory to residences in C1 or C5 Districts

C1 C5

In the districts indicated, off-street parking spaces #accessory# to #residences# shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#, provided, however that rental for shorter periods may be permitted by the Board of Standards and Appeals in accordance with the provisions of Section 73-47 (Rental of Accessory Off-Street Parking Spaces to Non-Residents).

(12/15/61)

36-462

Restrictions on rental of spaces accessory to residences in C3 Districts

C3

In the district indicated, off-street parking spaces #accessory# to #residences# shall not be rented for periods of less than one week or more than one month to persons who are not occupants of such #residences#.

(2/2/11)

36-47

Restrictions on Automotive Repairs and Sale of Motor Fuel

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil, or automotive accessories are not permitted in connection with the operation of #accessory# off-street parking spaces. However, where such parking spaces are provided in a #building or other structure#, unattached to the #building# containing #residences#, minor automotive repairs (not including body work) are permitted, and not more than three motor fuel pumps may be provided. However, no motor fuel shall be sold to persons who are not using the parking spaces. The provisions of this Section are not applicable to #accessory# off-street parking spaces provided in #public parking garages#.

(12/15/61)

36-50

ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES

(9/29/10)

36-51

General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street parking spaces shall conform to the provisions of Section 36-50, inclusive.

Special regulations applying to #large-scale community facility developments# or #large-scale residential developments# are set forth in Article VII, Chapter 8.

(9/29/10)

36-52

Size, Location and Identification of Spaces

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, all #accessory# off-street parking spaces shall comply with the size and location provisions of this Section.

(4/30/12)

36-521

Size of spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and, if connecting to a #street#, such driveway may only be accessed by a curb cut.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and eight feet, six inches wide.

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, for #commercial# or #community facility uses#, each required parking space not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted

only where necessary to accommodate additional, non-required parking spaces within the travel aisles. For such parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (PARKING LOTS) shall also apply.

(10/11/12)

36-522

Location of parking spaces 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 C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A
C6-3A C6-3D C6-4A C6-4X

In the districts indicated, and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, and for #Quality Housing buildings# in C1, C2, C4, C5 and C6 Districts without a letter suffix, all #accessory# off-street parking spaces shall comply with the provisions of this Section.

(a) #Buildings# other than #mixed buildings#

For any #block# front that is entirely within a #Commercial District#, #accessory# off-street parking spaces shall be located only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of the #building# or its prolongation. Where a #zoning lot# is bounded by more than one such #street line#, this provision shall apply along only one #street line#.

(b) #Mixed buildings#

For #mixed buildings#, all #accessory# off-street parking spaces shall be located only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of the #building# or its prolongation.

(9/29/10)

36-523

Identification of car sharing vehicles

C1 C2 C3 C4 C5 C6 C7 C8

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed within twenty feet of either the entrance to the parking facility or the attendant's station, at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

- (a) "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility;
- (b) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility; and
- (c) where such parking facility contains #accessory residential# parking spaces, "Accessory residential parking spaces shall be made available to residents of this building within 30 days after a written request is made to the landlord".

(4/14/10)

36-53

Width of Curb Cuts and Location of Access to the Street

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the entrances and exits of all permitted or required #accessory group parking facilities# and all permitted #public parking lots# or #public parking garages# with 10 or more spaces, shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings or, in the case of #public parking lots# or #public parking garages# permitted in accordance with the provisions of Article VII, Chapter 4, the City Planning Commission, certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings or the City Planning Commission may refer such matter to the Department of Transportation for a report and may base its determination on such report.

The waiver provisions of Sections 36-24 or 36-38 (Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden) shall apply when the Commissioner of Buildings has certified that

there is no way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

(6/29/06)

36-531

Location of curb cuts in C1 or C2 Districts mapped within R5D Districts

In C1 or C2 Districts mapped within R5D Districts, a minimum distance of 34 feet of uninterrupted curb space shall be provided between all curb cuts constructed after June 29, 2006. Furthermore, no curb cuts shall be permitted on the #wide street# frontage of any #zoning lot# existing on June 29, 2006, with access to a #narrow street#.

(4/14/10)

36-532

Location and width of curb cuts accessing residential parking spaces in certain districts

The provisions of this Section shall apply to all curb cuts accessing off-street parking spaces #accessory# to #residences# in C1 and C2 Districts mapped within R1 through R8 Districts, and in all other #Commercial Districts# where, as set forth in the tables in Section 34-112 or 35-23, as applicable, the applicable #Residential District# is R3, R4, R5, R6, R7 or R8.

- (a) All such curb cuts shall comply with the provisions of Section 25-631 (Location and width of curb cuts in certain districts), as set forth for the applicable #building#, #building segment# and #Residence District#. All #buildings# containing #residences# in C1 and C2 Districts mapped within R1, R2, R3-1, R3A, R3X, R4-1, R4A and R5A Districts shall comply with the provisions set forth in Section 25-631 for an R3-2 District;
- (b) All such curb cuts shall be prohibited on the #wide street# frontage of any #zoning lot# existing on April 14, 2010, with access to a #narrow street#; and
- (c) Where a #Commercial District# with only #narrow street# frontage is mapped along the short end of a #block#, and a #zoning lot# existing on April 14, 2010, has access to both the short and long ends of such #block#, all such curb cuts

shall be prohibited along the #street line# of the short end of such #block#.

(2/2/11)

36-54

Restrictions on Use of Required Residential Open Space for Parking

C1-1 C1-2 C1-3 C1-4 C1-5 C1-6 C1-7 C1-8 C2-1 C2-2 C2-3 C2-4 C2-5
C2-6 C2-7 C3 C4-1 C4-2 C4-3 C4-4 C4-5 C6-1 C6-2 C6-3

In the districts indicated, except for C1 or C2 Districts when mapped within an R10 District, in accordance with the provisions of Section 34-11 or 35-21 (General Provisions), not more than 50 percent of the required #open space# on any #zoning lot# with a #building# containing #residences# may be used for driveways, private streets, open #accessory# off-street parking spaces or open #accessory# off-street loading berths.

(11/28/07)

36-55

Surfacing

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted #public parking lots# shall be graded, constructed, surfaced and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory group parking facility# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

(11/28/07)

36-56

Screening

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

- (a) shall be screened from all adjoining #zoning lots# in #Residence Districts#, including such #zoning lots# situated across a #street#, by either:
 - (1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting, and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
 - (2) a wall or barrier or uniformly painted fence of fire resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open;
- (b) shall be maintained in good condition at all times;
- (c) may be interrupted by normal entrances or exits; and
- (d) shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs) or 32-63 (Permitted Advertising Signs).

Paragraph (a), of this Section, shall not apply at the #street line# of #zoning lots# where the requirements of Section 37-921 (Perimeter landscaping) apply.

(6/23/66)

36-57

Accessory Off-Street Parking Spaces in Public Garages

C1 C2 C4 C5 C6 C7 C8

In the districts indicated, permitted or required #accessory# off-street parking spaces may be provided in a permitted #public

parking garage#, but only on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory# and subject to all the other applicable regulations of this Chapter.

Such #accessory# off-street parking spaces shall be included with all other spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number of spaces in such #public parking garage#.

The computation of #floor area# for such #public parking garage# shall be in accordance with the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), except as otherwise specifically authorized in accordance with the provisions of Sections 73-67 (Additional Floor Space for Public Parking Garages), 74-511 (In C1 Districts), 74-512 (In other Districts), or 74-52 (Public Parking Garages or Public Parking Lots in High Density Central Areas).

(2/2/11)

36-58

Parking Lot Maneuverability and Curb Cut Regulations

C1 C2 C3 C4 C5 C6 C7 C8

(a) Applicability

In all districts, as indicated, the provisions of this Section shall apply to:

- (1) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#; and
- (2) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area, that result in an increase in:
 - (i) the total number of parking spaces #accessory# to #commercial# or #community facility uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or
 - (ii) the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28,

2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility uses#; and

- (3) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Groups 9 or 16.

In addition, all #public parking lots# shall comply with the curb cut requirements of paragraph (c) of this Section.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards set forth in this Section.

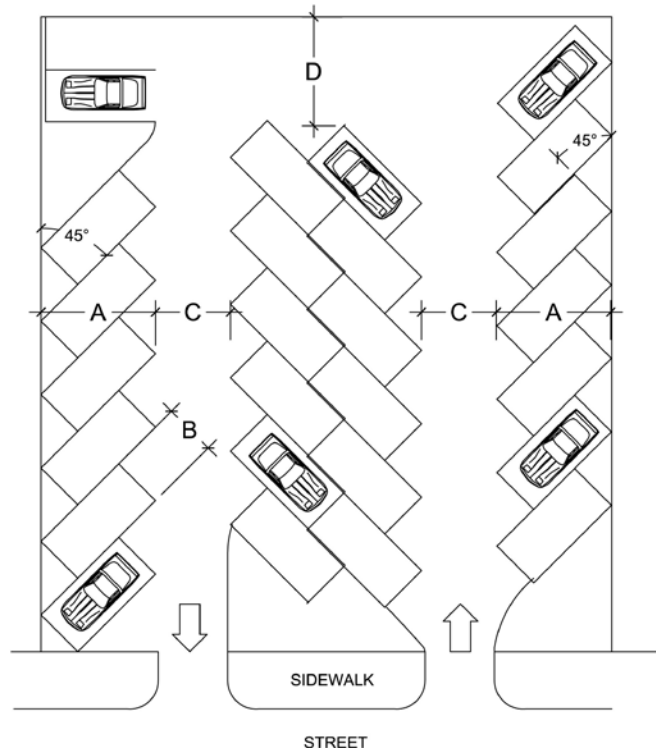
(b) Parking Lot Maneuverability

All open parking areas shall comply with the maneuverability standards set forth in the following table.

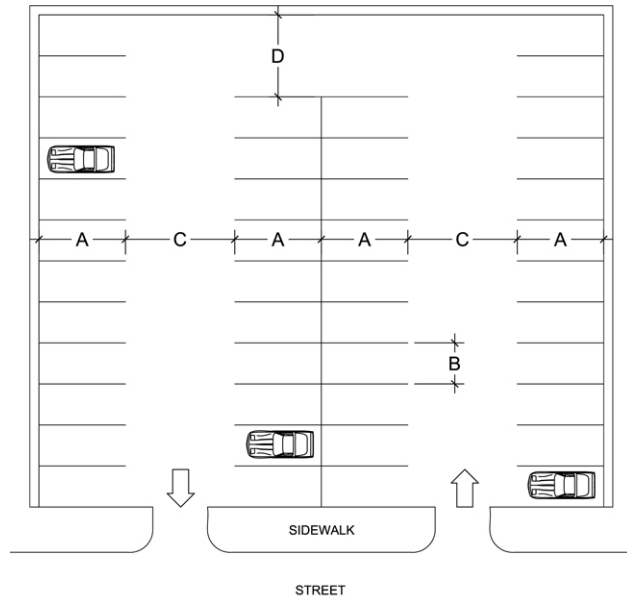
	A	B	C	D
			Minimum	
Angle of Park	Minimum length	Minimum Width	Travel Lane	Minimum Turnaround
0*	8'-6"	20'-0"	13'-2"	NA
0**	8'-6"	20'-0"	23'-3"	NA
45	17'-1"	8'-6"	12'-10"	18'-0"
50	17'-8"	8'-6"	13'-2"	17'-6"
55	18'-1"	8'-6"	13'-7"	17'-3"
60	18'-5"	8'-6"	14'-6"	17'-0"
65	18'-7"	8'-6"	15'-4"	17'-3"
70	18'-8"	8'-6"	16'-5"	17'-6"

75	18'-7"	8'-6"	17'-10"	18'-0"
90	18'-0"	8'-6"	22'-0"	22'-0"

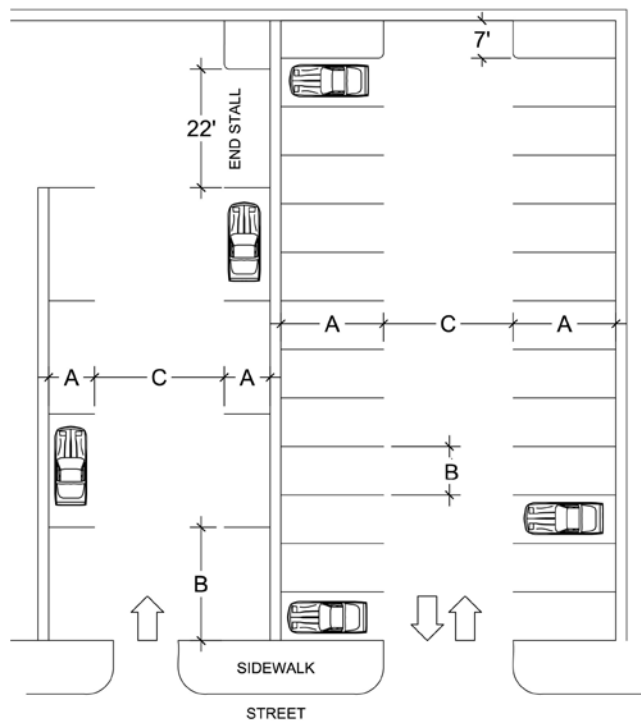
- * Figures given are for one-way traffic
- ** Figures given are for two-way traffic



45 Degree Parking Layout
(36-58b.1)



90 Degree Parking Layout
(36-58b.2)



Parallel Parking/Dead-End Parking
(36-58b.3)

(c) Curb Cuts

Curb cuts serving one travel lane shall have a maximum width of 12 feet, excluding splays, and curb cuts serving two travel lanes shall have a maximum width of 24 feet, excluding splays. For parking lots with more than 100 parking spaces, curb cuts of up to 30 feet, excluding splays, shall be permitted.

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

For #zoning lots# with 100 feet or less of #street# frontage, only two curb cuts shall be permitted. For every additional 50 feet of #street# frontage, one additional curb cut shall be permitted.

A minimum distance of 18 feet from any other curb cut on the same or adjacent #zoning lots# shall be maintained, except where the Commissioner of Buildings determines that, due to the location of curb cuts constructed, prior to November 28, 2007, on adjacent #zoning lots#, there is no way to locate the curb cut 18 feet from such adjacent existing curb cuts.

(1/18/11)

36-581

Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx

C1 C2 C4

(a) In C1, C2 and C4 Districts in the Borough of Staten Island or in Community District 10 in the Borough of the Bronx, all #zoning lots# containing #buildings# with the following #uses# shall be subject to the provisions of paragraph (b) of this Section:

- (1) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
- (2) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses

of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#.

(b) All #zoning lots# that meet the conditions of paragraph (a) of this Section shall comply with the following provisions:

(1) Notwithstanding the applicability provisions of paragraph (a) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations), the maneuverability provisions of paragraph (b) and the curb cut provisions of paragraph (c) of such Section shall apply to all #group parking facilities#, open or enclosed. No tandem parking or attended parking shall be permitted.

(2) In addition to the screening requirements for open parking areas in Section 36-56, any parking area covered by a roof shall be screened from adjoining #zoning lots# in #Residence Districts# and from adjacent #streets# in accordance with the following provisions:

(i) Screening shall consist of a wall or barrier or uniformly painted fence of fire resistant material at least six feet high above finished grade and may be interrupted by normal entrances or exits;

(ii) Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the surface is open. No chain link fencing shall be permitted. Such screening shall be maintained in good condition at all times;

(iii) Where the exterior wall of a parking facility facing a #street# has an opaque area with a width greater than 40 feet and a height greater than six feet, such area shall be treated with a decorative element or material or shall be screened with planting so as to provide visual relief. Such screening or decorative treatment shall be applied to a minimum height of 15 feet above adjoining grade or the height of the wall, whichever is less;

(iv) For parking areas covered by a roof, where at least half of the surface area of such roof serves

as children's play space for #buildings# containing child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), such covered parking area shall not be considered an "open parking area" for the purposes of Section 37-90 (PARKING LOTS), inclusive, and shall therefore not require perimeter or interior landscaping pursuant to such Section. In lieu thereof, such covered parking area shall be screened in accordance with paragraph (b)(2) of this Section.

(6/10/09)

36-59

Cross Access Connections in the Borough of Staten Island

C4-1 C8

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots. Such vehicular passageways are hereinafter referred to as "cross access connections" and shall be provided in accordance with the requirements of this Section, inclusive.

(6/10/09)

36-591

Applicability

Cross access connections shall be required for:

- (a) #developments# where at least 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area;
- (b) #enlargements# on a #zoning lot# with an open parking lot that has 36 or more #accessory# parking spaces or is greater than 12,000 square feet in area; or
- (c) #zoning lots# where the number of parking spaces #accessory# to #commercial# or #community facility uses# is increased

and such increase results in at least 36 parking spaces or more than 12,000 square feet of open parking lot area.

Such #developments#, #enlargements# or #zoning lots# shall locate cross access connections in accordance with the requirements of Sections 36-593 and 36-594.

(6/10/09)

36-592

Certification of cross access connections

No excavation, foundation or building permit shall be issued for any #development# or #enlargement# requiring a cross access connection, and no certificate of occupancy shall be amended for any increase in the number of parking spaces requiring a cross access connection until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the requirements of Section 36-59, inclusive, have been met.

(6/10/09)

36-593

Site planning criteria for cross access connections

Every potential cross access connection meeting the criteria of this Section shall be shown on the site plan required pursuant to Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations).

- (a) The connection shall be a minimum of 22 feet in width as measured along a #lot line# or boundary between separate properties when located on the same #zoning lot#, and at least 23 feet from any #street line#.
- (b) The connection shall be an extension of a travel lane of the subject open parking lot and align to the maximum extent practicable with a travel lane on any adjacent open parking lot.
- (c) The connection shall have a grade not greater than 15 percent.
- (d) The connection shall be placed in an area that is not blocked by an existing #building or other structure# that is within 50 feet of the #lot line# or other boundary of the

subject property.

- (e) The connection shall be placed in an area that will not require the removal of significant natural features such as wetlands or trees with a caliper of six inches or more, on the same or adjacent #zoning lots#.

No screening or landscaping along a #lot line# shall be required in the connection area.

(6/10/09)

36-594

Establishment of location of required cross access connection

One cross access connection shall be provided on the subject property at each #zoning lot line# or other boundary on the same #zoning lot#, where the properties divided by such #lot line# or boundary are contiguous by at least 60 feet, and where the adjacent properties are located in C4-1, C8 or Manufacturing Districts. The location of the required cross access connection shall be established as follows:

- (a) where an easement has not been previously recorded against any adjacent property in accordance with Section 36-595, an easement shall be recorded against the subject property documenting the locations of all potential cross access connections identified pursuant to Section 36-593. The easement shall provide for at least one future cross access connection to each adjacent property, at any of the locations identified; or
- (b) where an easement has been previously recorded against an adjacent property in accordance with Section 36-595, an easement providing for at least one cross access connection meeting the criteria set forth in Section 36-593 shall be recorded against the subject property. Such cross access connection shall also align with one of the locations identified in the previously recorded easement against an adjacent property. If the previously recorded easement has identified more than one location for a cross access connection along such #lot line# or other boundary, the owner of the subject property shall select one of these locations for the cross access connection.

Each property owner shall construct their portion of the cross access connection in accordance with the requirements of Sections 36-593 and 36-595.

If such cross access connection has been established in a location that contained parking spaces upon the effective date of the easement, as set forth in Section 36-595, such connection shall be counted as four required parking spaces and shall be separated from any adjacent parking spaces by a planting island at least four feet wide and densely planted with shrubs maintained at a maximum height of three feet. Such planting islands shall not be subject to the landscaping provisions of Section 37-922 (Interior landscaping).

(6/10/09)

36-595

Recordation and notice requirements

An easement through all required cross access connections for vehicular passage between and among adjacent parking lots, in a form acceptable to the Department of City Planning, shall be recorded in the Office of the Richmond County Clerk. An easement so recorded shall not become effective unless and until a corresponding easement has been recorded against an adjacent property, whether on the same or adjacent #zoning lot#, pursuant to this Section. Nothing herein shall be construed to limit the ability of a property owner or lessee to prohibit parking by non-customers.

If an easement pursuant to this Section has previously been recorded against any adjacent property, the owner of the subject property shall notify the owner of the adjacent property of the easement location selected by sending such owner a copy of the recorded easement. Proof of notification shall be a condition of certification under this Section. Prior to issuance of a temporary certificate of occupancy or permit sign-off, as applicable, the subject property owner shall further notify the adjacent property owner that the cross access connection must be constructed on the adjacent property within six months of the date of such notice. No temporary certificate of occupancy for any #development#, #enlargement# or increase in the number of parking spaces on the subject property, or permit sign-off, if applicable, shall be issued until the applicant has demonstrated to the Department of Buildings that such owner of the adjacent property has been duly notified. Failure to provide the cross access connection in accordance with the requirements of this Section and to allow for vehicular passage between and among the adjacent parking lots within six months of the date of the notice shall constitute a violation of this Zoning Resolution by the adjacent property owner. Failure to provide the cross access

connection in accordance with the requirements of this Section and to allow for vehicular passage between and among the adjacent parking lots at the time of the aforementioned temporary certificate of occupancy or permit sign-off, if applicable, shall constitute a violation of this Zoning Resolution by the owner of the subject property.

(6/10/09)

36-596

Certification that no connection is required, relocation of previously certified connections and voluntary connections

(a) Certification that no connection is required

The Chairperson shall certify to the Department of Buildings that no cross access connection is required along a #lot line#, or other boundary between separate parking lots when located on the same #zoning lot#, due to the presence of the following conditions, and provided that no alternate location along such #lot line# or other boundary between properties exists:

- (1) grade changes greater than 15 percent;
- (2) existing #buildings or other structures# to remain that are located within 50 feet of the subject #zoning lot# or property; or
- (3) wetlands or trees with a caliper of six inches or more.

(b) Relocation of previously certified connection

The Chairperson may relocate a previously-certified cross access connection where such new location is acceptable to the owners of both properties and such connection complies with all requirements of this Section.

(c) Certification for voluntary connection

The Chairperson may certify a non-required cross access connection provided such connection complies with all requirements of Section 36-59, inclusive.

(6/10/09)

36-597

Authorizations for waivers or modifications of cross access connections

The City Planning Commission may authorize modifications or waivers of the requirements of Section 36-59, inclusive, provided the Commission finds that:

- (a) due to the irregular shape of the #zoning lot# or the location of connections along other #lot lines# or boundaries between properties on the same #zoning lot#, it is not possible to design a complying parking lot with a complying cross access connection; or
- (b) site planning constraints necessitate the placement of a new or #enlarged building# against a #lot line# or other boundary between properties that precludes a cross access connection along such #lot line# or boundary, and no other site plan is feasible.

The Commission may request reports from licensed engineers or landscape architects in considering such modifications or waivers.

OFF-STREET LOADING REGULATIONS

(12/15/61)

36-60

GENERAL PURPOSES

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in commercial areas within the City, and thus to promote and protect public health, safety and general welfare.

(2/9/94)

36-61

Permitted Accessory Off-Street Loading Berths

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for all permitted #uses#, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions of Sections 36-682 (Location of access to the street), 36-683 (Restrictions on location of berths near Residence Districts), 36-684 (Surfacing) and 36-685 (Screening).

(2/2/11)

36-62

Required Accessory Off-Street Loading Berths

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all #developments# or #enlargements# after December 15, 1961, for the #uses# listed in the table, except as otherwise provided in Section 36-63 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements) or 36-64 (Wholesale, Manufacturing or Storage Uses Combined with Other Uses), as a condition precedent to the #use# of such #development# or #enlargement#.

After December 15, 1961, if the #use# of any #building or other structure# or #zoning lot# is changed or #enlarged#, the requirements set forth in the table shall apply to the #floor area# of the changed or #enlarged# portion of such #building# or of the #lot area# used for such #use#.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

Whenever any #use# specified in the table is located on an open lot, the requirements set forth in the table for #floor area# shall apply to the #lot area# used for such #use#.

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS, ENLARGEMENTS OR CHANGES OF USE

District
Type of #Use#

#Floor Area# - Required Berths

C1 C2 C3 C4 C5 C6 C8

Hospitals and related facilities¹ or prisons

First 10,000 sq. ft. of floor area - None

Next 290,000 sq. ft. of floor area - 1 required berth

Each additional 300,000 sq. ft. of floor area or fraction thereof
- 1 required berth

C1 C2 C4 C6 C8

Funeral establishments

First 10,000 sq. ft. of floor area - 1 required berth

Next 20,000 sq. ft. of floor area - 1 required berth

Any additional amount - 1 required berth

C1² C2² C3 C4-1 C4-2 C4-3 C8-1 C8-2

Hotels, offices or court houses

First 25,000 sq. ft. of floor area - None

Next 75,000 sq. ft. of floor area - 1 required berth

Next 200,000 sq. ft. of floor area - 1 required berth

Each additional 300,000 sq. ft. of floor area or fraction thereof
- 1 required berth

C1³ C1-6 C1-7 C1-8 C1-9 C2³ C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5
C6 C8-3 C8-4

Hotels, offices or court houses

First 100,000 sq. ft. of floor area - None

Next 200,000 sq. ft. of floor area - 1 required berth

Each additional 300,000 sq. ft. of floor area or fraction thereof
- 1 required berth

#Commercial uses#

All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B,
9A, 9B, 10A, 12B, 14A or 16A

All amusement #uses# listed in Use Group 8A or 12A

All automotive service #uses# listed in Use Group 7D

C1² C2² C3 C4-1 C4-2 C4-3 C7 C8-1 C8-2

First 8,000 sq. ft. of floor area - None

Next 17,000 sq. ft. of floor area - 1 required berth
Next 15,000 sq. ft. of floor area - 1 required berth
Next 20,000 sq. ft. of floor area - 1 required berth
Next 40,000 sq. ft. of floor area - 1 required berth
Each additional 150,000 sq. ft. of floor area or fraction thereof
- 1 required berth

C1³ C1-6 C1-7 C1-8 C1-9 C2³ C2-6 C2-7 C2-8 C4-4 C4-5 C4-6
C4-7 C5 C6 C8-3 C8-4

First 25,000 sq. ft. of floor area - None
Next 15,000 sq. ft. of floor area - 1 required berth
Next 60,000 sq. ft. of floor area - 1 required berth
Each additional 150,000 sq. ft. of floor area or fraction thereof
- 1 required berth

Service, wholesale, manufacturing, or storage #uses#

All service, wholesale or storage #uses# listed in Use Group 7C,
10B, 11B, or 16D

All #manufacturing uses# listed in Use Group 11A

C2² C4-1 C4-2 C4-3 C8-1 C8-2

First 8,000 sq. ft. of floor area - None
Next 17,000 sq. ft. of floor area - 1 required berth
Next 15,000 sq. ft. of floor area - 1 required berth
Next 20,000 sq. ft. of floor area - 1 required berth
Next 20,000 sq. ft. of floor area - 1 required berth
Each additional 80,000 sq. ft. of floor area or fraction thereof
- 1 required berth

C2³ C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

First 15,000 sq. ft. of floor area - None
Next 25,000 sq. ft. of floor area - 1 required berth
Next 40,000 sq. ft. of floor area - 1 required berth
Each additional 80,000 sq. ft. of floor area or fraction thereof
- 1 required berth

¹ Requirements in this table are in addition to area utilized
for ambulance parking

² Mapped within R1, R2, R3, R4, R5, R6

³ Mapped within R7, R8, R9, R10

(12/15/61)

36-63

Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, if any #building# or #zoning lot# contains two or more #uses# having different requirements for loading berths as set forth in Section 36-62 (Required Accessory Off-Street Loading Berths), and if:

- (a) the #floor area# of each separate #use# is less than the minimum #floor area# for which berths are required; and
- (b) the total #floor area# of all the #uses# for which berths are required is greater than the smallest amount of #floor area# for which berths are required for any of the #uses# individually;

off-street loading berths shall be provided as if the total #floor area# of the #uses# for which berths are required were used for that #use# for which the most berths are required.

(2/2/11)

36-64

Wholesale, Manufacturing, or Storage Uses Combined with Other Uses

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except as provided in Section 36-63 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements), if any #building# or #zoning lot# is used partly for wholesale, #manufacturing# or storage #uses# or any combination of such #uses#, and partly for any other #uses# set forth in the table in Section 36-62 (Required Accessory Off-Street Loading Berths), at least 50 percent of the #floor area# in the #building# shall be subject to the requirements set forth for wholesale, #manufacturing# or storage #uses#, and the remainder shall be subject to the other applicable requirements.

(12/15/61)

36-65

Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the requirements set forth in the following Sections shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required berths with access to the #street# to conform to the provisions of Section 36-682 (Location of access to the street):

Section 36-62 (Required Accessory Off-Street Loading Berths)

Section 36-63 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Uses Combined with Other Uses)

Section 36-64 (Wholesale, Manufacturing, or Storage Uses Combined with Other Uses).

The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base a determination on such report.

(12/15/61)

36-66

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 having different requirements for #accessory# off-street loading berths, the provisions set forth in Article VII, Chapter 7, shall apply.

(12/15/61)

36-67

Joint Loading Berths Serving Two or More Buildings

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, required loading berths may be provided in facilities designed to serve jointly two or more adjoining #buildings# or #zoning lots# within a single #block#, provided that:

- (a) the number of berths in such joint facilities shall be not less than that required for the total combined #floor area# of such #buildings# or #zoning lots# as set forth in Sections 36-62 (Required Accessory Off-Street Loading Berths), 36-63 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements) or 36-64 (Wholesale, Manufacturing, or Storage Uses Combined with Other Uses);
- (b) direct access is provided from such joint facilities to all such #buildings# or #zoning lots#; and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

(12/15/61)

36-68

Additional Regulations for Permitted or Required Berths

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required #accessory# off-street loading berths shall conform to the provisions set forth in this Section.

(12/15/61)

36-681

Size of required berths

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all required #accessory# off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include

driveways or entrances to or exits from such off-street berths.

MINIMUM DIMENSIONS FOR
REQUIRED ACCESSORY OFF-STREET LOADING BERTHS
(in feet)

	Length	Width	Vertical Clearance
#Commercial uses#*	33	12	14
Funeral establishments	25	10	8
Hospitals and related facilities or prisons	33	12	12
Hotels, offices or court houses	33	12	12
Wholesale, with less than manufacturing 10,000 sq. ft. of or storage #floor area#	33	12	14
#uses#: with 10,000 sq. ft. of #floor area# or more	50	12	14

* As set forth in the table in Section 36-62 (Required Accessory Off-Street Loading Berths)

(12/15/61)

36-682

Location of access to the street

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base a determination on such report.

The waiver provisions of Section 36-65 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply

when the Commissioner of Buildings has certified that there is no way to arrange the berths with access to the #street# to conform to the provisions of this Section.

(12/15/61)

36-683

Restrictions on location of berths near Residence Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, where #accessory# off-street loading berths are located within 60 feet of a #Residence District# boundary, such berths shall be enclosed within a #building#, and no entrance to or exit from the berths onto the #street# shall be less than 30 feet from the district boundary.

(12/15/61)

36-684

Surfacing

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

(4/8/98)

36-685

Screening

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required open off-street loading berths that are located on #zoning lots# adjacent to the boundary of a #Residence District#:

- (a) shall be screened from all adjoining #zoning lots# in #Residence Districts#, including #zoning lots# situated across a #street#, by either:
 - (1) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the

time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

- (2) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated provided that not more than 50 percent of the face is open;
- (b) shall be maintained in good condition at all times;
- (c) may be interrupted by normal entrances and exits; and
- (d) shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs) or 32-63 (Permitted Advertising Signs).

(2/2/11)

36-70

BICYCLE PARKING

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the provisions of this Section, inclusive, relating to bicycle parking spaces shall apply to:

- (a) #developments#;
- (b) #enlargements# that increase the #floor area# within a #building# by 50 percent or more;
- (c) #dwelling units# created by #conversions# of non-#residential floor area#;
- (d) new #dwelling units# in #buildings# or #building segments# constructed after April 22, 2009;
- (e) new enclosed #accessory group parking facilities# with 35 or more automobile parking spaces; and
- (f) open parking areas #accessory# to #commercial# or #community facility uses# that contain 18 or more automobile parking spaces or are greater than 6,000 sq. ft. in area.

In addition, the provisions of Section 36-75 (Floor Area Exemption) shall apply to all #buildings# as set forth therein.

Bicycle parking spaces shall be provided in accordance with the requirements set forth in this Section, inclusive, as a condition precedent to the #use# of such #development#, #enlargement#, #conversion#, #group parking facility# or open parking area.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total area, in square feet, of bicycle parking spaces and the total area, in square feet, excluded from the calculation of #floor area# for such spaces shall be noted on the certificate of occupancy.

(4/22/09)

36-71

Required Bicycle Parking Spaces

(2/2/11)

36-711

Enclosed bicycle parking spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table in this Section.

For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the #accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table, or one for every 10 automobile parking spaces that are enclosed within a #building or other structure# or located on the roof of a #building#, whichever will

require a greater number of bicycle parking spaces.

REQUIRED BICYCLE PARKING SPACES
FOR RESIDENTIAL, COMMUNITY FACILITY
OR COMMERCIAL USES

Type of #Use#	Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement
FOR RESIDENTIAL USES	

Use Group 1	None required
Use Group 2	1 per 2 #dwelling units#
#Non-profit residences for the elderly# or #dwelling units# for the elderly as specified in Section 36-35(d)	1 per 10,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES ¹	

College or #school# student dormitories or fraternity and sorority student houses	1 per 2,000 square feet of #floor area#
Colleges, universities or seminaries ²	
(a) Classrooms, laboratories, student centers or offices	1 per 5,000 square feet of #floor area#
(b) Theaters, auditoriums, gymnasiums or stadiums	1 per 20,000 square feet of #floor area#
Libraries, museums or non-commercial art galleries	1 per 20,000 square feet of #floor area#
Monasteries, convents or novitiates; houses of worship, rectories or parish houses; Use Group 4B	None required
All other Use Group 3 and Use Group 4 #uses# not otherwise listed in this table	1 per 10,000 square feet of #floor area#
FOR COMMERCIAL USES	
Use Group 6B	1 per 7,500

square feet of #floor area#

General retail or service #uses#. 1 per 10,000
Use Groups 5A, 6A, 6C, 6E, 7A, 7B, 7D, square feet
8B, 9A, 10A, 12B, 13B, 14A (except docks of #floor area#
for vessels, other than #gambling vessels#)
or 14B; eating and drinking establishments in
all Use Groups; automobile rental
establishments

Use Groups 8A, 12A (except eating 1 per 20,000
and drinking establishments); theaters square feet
of #floor area#

#Public parking garages# 1 per 10
automobile parking spaces

Use Groups not specified above None required
and all other #commercial uses#
not otherwise listed

1 #Non-profit hospital staff dwellings# shall be subject to
the requirements for Use Group 2 #residential uses#

2 Up to half of required spaces may be provided as unenclosed
bicycle parking spaces, pursuant to the requirements of
Section 36-73

However, the bicycle parking requirements set forth in the table
shall be waived for bicycle parking spaces that are accessory to:

- (a) #buildings# containing 10 #dwelling units# or less;
- (b) colleges, universities or seminaries where the number of
required enclosed bicycle parking spaces is six or less;
- (c) college or #school# student dormitories or fraternity and
sorority student houses where the number of required bicycle
parking spaces is five or less; or
- (d) all other #community facility# or #commercial uses# not
otherwise listed in the table where the number of required
bicycle parking spaces is three or less.

(4/22/09)

Unenclosed bicycle parking spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for open parking areas #accessory# to #commercial# or #community facility uses# that contain 18 or more spaces or are greater than 6,000 square feet in area, which meet the applicability standards of Section 37-91, unenclosed bicycle parking spaces shall be provided as follows:

- (a) One bicycle parking space shall be provided for every ten automobile parking spaces, up to 200 automobile parking spaces. Thereafter, one bicycle parking space shall be provided for every 100 automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle space.
- (b) Each bicycle rack shall allow for the bicycle frame and at least one wheel to be locked to the rack. If bicycles can be locked to each side of the rack without conflict, each side may be counted toward a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and an eight foot wide aisle shall be provided between bicycle rack areas.
- (c) Bicycle racks shall be provided within 50 feet of a main entrance of a #building# and a minimum of 24 inches from any wall. However, if more than 40 bicycle parking spaces are required, 50 percent of such spaces may be provided at a distance of up to 100 feet from the main entrance of a #building#. Department of Transportation bicycle racks provided on a fronting sidewalk may be counted toward this requirement, provided such racks meet the standards of this paragraph, ©.

(4/22/09)

36-72

Authorization for Reduction of Spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the City Planning Commission may authorize a reduction in the number of required bicycle parking spaces set forth in Section 36-711 (Enclosed bicycle parking spaces) or a waiver of all such spaces, upon finding there are subsurface conditions, below-ground infrastructure or other site planning constraints that would make accommodating such bicycle

parking spaces on or below the first #story# of the #building# infeasible. The Commission may request reports from licensed engineers or registered architects in considering such reduction.

(4/22/09)

36-73

Restrictions on Operation, Size and Location of Bicycle Parking Spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all #accessory# bicycle parking spaces shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in Section 36-74 (Certification for Off-Site Bicycle Parking Spaces).

All enclosed #accessory# bicycle parking spaces shall be surrounded on all sides by a solid enclosure, except where a parking garage is open at the sides, and covered by a roof for weather protection. Each bicycle space shall adjoin a rack or similar system for securing the bicycle. Bicycle parking spaces shall be located in an area secured by a lock or similar means, or adjoin a securely-anchored rack to which the bicycle frame and at least one wheel can be locked. Fifteen square feet of area shall be provided for each bicycle space. However, the area for each bicycle space may be reduced by up to nine square feet per bicycle if the Commissioner of Buildings certifies that a layout has been submitted to adequately accommodate the specified number of bicycles.

A plaque shall be placed at the exterior of the entry to the bicycle parking area, outside any locked door, with lettering at least three-quarter inches in height stating "Bicycle Parking."

All required bicycle parking spaces that are #accessory# to #residences# shall be made available for the storage and independent access of the bicycles used by the occupants of such #residences#.

All required bicycle parking spaces that are #accessory# to a #commercial# or #community facility use# shall be made available for the storage and independent access of bicycles used by the employees of such #use#, except that bicycle parking spaces #accessory# to colleges or universities must be accessible to all authorized users of such #building#, and that bicycle parking spaces #accessory# to #community facilities# with sleeping

accommodations may be accessible to the occupants of such facility.

Bicycle spaces may be located in a room secured by a lock, or similar means, provided that access is through a commonly-accessible area and access is made available to eligible users on an equal basis.

- (a) For colleges, universities or seminaries, one-half of required #accessory# bicycle parking spaces may be provided as open unenclosed spaces, provided that such spaces meet the standards of Section 36-712 (Unenclosed bicycle parking spaces), paragraph (b).
- (b) For #public parking garages#, the required information plaque shall be provided at each point of bicycle entry to the #public parking garage#, mounted with its center between four and six feet above the ground, directly visible and unobstructed from the #street#. The entry plaque shall contain a bicycle symbol which is 12 inches square in dimension with a highly contrasting background, as shown in this paragraph, (b). The symbol shall match exactly the symbol provided in the [Required Signage Symbols](#) file at the Department of City Planning website.



(36-73)

(4/22/09)

36-74

Certification for Off-Site Bicycle Parking Spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for colleges, universities,

seminaries, hospitals and related facilities, except animal hospitals, #accessory# bicycle parking spaces required pursuant to Section 36-711 (Enclosed bicycle parking spaces) may be provided on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that all such bicycle parking spaces are:

- (a) located on a #zoning lot# not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #use# to which they are #accessory#, or within a subsurface parking and other service facility that serves multiple #zoning lots#, including the #zoning lot# occupied by the #use# to which they are #accessory#; and
- (b) subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces as accessible throughout the life of the #use# generating the #accessory# bicycle parking spaces.

A plaque shall be placed within 30 feet of an entrance of the #building#, with lettering at least three-quarter inches in height stating "Bicycle Parking" followed by information directing users to the address of the off-site location.

The number of off-site #accessory# bicycle parking spaces provided pursuant to this Section and the area of such bicycle parking spaces, in square feet, shall be noted on the certificate of occupancy for both the #building# in which the off-site bicycle parking spaces are located, and the #building# containing the #use# to which such bicycle parking spaces are #accessory#.

(2/2/11)

36-75

Floor Area Exemption

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, space provided for enclosed #accessory# bicycle parking spaces pursuant to the standards of this Section shall be excluded from the calculation of #floor area#, provided that:

- (a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by the number of required spaces or, if spaces are waived pursuant to paragraphs (a), (b), (c) or (d) of Section 36-711 (Enclosed

bicycle parking spaces), the number that would have been required but for the waiver or, if spaces are not required because the #building# was constructed prior to April 22, 2009, the number that would be required if such #building# were newly-constructed; and

- (b) the #accessory# bicycle parking spaces provided meet the standards for required bicycle parking of Section 36-73 (Restrictions on Operation, Size and Location of Bicycle Parking Spaces).

Notwithstanding the provisions of paragraph (a) of this Section, for the #uses# listed in the table, the amount of space that may be excluded from the calculation of #floor area# shall not exceed an amount equal to 15 square feet multiplied by the number of spaces set forth in the table.

MAXIMUM BICYCLE PARKING SPACES
EXCLUDED FROM FLOOR AREA

Type of #Use#	Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement

FOR RESIDENTIAL USES	
#Non-profit residences for the elderly# or #dwelling units# for the elderly as specified in Section 36-35 (d)	1 per 2,000 square feet of #floor area#
FOR COMMUNITY FACILITY USES	
Philanthropic or non-profit institutions with sleeping accommodations	1 per 2,000 square feet of #floor area#
Proprietary, non-profit or voluntary hospitals and related facilities, except animal hospitals	1 per 5,000 square feet of #floor area#

However, in no event shall this Section apply to #single-# or #two-family residences#; and in no event shall this Section apply to #accessory# bicycle parking spaces provided off-site, pursuant

to Section 36-74 (Certification for Off-Site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory group parking facility# shall not be counted as #floor area# provided that such portion of the #accessory group parking facility# does not count as #floor area#.

(4/22/09)

36-76

Waiver or Reduction of Spaces for Subsidized Housing

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, except in the #Special Willets Point District# and the #Special St. George District#, the number of required bicycle parking spaces set forth in Section 36-711 (Enclosed bicycle parking spaces) may be reduced or waived by the Commissioner of Buildings, provided that the Commissioner of the Department of Housing Preservation and Development has submitted a letter certifying that:

- (a) at least 50 percent of the #dwelling units# in the #building# or #building segment# will be income-restricted pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, or pursuant to the terms of a grant, loan or subsidy from any Federal, State or local agency or instrumentality, including, but not limited to, the disposition of real property for less than market value, purchase money financing, construction financing, permanent financing, the utilization of bond proceeds and allocations of low income housing tax credits. An exemption or abatement of real property taxes shall not qualify as a grant, loan or subsidy for the purposes of this paragraph, (a);
- (b) there is insufficient space within the #building# to accommodate the required number of bicycle parking spaces on or below the first #story# of the #building#, including within an enclosed #accessory group parking facility#;
- (c) if permitted automobile parking spaces are provided, the required bicycle parking spaces cannot be accommodated within an enclosed #group parking facility# by reconfiguring automobile parking spaces or removing three or fewer permitted automobile parking spaces;
- (d) additional space cannot reasonably be constructed based on the amount of subsidy available to the project; and

- (e) the number of required bicycle parking spaces is being reduced by the minimum amount necessary to address these limitations.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article III: Commercial District Regulations Chapter 7 - Special Regulations

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(10/17/07)

Chapter 7
Special Urban Design Regulations

(2/2/11)

37-10
APPLICABILITY OF ARTICLE II, CHAPTER 6, TO DEVELOPMENTS WITH PRIVATE ROADS

In C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts, the provisions of Section 26-20 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS) shall apply to any #zoning lot# with #buildings# accessed by #private roads#, except where such #zoning lot# contains #private roads# constructed prior to February 6, 2002. In addition, the open area between #buildings# and sidewalks required pursuant to Section 26-25 need not be planted where such open areas front upon #commercial uses#.

However, in C3A Districts located within #lower density growth management areas#, the provisions of 26-30 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) shall apply.

(12/21/05)

37-20
SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND

(12/21/05)

37-21
Special Screening Requirements between Residential and Non-Residential Uses

In all C1, C2 and C4-1 Districts in the Borough of Staten Island, all #developments# or #enlargements# containing non-#residential uses# shall be screened from adjoining #zoning lots# containing only #residential uses# by a planting strip at least five feet wide along the common #side lot line#, densely planted with

evergreen shrubs at least four feet high at time of planting and of a variety expected to reach a height of six feet within three years. No chain link fences shall be permitted. However, no such screening shall be required where both such #buildings# front upon a #street line# that forms the boundary of a #block# front mapped entirely as a #Commercial District#.

(10/17/07)

37-30 STREETSCAPE

(2/2/11)

37-31 Applicability

The regulations of Sections 37-30 through 37-37, inclusive, shall apply to 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, Sections 37-30 through 37-37, inclusive, shall not apply within any Special Purpose District nor shall it apply to any #Quality Housing building#, except as otherwise set forth therein.

An application to the Department of Buildings for a permit respecting any #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.

(2/2/11)

37-32 Definitions

Contiguous block

For the purposes of Sections 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 #development#.

Contiguous lot

For the purposes of Sections 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#.

Development

For the purposes of Sections 37-30 through 37-37, inclusive, in addition to the definition of "development" pursuant to Section 12-10 (DEFINITIONS), "development" shall also include an #enlargement# involving an increase in #lot coverage#.

Predominantly residential use

For the purposes of Sections 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#.

(2/2/11)

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 #development# occupied by #predominantly residential use#, except as modified by the provisions of Sections 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#.

(2/2/11)

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 #developments# occupied by a #predominantly residential use# are modified by the provisions of Sections 37-35 (Retail Continuity), 37-36 (Sign Regulations) and 37-37 (Street Wall Articulation).

(2/2/11)

37-35

Retail Continuity

For #buildings# with front #building# walls that are at least 50 feet in width and front upon a #wide street#, a minimum of 50 percent of the width of such front #building# wall shall be occupied at the ground floor level 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 may be waived, or additional #uses# permitted, upon certification by the City Planning Commission to the Commissioner of Buildings that 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#.

(2/2/11)

37-36

Sign 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 a #building# 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 #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#.

(2/2/11)

37-37

Street Wall Articulation

When any #building# wall which is five feet or more in height adjoins a sidewalk, a #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 width, 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 Design Commission shall be obtained prior to the certificate of occupancy being issued for the #development#.

(9/30/09)

37-38

Sidewalk Widening in Certain Districts

C6-3D

In the district indicated, and in C1 or C2 Districts mapped within an R9D District, for #developments# or #enlargements# on #zoning lots# fronting upon #wide streets#, or fronting upon #narrow streets# that include an elevated rail line, sidewalks, with a minimum depth of 20 feet measured perpendicular to the curb of the #street#, shall be provided along such entire #street# frontages of the #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 20 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 20 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times. In addition, the provisions of paragraphs (f)(2) through (f)(5) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall apply.

(2/2/11)

37-40

OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

Where a #development# or an #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 101-43, the #Special Long Island City Mixed Use District# as described in Section 117-44, 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 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) may be counted as pedestrian circulation space pursuant to Section 37-50.

Station	Line
<u>The Bronx</u>	
161st Street**	Grand Concourse
<u>Manhattan</u>	
8th Street	Broadway-60th Street
23rd Street	Broadway-60th Street
23rd Street	Lexington Avenue
28th Street	Lexington Avenue
33rd Street	Lexington Avenue
34th Street-Penn Station	8th Avenue
59th Street/Lexington Avenue-60th St.	Lexington Avenue and Broadway-60th Street

* Provision of a new subway entrance or entrances pursuant to the requirements of this Section may also require satisfaction of additional obligations under the Americans for Disabilities Act of 1990 (ADA), including the ADA Accessibility Guidelines. The New York City Transit Authority should be consulted with regard to any such obligations

** Access stairways to elevated portions of a station complex are exempt from this requirement

(10/17/07)

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 37-50. 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 #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 #public plaza# is a permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for a #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 #public plaza# or an #arcade# in accordance with the provisions of Sections 37-53 (Design Standards for Pedestrian Circulation Spaces) or 37-80 (ARCADES).

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.

(2/2/11)

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 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, 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 require:
 - (1) construction of the new stair entrance in accordance with such plan;
 - (2) demolition of above-ground elements of the existing entrance;
 - (3) sealing of the existing entrance at the sidewalk level; and
 - (4) maintenance of 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 require:
 - (1) renovation of the entrance in accordance with such plan; and
 - (2) maintenance of 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 the #building# either altered or #developed#, as set forth in Section 37-40, or #enlarged#, that is subject to the subway stair relocation requirement or is counting a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section 37-50, inclusive, unless and until all of the work required under paragraph (a) or (b) of this Section has been completed and New York City Transit has so certified in writing to the Department of Buildings.

(10/17/07)

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 37-30 (STREETSCAPE), inclusive, and 37-41 (Standards for Location, Design and Hours of Public Accessibility) or 37-70 (PUBLIC PLAZAS) if the relocated subway stair cannot be accommodated without modification to these provisions.

(10/17/07)

37-44

Waiver of Requirements

The provisions of Section 37-40 (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 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), that accommodates pedestrian traffic passing the existing stair entrance.

(10/17/07)

37-50

REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE

All pedestrian circulation space required pursuant to the provisions of any special purpose district shall comply with the provisions of this Section, as such may be modified by the terms of the special district.

(2/2/11)

37-51**Amount of Pedestrian Circulation Space**

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

MINIMUM
PEDESTRIAN CIRCULATION SPACE
REQUIREMENTS

Size of #zoning lot#	Required area of pedestrian circulation space
5,000 to 20,000 sq. ft.	1 sq. ft. per 350 sq. ft. of new #floor area#
Above 20,000 sq. ft.	1 sq. ft. per 300 sq. ft. of new #floor area#

(10/17/07)

37-52**Types of Pedestrian Circulation Space**

The pedestrian circulation space provided shall be of one or more of the following types: an arcade, #building# entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, subway station improvement, through #block# connection or #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	x
Through #block# connection	x	x	
#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 37-51 (Amount of Pedestrian Circulation Space) are set forth in Section 37-53 (Design Standards for Pedestrian Circulation Spaces).

(4/30/12)

37-53

Design Standards for Pedestrian Circulation Spaces

(a) Arcade

Arcades shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES). In lieu thereof, the provisions of this Section shall apply.

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

unobstructed passage between both arcades.

An arcade shall meet the following requirements:

(1) Dimensions

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

- (i) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade without columns is permitted only if:
 - (a) it has a continuous, unobstructed minimum length of 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the frontage of the #development#, whichever is greater; and
 - (b) the entire #front lot line# shall be unobstructed for the same depth of the arcade, except for that portion of the #front lot line# occupied by an existing #building#.
- (ii) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade with columns is permitted only if it connects directly to an existing arcade on an adjacent #zoning lot#, matching it in width and alignment, and has a continuous, unobstructed minimum length beyond the existing adjacent arcade of at least 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the frontage of the #development#, whichever is greater.
- (iii) On a #corner lot# fronting on a #narrow street#, an arcade is permitted only if it extends for the full length of the #street# frontage, with the exception of a driveway for a required

loading berth located at the #side lot line# of the #zoning lot#, or if the arcade provides unobstructed pedestrian flow along such entire frontage in combination with one or more of the following other spaces with which it connects at one or both ends: a corner arcade, a #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 or a through #block# galleria.

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

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

(b) in the case of an arcade that occupies less than the entire #street# frontage between intersecting #streets#, on a full #block# front #zoning lot#, unobstructed pedestrian flow along the entire frontage is provided on the #zoning lot# by the arcade in combination with one or more of the following #open spaces# with which the arcade connects at one or both ends: a corner circulation space, a #publicly accessible open area# or an intersecting sidewalk widening; or

(c) in the case of an arcade 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 #publicly accessible open area# on an adjacent #zoning lot#, so that unobstructed pedestrian flow along the entire #block# front is provided by the arcade in combination with such existing spaces.

(2) Full #block# front arcade

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

(3) Permitted obstructions

Except for #building# columns, and exterior wall thickness pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), an arcade shall be free from obstructions of any kind.

(4) Specific prohibitions

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

(5) Illumination

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

(b) #Building# entrance recess area

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

A #building# entrance recess area shall meet the following requirements:

(1) Dimensions

A #building# entrance recess area shall have a minimum length of 15 feet and a maximum length of 50 feet measured parallel to the #street line# at a #building's# lobby entrance and a maximum length of 30 feet parallel to the #street line# at a ground floor #use# entrance. It shall have a maximum depth of 15 feet measured from the #street line# and shall have a minimum depth of 10 feet measured from the #street line#.

(2) Permitted obstructions

Any portion of a #building# entrance recess area under

an overhanging portion of the #building# shall have a minimum clear height of 15 feet. It shall be free of obstructions except for exterior wall thickness pursuant to Section 33-23, and #building# columns, between any two of which there shall be a clear space of at least 15 feet measured parallel to the #street line#. Between a #building# column and a wall of the #building#, there shall be a clear path at least five feet in width.

(3) Permitted overlap

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

(c) Corner arcade

A corner arcade shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and 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.

A corner arcade shall meet the following requirements:

(1) Dimensions

- (i) a corner arcade shall have a minimum area of 200 square feet, a minimum depth of 15 feet measured along a line bisecting the angle of intersecting #street lines#, and shall extend along both #street lines# for at least 15 feet but not more than 40 feet from the intersection of the two #street lines#; and
- (ii) the height of a corner arcade shall be not less than 12 feet and a clear path at least 12 feet wide shall be provided from one #street line# to another #street line#.

(2) Permitted obstructions

Except for #building# columns, and exterior wall

thickness pursuant to Section 33-23, a corner arcade shall be free from obstructions of any kind.

(3) Specific prohibitions

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

(4) Permitted overlap

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

(d) Corner circulation space

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

A corner circulation space shall meet the following requirements:

(1) Dimensions

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

(2) Permitted obstructions

A corner circulation space shall be completely open to the sky from its lowest level, except for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements does not exceed 20 percent of the area of the corner circulation space and that such elements and any attachments thereto are at least eight feet above #curb level#. A corner circulation space shall be clear of all other obstructions including, without limitation, door swings, #building# columns, #street# trees, planters, vehicle storage, parking or trash storage. However, exterior wall thickness may be added pursuant to Section 33-23. No gratings, except for drainage, shall be permitted.

(3) #Building# entrances

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

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

(4) Permitted overlap

A corner circulation space may overlap with a sidewalk widening.

(e) Relocation or renovation of a subway stair

When a #development# or #enlargement# is constructed on a #zoning lot# containing a relocated stairway entrance or entrances to a subway, or an existing stairway entrance or entrances to a subway, and such entrance or entrances are relocated or renovated in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR), inclusive, one and one-half times the area, measured at #street# level, of such entrance or entrances may count toward meeting the pedestrian circulation space requirement.

(f) Sidewalk widening

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

A sidewalk widening shall meet the following requirements:

(1) Dimensions

A sidewalk widening shall have a width of no less than five feet nor more than 10 feet measured perpendicular to the #street line#, and shall be contiguous along its entire length to a sidewalk.

A sidewalk widening shall extend along the full length of the #front lot line# except for the portion of the

#front lot line# interrupted by an existing #building# which is located at a #side lot line# or, in the case of a full #block# frontage, located at the intersection of two #streets#.

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

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

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

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

(2) Permitted interruptions

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

- (i) by an arcade that has a width equal to or greater than the width of the sidewalk widening and which is directly connected to the sidewalk widening;
- (ii) if overlapped by a corner circulation space or a #building# entrance recess area that permits uninterrupted pedestrian flow;
- (iii) if overlapped by a #public plaza#, provided that the overlapping portion of such #public plaza# conforms to the design standard of a sidewalk

widening;

- (iv) by an off-street subway entrance, provided such an entrance is located at a #side lot line# or is located at the intersection of two #street lines#;
- (v) if overlapped by the queuing space of a relocated or renovated subway entrance, provided that the queuing space for the entrance leaves at least a five foot uninterrupted width of sidewalk widening along the entire length of the queuing space; or
- (vi) by a driveway that is located at a #side lot line#; however, where the #zoning lot# has a through #block# connection, a through #block# galleria or a through #block 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.

(3) Permitted obstructions

A sidewalk widening shall be unobstructed from its lowest level to the sky except for those obstructions permitted under paragraph (f)(2) of this Section, for exterior wall thickness pursuant to Section 33-23, and for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements, measured on the plan, does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least eight feet above #curb level#.

(4) Specific prohibitions

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

(5) Special design treatment

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

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

(g) Subway station improvement

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

(h) Through #block# connection

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

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

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

(1) Location

- (i) A through #block# connection shall be located at least 150 feet from the intersection of two #streets#.
- (ii) Where the #zoning lot# or a portion thereof is directly across a #street# from, and opposite to, an existing through #block# connection on an adjacent #block# and the existing connection is at least 150 feet from the intersection of two #streets#, the alignment of the new through #block# connection shall overlap with that of the existing connection. Such existing connection may also be a through #block# galleria, through #block# public plaza# or any through #block# circulation area with a minimum width of 12 feet, which is located within a #building#.
- (iii) Where there are already two through #block# connections located on the same #block#, a new through #block# connection shall not count toward meeting the pedestrian circulation space requirement.
- (iv) No through #block# connection shall be permitted on any portion of a #zoning lot# occupied by a landmark or interior landmark so designated by the Landmarks Preservation Commission, or occupied by a #building# whose designation as a landmark or interior landmark has been calendared for public hearing and is pending before the Landmarks Preservation Commission.

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

- (i) A through #block# connection shall provide a straight, continuous, unobstructed path at least 15 feet wide. If covered, the clear, unobstructed height of a through #block# connection shall not be less than 15 feet. Exterior wall thickness, as set forth in Section 33-23, shall be a permitted obstruction to such path.
- (ii) At no point shall the level of a through #block# connection be more than five feet above or below #curb level#. In all cases, the through #block# connection must provide a clear path, accessible

to people with disabilities, through its entire length.

- (iii) A through #block# connection may be located inside or outside of a #building#. The area of a through #block# connection located within a #building# shall be counted as #floor area#.
- (iv) A through #block# connection located partially or wholly within a #building# shall adjoin and connect directly to the #building's# main lobby via unobstructed openings with an aggregate width exceeding that of any other entrances to the lobby.
- (v) A through #block# connection located wholly or partially outside a #building# shall provide unobstructed access directly to the #building's# main lobby through the major entrance. For the purposes of this Section, the major entrance shall be that entrance to the main lobby which has the greatest aggregate width of clear openings for access.
- (vi) Any portion of a through #block# connection located outside a #building# shall be illuminated throughout with a minimum level of illumination of not less than five horizontal foot candles (lumens per candle). Such illumination shall be maintained throughout the hours of darkness.
- (vii) A through #block# connection shall at a minimum be accessible to the public from 8:00 a.m. to 7:00 p.m. on the days the #building# is open for business and shall have posted, in prominent, visible locations at its entrances, #signs# meeting the standards set forth in paragraph (h)(2)(viii) of this Section.
- (viii) A through #block# connection shall provide the following information for public access at each public entry to the through #block# connection:
 - (a) For an unenclosed through #block# connection, the public access information shall be an entry plaque located at the entrance to the through #block# connection at each #street# frontage. The entry plaque shall contain:

- (1) a public space symbol, provided in the [Required Signage Symbols](#) file at the Department of City Planning website, which is at least 14 inches square in dimension, has a white background, has a grid of four straight lines no greater than one-eighth inch wide and green in color and has a tree-shaped symbol as shown:



(37-53h2.8a1, 37-751a1)

- (2) lettering at least two inches in height stating "OPEN TO PUBLIC." This lettering shall be located within nine inches of the public space symbol; and
- (3) an international Symbol of Access for people with disabilities that is at least three inches square.

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

- (b) For an enclosed through #block# connection or a portion thereof:
 - (1) a public space symbol as described in paragraph (h)(2)(viii)(a) of this Section, not less than six inches square, shall be mounted with its center five feet above the elevation of the

nearest walkable pavement;

- (2) lettering stating "PUBLIC ACCESS TO _____ STREET," indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol; and
- (3) lettering not more than two inches or less than one and a half inches in height stating "OPEN TO PUBLIC" with the hours and days of operation of the through #block# connection. This lettering shall be located not more than three inches from the public space symbol.

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

(i) #Public plaza#

A maximum of 30 percent of the area of a #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 public plaza# may be counted toward meeting the pedestrian circulation space requirement.

For all other #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 #public plaza# conforms to the design standards of a sidewalk widening as set forth in paragraph (f) of this Section.

All #public plazas# shall comply with Section 37-70 (PUBLIC PLAZAS), inclusive.

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.

(10/17/07)

37-54

Modification of Design Standards of Pedestrian Circulation Spaces within Existing Buildings

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

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

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

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

(10/17/07)

37-60

PUBLICLY ACCESSIBLE OPEN AREAS EXISTING PRIOR TO OCTOBER 17, 2007

(10/17/07)

37-61

Design Standards

Design standards for #plazas#, #residential plazas# and #urban plazas developed# prior to October 17, 2007, are located in APPENDIX E of this Resolution.

(10/17/07)

37-62

Changes to Existing Publicly Accessible Open Areas

(10/17/07)

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.

(10/17/07)

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 74-761 (Elimination or reduction in size of bonused public amenities).

(10/17/07)

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).

(10/17/07)

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).

(7/14/13)

37-625

Design changes

Except as otherwise provided in Section 74-41, 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), inclusive. The provisions of Section 37-78 (Compliance), other than paragraph (e) (Special regulations for an urban plaza in the Special Lower Manhattan District), shall be made applicable to such #plaza#, #residential plaza# or #urban plaza#.

(10/17/07)

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; and
- (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).

(10/17/07)

37-71

Basic Design Criteria

(10/17/07)

37-711

Definitions

Corner public plaza

A "corner public plaza" is a #public plaza# that is located on an intersection of two or more #streets#.

Through block public plaza

A "through block public plaza" is 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.

(6/10/09)

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#.

Any non-bonus open area located adjacent to a #public plaza#, other than an open area bounding a #street line# used for pedestrian access, must either:

- (a) be separated from the #public plaza# by a buffer, such as a wall, decorative fence, or opaque plantings at least six 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.

(6/10/09)

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# as measured along the #street line# on which the existing amenity fronts if the #public plaza# is to be located on the same side of the #street#, or as measured along the directly opposite #street line# if the #public plaza# is to be located on the other side of the #street#. Such distance shall include the width of any #street# that intersects the #street# on which the 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 Chairperson of the City Planning Commission 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.

(10/17/07)

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#.

- (a) 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#.
- (b) 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#.
- (c) A #corner public plaza# must have its major portion, as defined in Section 37-715, paragraph (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 Chairperson of the City Planning Commission finds that the orientation regulations would conflict with mandatory #street wall# regulations or that the modifications would result in better access to light and air for the #public plaza#.

(10/17/07)

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 percent 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 percent 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#, pursuant to 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 percent 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 percent 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 Section 37-715 (Requirements for major portions of public plazas) 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 a #street# adjoining 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.

(10/17/07)

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.

(10/17/07)

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#.

(10/17/07)

37-72

Access and Circulation

(4/30/12)

37-721

Sidewalk frontage

To facilitate pedestrian access to a #public plaza#, the following rules shall apply to the area of the #public plaza# located within 15 feet of a #street line# or sidewalk widening line:

- (a) At least 50 percent of such area shall be free of obstructions and comply with the following provisions:
 - (1) at least 50 percent of the #public plaza# frontage along each #street line# or sidewalk widening line shall be free of obstructions; and
 - (2) such unobstructed access area shall extend to a depth of 15 feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.

- (b) In the remaining 50 percent of such area, only those obstructions listed in Section 37-726 (Permitted obstructions) shall be allowed, provided such obstructions are not higher than two feet above the level of the public sidewalk fronting the #public plaza#, except for light stanchions, public space signage, railings for steps, exterior wall thickness pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), trash receptacles, trees and fixed or moveable seating and tables. Furthermore, planting walls or trellises, water features and artwork may exceed a height of two feet when located within three feet of a wall bounding the #public plaza#.

For #corner public plazas#, the requirements of this Section shall apply separately to each #street# frontage, and 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.

(10/17/07)

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 percent 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#.

(10/17/07)

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 eight 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 trees located within circulation paths must comply with the regulations for flush-to-grade trees in Section 37-742.

(6/10/09)

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 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).

(10/17/07)

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; steps with a height of five inches, however, may have a minimum tread of 15 inches.

(4/30/12)

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; exterior wall thickness added pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents); 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 in this paragraph, (a), 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 cafe: 60 percent.

The area of permitted obstructions shall be measured by outside dimensions. Obstructions that are non-permanent or moveable, such as moveable 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 37-742 (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 six inches. Exterior wall thickness added pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) in any #publicly accessible open area# or #public plaza# built prior to April 30, 2012, shall not count as obstructions for the purpose of calculating total area occupied by permitted obstructions.

(c) Canopies, awnings, marquees and sun control devices

(1) Entrances to #buildings# located within a #public plaza# may have a maximum of one canopy, awning or marquee, provided that such canopy, awning or marquee:

(i) has a maximum area of 250 square feet;

(ii) does not project into the #public plaza# more than 15 feet when measured perpendicular to the #building# facade;

(iii) is located a minimum of 15 feet above the level of the #public plaza# adjacent to the #building# entrance; and

(iv) 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 #buildings# containing #residences# 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#.

(2) Sun control devices may be located within a #public plaza#, provided that all such devices:

- (i) shall be located above the level of the first #story# ceiling;
 - (ii) shall be limited to a maximum projection of 2 feet, 6 inches;
 - (iii) shall have solid surfaces that, in aggregate, cover an area no more than 20 percent of the area of the #building# wall (as viewed in elevation) from which they project; and
 - (iv) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail, pursuant to Section 33-42 (Permitted Obstructions);
- (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 any #building# wall fronting upon the #public plaza#, unless such exhaust vents are more than 15 feet above the level of the adjacent #public plaza#. 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.

(10/17/07)

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 in paragraph (e) of this Section, 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) a 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 five 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, paragraph (c). However, if an open-air cafe 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 cafe 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. In no event shall any #publicly accessible open area# be reduced in size.

All applications for nighttime closings of #publicly accessible open areas# 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 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. 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.

(6/10/09)

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 new.

(6/10/09)

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 calculation 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 in accordance with conditions set forth in paragraph (c) of this Section.

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 cafe is provided, it shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have 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 areas# less than 10 feet in width that are located between separate sections of the same open air cafe or between sections of an open air cafe and a kiosk

that provides service for such cafe must be included in the calculation of the maximum aggregate area of the open air cafe. 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 one third of any #street# frontage of the #publicly accessible open area# and may not contain any required circulation paths. An open air cafe must be accessible from all sides where there is a boundary with the remainder of the #publicly accessible open area#, except where there are planters or walls approved pursuant to a prior certification for an open air cafe. Subject to the foregoing exception, fences, planters, walls, fabric dividers or other barriers that separate open air cafe areas from the #publicly accessible open area# or sidewalk are prohibited. All furnishings of an open air cafe, including tables, chairs, bussing stations, and heating lamps, shall be completely removed from the #publicly accessible open area# when the open air cafe is not in active use, except that tables and chairs may remain in the #publicly accessible open area# if they are unsecured and may be used by the public without restriction. No kitchen equipment shall be installed within an open air cafe; kitchen equipment, however, may be contained in a kiosk adjoining an open air cafe. An open air cafe qualifying as a permitted obstruction shall be excluded from the definition of #floor area#.

The exterior corners of the border of the space to be occupied by an open air cafe shall be marked on the ground by a line painted with white latex traffic or zone marking paint. The line shall be one inch wide and three inches in length on each side of the cafe border from the point where the borders intersect at an angled corner. In addition, a line one inch wide and three inches long shall be marked on the ground at intervals of no more than five feet starting from the end point of the line marking the cafe corners.

Open air cafes must be in operation and provide service a minimum of 225 days per year.

Open air cafes shall be located at the same elevation as an adjoining #public plaza# and sidewalk area, except for platforms that shall not exceed six inches in height.

(c) Certification

Kiosks and open air cafes 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) the owner of such #use# or the #building# owner shall be responsible for the maintenance of such kiosk or open air cafe, which shall be located 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;
- (4) such #use# does not adversely impact visual and physical access to and throughout the #publicly accessible open area#;
- (5) such #use#, when located within a #public plaza#, is provided in accordance with all the requirements set forth in this Section;
- (6) for kiosks and open air cafes 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 cafe area indicating the days and hours of operation of such cafe; and
- (8) for kiosks that are in operation less than 225 days per year, an off-season plan has been submitted to the Chairperson showing that such kiosks will be completely removed from the #publicly accessible open area# when not in operation, that the area previously occupied by the kiosk is returned to public use and such area is in compliance with the applicable #publicly accessible open area# design standards.

(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 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 cafe is closed. Where a kiosk or open air cafe is to be located within an existing #publicly accessible open area#, each kiosk or open air cafe application must be accompanied by a compliance report in accordance with the requirements of Section 37-78, paragraph (c).

Where design changes to #publicly accessible open areas# are necessary in order to accommodate such kiosk or open air cafe, or to comply with paragraph (c)(6) of this Section, a certification pursuant to Section 37-625 (Design changes) shall be required.

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 cafe, 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 cafe within the #publicly accessible open area#.

(10/17/07)

37-74

Amenities

All #public plazas# shall provide amenities, as listed in Sections 37-741 through 37-748, inclusive. All required amenities shall be considered permitted obstructions within the #public plaza#.

(6/10/09)

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 moveable 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) of this Section, 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 and a maximum seat

depth of 20 inches. 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) Moveable 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 and a maximum seat depth of 20 inches. Moveable chairs shall not be chained, fixed, or otherwise secured while the #public plaza# is open to the public; moveable chairs, however, 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 six 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; such seating walls, however, 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 six feet from such wall.

(6/10/09)

37-742

Planting and trees

The provisions of this Section are intended to facilitate a combination of landscaping elements in order to provide comfort, shade and textural variety.

At least 20 percent of the area of a #public plaza# shall be comprised of planting beds with a minimum dimension of two feet, exclusive of any bounding walls.

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.

For all #public plazas#, at least 50 percent of required trees shall be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings. 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 2 feet, 6 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.

Planting beds 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 an adjacent walking surface or the highest adjacent surface where the bounding wall adjoins two or more walking surfaces with different elevations. 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 five 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# in accordance with Section 26-41 (Street Tree Planting). The length of frontage of the #zoning lot# for the purpose of computing required #street# trees may be reduced by 50 feet for each #street# intersection fronted by the #zoning lot#. If the Department of Parks and Recreation determines that the tree planting requirements of this paragraph are infeasible, the number of required #street# trees that cannot be planted shall be planted in accordance with the off-site tree provisions set forth in Section 26-41 or within the #public plaza#.

(2/2/11)

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. In addition, all lighting within the #public plaza# area shall be shielded to minimize any adverse effect on surrounding #residences#.

(10/17/07)

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#.

(10/17/07)

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.

(10/17/07)

37-746

Drinking fountains

A minimum of one drinking fountain shall be provided in all #public plazas#.

(10/17/07)

37-747

Public space signage

Entry and information plaques shall be provided, as described in Section 37-751 (Public space signage systems).

(10/17/07)

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, paragraph (4);

(c) Water features (such as fountains, reflecting pools, waterfalls);

(d) Children's play area;

(e) Equipment provided as part of 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 3 feet, 6 inches in height;

(f) Game tables and associated seating; or

(g) Food service, including:

- (1) food service in a retail space directly accessible from the major portion of the #public plaza#; or
- (2) an open air cafe 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.

(10/17/07)

37-75 Signs

(6/10/09)

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, a grid and tree-shaped symbol, as shown in this paragraph, (a)(1). The symbol shall match exactly the symbol provided in the [Required Signage Symbols](#) file at the Department of City Planning website;



(37-53h2.8a1, 37-751a1)

- (2) lettering at least two inches in height stating "OPEN TO PUBLIC." This lettering shall be located immediately adjacent to the public space symbol;
- (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. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. 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 mounted on a wall or a permanent free-standing post within five feet of the sidewalk and shall have all required lettering located three feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. 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 six inches square in dimension and dark green or black in

color with a highly contrasting background, a grid and tree-shaped symbol, as shown in paragraph (a)(1) of this Section. The symbol shall match exactly the symbol provided in the [Required Signage Symbols](#) file at the Department of City Planning website.

- (2) if provided on a separate plaque from a required entry plaque, 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, 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 moveable 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) in lettering three-eighths of an inch in height, the statement, "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 two inches square in dimension and dark green or black in color with a highly contrasting background, a grid and tree-shaped symbol, as shown in paragraph (a)(1) of this Section. The symbol shall match exactly the symbol provided in

the [Required Signage Symbols](#) file at the Department of City Planning website.

- (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 3/4 inch, unless otherwise specified above, and shall highly contrast with the background color of the #sign#.

(10/17/07)

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 3/4 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.

(6/10/09)

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), except as provided below:

- (a) each establishment fronting on the #public plaza# shall be permitted to have not more than one #sign# affixed to the #building# wall fronting on the #public plaza#;
- (b) all #signs# shall be non-#illuminated#;
- (c) all #signs# shall contain only the #building# or establishment name and address;
- (d) all #signs accessory# to retail #uses# affixed to #building# walls may not exceed four square feet in size;
- (e) not more than three #accessory signs# may be located within the #public plaza#, of which one may be freestanding. All such #signs#, including structures to which they are affixed, shall not be higher than three feet above the level of the adjoining public access area. Such #signs# shall not exceed an area of two square feet. In addition, no portion of such #sign#, including structures to which they are affixed, shall exceed a width of 16 inches facing a #street#, and 24 inches when not facing a #street#. For #corner public plazas#, such limitations shall apply to only one #street# frontage. If such #sign# is associated with a #building# used for office #use#, such #sign# shall contain only the names of principal building tenants 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) all #signs# located on permitted canopies or awnings within the #public plaza# shall contain only the #building# or establishment name and shall not exceed a height of one foot.

(6/10/09)

37-76

Mandatory Allocation of Frontages for Permitted Uses

- (a) Ground floor level uses

At least 50 percent of the total frontage of all new #building# walls fronting on a #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 at the ground floor level 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:

- (1) be directly accessible from the major portion of the #public plaza#, an adjoining #arcade#, or a #street# frontage shared by the establishment and the #public plaza#;
- (2) have a minimum depth of 15 feet, measured perpendicular to the wall adjoining the #public plaza#; and
- (3) occupy such frontage for the life of the increased #floor area# of the bonused #development#.

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

As an alternative, where retail or service establishments located in an existing #building# front upon a #public plaza# or an #arcade# adjoining a #public plaza#, at least 50 percent of the total frontage of all #building# walls fronting on the #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 at the ground floor level 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 comply with the provisions of paragraphs (a)(1), (a)(2) and (a)(3) of this Section.

(b) Public entrances

A public entrance to the principal use of the #building# 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 new #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#.

(c) Transparency

All new #building# walls fronting on the major and minor portions of the #public plaza# shall be treated with clear, untinted transparent material for 50 percent of the 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 of a new or existing #building# wall fronting on the major or minor portion of a #public plaza# shall be treated with a decorative element or material or shall be screened with planting to a minimum height of 15 feet above the #public plaza#.

(6/10/09)

37-77

Maintenance

The #building# owner shall be responsible for the maintenance of the #public plaza# including, but not limited to, the location of permitted obstructions pursuant to Section 37-726, 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#.

(2/2/11)

37-78

Compliance

(a) Building permits

No foundation permit shall be issued by the Department of Buildings for any #development# or #enlargement# that includes a #public plaza#, nor shall any permit be issued by the Department of Buildings for any change to a #plaza#, #residential plaza# or #urban plaza# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of Sections 37-625 or 37-70, as applicable.

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 Sections 37-625 or 37-70, as applicable.

All plans for #public plazas# or other #publicly accessible open areas# that are the subject of a certification pursuant to Section 37-625 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), any #residential plaza# or #urban plaza# for which a certification was granted pursuant to Article II, Chapter 3, or Article III, Chapter 7, between June 4, 2005 and June 4, 2007, and any #public plaza# for which a certification was granted prior to June 10, 2009, may be provided in accordance with the regulations in effect on the date of such certification.

(b) Periodic compliance reporting

No later than June 30 of the year, beginning in the third calendar year following the calendar year in which certification was made and at three year intervals thereafter, the Director of the Department of City Planning

and the affected Community Board shall be provided with a report regarding compliance of the #publicly accessible open area# with the regulations of Sections 37-625 or 37-70, as applicable, 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 Director and shall include, without limitation:

- (1) a copy of the original #public plaza# or design change certification letter and, if applicable, any approval letter pertaining to any other authorization or certification pursuant to this Chapter;
- (2) a statement that the #publicly accessible open area# has been inspected by such registered architect, landscape architect or professional engineer and that such open area is in full compliance with the regulations under which it was approved as well as the approved plans pertaining to such open area 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 #publicly accessible open area# was approved and the approved plans pertaining to such open area 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 #publicly accessible open area# 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.

The report submitted to the Director of the Department of City Planning shall be accompanied by documentation demonstrating that such report has also been provided to the affected Community Board.

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

Any application for a certification or authorization involving an existing #publicly accessible open area# shall include a compliance report in the format required under paragraph (b) of this Section, based upon an inspection of the #publicly accessible open area# 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 #publicly accessible open area# was approved, conditions or restrictions of a previously granted certification or authorization, or with the approved plans pertaining to such #publicly accessible open area#; or
- (2) the #publicly accessible open area# 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 #publicly accessible open area#, 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, or failure to submit a required compliance report, 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.

(e) Special regulations for an #urban plaza# in the #Special Lower Manhattan District#

In addition, the Chairperson of the City Planning Commission may certify any #urban plaza# that is the subject of

application N070416ZCM, filed in conjunction with application C070415ZSM, and such #urban plaza# may be provided in accordance with the regulations of Section 37-04, inclusive, in effect on April 23, 2007, as modified by the special regulations for such #urban plaza# as set forth in Article IX, Chapter 1 (Special Lower Manhattan District) and in the following provisions:

- (1) #Floor area# bonus for an #urban plaza# in the #Special Lower Manhattan District#

A #floor area# bonus for such #urban plaza#, pursuant to Section 91-22, may be permitted for a #development# or #enlargement# located within 50 feet of the #street line# of a #street# subject to the regulations for #street wall# continuity Type 2B.

- (2) #Street wall# regulations for an #urban plaza# in the #Special Lower Manhattan District#

The #street wall# regulations for #street wall# continuity "Type 2" in the #Special Lower Manhattan District# shall be superseded by #street wall# continuity Types 2A and 2B as indicated on Map 2 in Appendix A of Article IX, Chapter 1.

(2/2/11)

37-80

ARCADES

The provisions of this Section shall apply to all #developments# an #enlargements# containing an #arcade# that qualifies for a #floor area# bonus pursuant to Sections 24-15, 33-14 or 43-14.

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 #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.

(11/28/07)

37-90 PARKING LOTS

(2/2/11)

37-91 Applicability

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the provisions of Section 37-90 (PARKING LOTS), inclusive, shall apply to open parking areas that contain 18 or more spaces or are greater than 6,000 square feet in area, as follows:

- (a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#;
- (b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area, that result in an increase in:

- (1) a total number of parking spaces #accessory# to #commercial# or #community facility uses# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or
 - (2) a total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility uses#; and
- (c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#.

All #public parking lots# shall comply with the provisions of Section 37-921 (Perimeter landscaping).

The provisions of Section 37-90, inclusive, shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Groups 9 or 16.

For the purposes of Section 37-90, inclusive, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all landscaped areas required pursuant to this Section within and adjacent to the open parking area.

Notwithstanding the provisions of this Section, where parking requirements are waived pursuant to Sections 25-33, 36-23 or 44-23, as applicable, on #zoning lots# subdivided after November 28, 2007, and parking spaces #accessory# to #commercial# or #community facility uses# or curb cuts accessing #commercial# or #community facility uses# are shown on the site plan required pursuant to Section 36-58, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

A detailed plan or plans prepared by a registered landscape architect demonstrating compliance with the provisions of Section 37-90, inclusive, shall be submitted to the Department of Buildings. Such plans shall include grading plans, drainage plans and planting plans, and sections and elevations as necessary to

demonstrate compliance with the provisions of this Section.

Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to November 28, 2007, may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the City Planning Commission and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.

(11/28/07)

37-92

Landscaping

(2/2/11)

37-921

Perimeter landscaping

All open parking areas with 18 spaces or more or 6,000 square feet or more in area that front upon a #street# shall be screened at the #street line# by a perimeter landscaped area at least seven feet in width measured perpendicular to the #street line#. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Walkways may also traverse the perimeter landscaped area in order to provide a direct connection between the public sidewalk and a walkway within or adjacent to the open parking area. In the event a perimeter landscaped area is greater than seven feet in width, the first seven feet adjacent to the open parking area must comply with paragraphs (a) and (b) of this Section. The remainder of the landscaped perimeter area may comply with paragraphs (a) and (b) or be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material.

The perimeter landscaped area shall comply with the following requirements:

- (a) Grading, drainage and soil

The open parking area shall be graded to allow stormwater runoff to drain into all required perimeter landscaped areas and planting islands required pursuant to Section 37-922 (Interior landscaping). The perimeter landscaped area shall be comprised of soil with a depth of at least two and a half feet measured from the adjoining open parking area. Beneath such soil, filter fabric and one foot of gravel shall be provided. Proper drainage rates shall be attained through underdrains that are connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. The perimeter landscaped area shall have an inverted slope to allow a minimum of six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. A raised curb shall edge the perimeter landscaped area, shall be at least six inches in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area.

However, where the Commissioner of Buildings determines that due to the natural sloping topography of the site the drainage provisions of this paragraph, (a), would be infeasible for a perimeter landscaped area, such drainage provisions may be waived. In lieu thereof, such perimeter landscaped area shall be comprised of soil with a depth of at least three feet measured from the adjoining open parking area. A raised curb shall edge the perimeter landscaped area and be at least six inches in height. The planting requirements of paragraph (b) of this Section shall apply to such perimeter landscaped areas, except that plantings need not be selected from the lists in Section 37-963.

(b) Plantings

(1) Parking lot frontage

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted slope. This area may be used as an automobile bumper overhang area and may be included in calculating the required depth of an #abutting# parking space. All required groundcover shall be selected from the list in Section 37-963.

(2) Sidewalk frontage

The remainder of the perimeter landscaped area shall be densely planted with shrubs at a distance of 24 inches on center and maintained at a maximum height of three feet above the surface of the adjoining public sidewalk. All required shrubs shall be selected from the list in Section 37-963.

(3) Trees

One two-inch caliper tree shall be provided for every 25 feet of open parking area #street# frontage. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such perimeter trees shall be staggered wherever possible with #street# trees, but in no event shall perimeter trees be planted closer than 15 feet on center or within three feet to a perimeter screening area curb. Furthermore, a radius distance of at least 20 feet shall be maintained between trunks of perimeter trees and #street# trees. If such distances cannot be maintained, the perimeter tree shall be waived in that location. However, if a #street# tree cannot be planted in the public sidewalk adjacent to the perimeter screening area because the Department of Parks and Recreation has determined that it is infeasible to plant a tree in such location, such tree shall be planted instead within the perimeter screening area adjacent to such portion of the public sidewalk and credited towards the amount of perimeter trees required pursuant to this paragraph. However, any perimeter tree within 15 feet of an elevated rail line or elevated highway shall be waived. All required perimeter trees shall be selected from the list in Section 37-961.

(c) Obstructions

Utilities and #signs# permitted in Sections 32-62, 32-63 or 42-52 may be located in the perimeter screening area. Ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open is permitted in the perimeter screening area, provided such fencing does not exceed four feet in height and is located at least five feet from the #street line#.

37-922

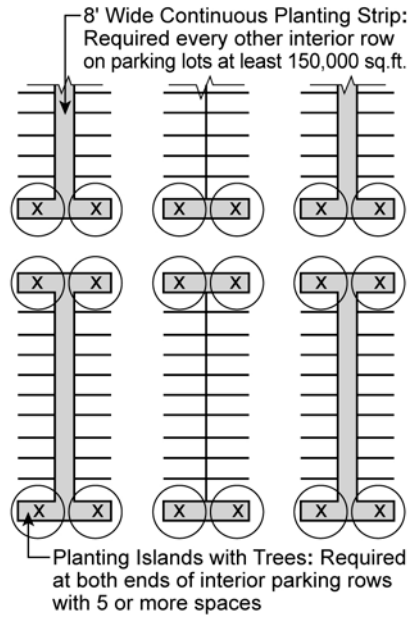
Interior landscaping

All open parking areas of 36 or more parking spaces or at least 12,000 square feet in area shall provide at least one tree for every eight parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be in addition to the trees required in the perimeter screening area. Each such tree shall have a minimum caliper of three inches and be located in a planting island with a minimum area of 150 square feet of pervious surface.

(a) Distribution

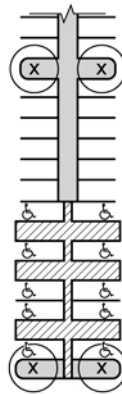
The following distribution rules shall apply:

- (1) Each end space in a row of five or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of such end space;
- (2) No more than 15 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area; and
- (3) For open parking areas at least 150,000 square feet in area, in addition to the requirements set forth in paragraphs (a)(1) and (a)(2) of this Section, every other row of parking spaces in which each space does not fully abut a perimeter landscaped area shall abut a planting island. Such planting island shall have a minimum width of eight feet and extend along the entire length of such row of parking spaces. Such planting islands may be traversed by walkways no more than three feet wide and spaced at least 50 feet apart.



(37-922a3)

- (4) Planting islands required pursuant to paragraphs (a)(1) and (a)(3) may be discontinued where a pedestrian access lane is provided that serves no more than five parking spaces required by the Americans with Disabilities Act.



(37-922a4)

- (5) Compliance with paragraphs (a)(1) and (a)(2) may be waived where the Commissioner of Buildings determines that tree planting in such locations would conflict with loading operations. Such trees shall be planted elsewhere in the open parking area.

(b) Grading, drainage and soil

The open parking area shall be graded to allow stormwater

runoff to drain into all planting islands required pursuant to this Section and perimeter landscaped areas required pursuant to Section 37-921. Planting islands shall have an inverted slope to allow a minimum six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. Planting islands shall be comprised of soil with a depth of at least two and a half feet measured from the surface of the adjoining open parking area. Beneath such soil, filter fabric and one foot of gravel shall be provided. Proper drainage rates shall be attained through underdrains that are connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. A raised curb shall edge the planting island, shall be at least six inches in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area.

However, where the Commissioner of Buildings determines that due to the natural sloping topography of the site the drainage provisions of this paragraph, (b), would be infeasible for an interior planting island, such drainage provisions may be waived. In lieu thereof, such planting island shall be comprised of soil with a depth of at least three feet measured from the adjoining open parking area. A raised curb shall edge the perimeter landscaped area and be at least six inches in height. The planting requirements of paragraph (c) of this Section shall apply to such planting islands, except that plantings need not be selected from the lists in Section 37-963.

(c) Plantings

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted slope. This area may be used as an automobile bumper overhang area and may be included in calculating the required depth of an #abutting# parking space. The remaining area of the planting island shall be densely planted with shrubs, maintained at a maximum height of three feet, at a distance of 24 inches on center. Planting islands which are bisected by pedestrian access lanes serving Americans with Disabilities Act parking spaces (as shown in paragraph (a)(4) of this Section) shall provide groundcover in lieu of

shrubs. Each required tree shall be centered in a planted area measuring at least eight feet by eight feet. Multiple trees are allowed in a single planting island provided they are spaced no closer than 25 feet on center and there is at least 150 square feet of pervious area for each tree. Any area with a dimension of less than two feet shall not contribute to such 150 square foot minimum area. Required trees shall be located first in planting islands at the ends of parking rows required pursuant to paragraph (a)(1) of this Section, and then in planting islands that break up parking rows with more than 15 spaces required pursuant to paragraph (a)(2) of this Section. Any remaining required trees may be located in the continuous planting island required pursuant to paragraph (a)(3) of this Section or located in other planting islands within the open parking area. All required trees, shrubs and groundcovers shall be selected from the lists in Sections 37-962 and 37-963.

(11/28/07)

37-93

Maintenance

All on-site landscaping shall be maintained in good conditions at all times. Landscaped areas must be kept free of litter, and drainage components maintained in working order. In the event of the loss of any on-site landscaping, the owner of the #zoning lot# shall replace such landscaping by the next appropriate planting season. All landscaped areas must contain a built-in irrigation system or supply hose bibs within 100 feet of all planting islands.

(11/28/07)

37-94

Refuse Storage

All site plans must show an area designated for refuse storage. Any container used for refuse storage must be enclosed and screened either within a #building# or an #accessory structure#. If refuse storage is located in a container or #accessory structure#, it must be located at least 50 feet from any #street line# and screened on all sides by a six foot high masonry wall, with one side consisting of an opaque, lockable gate.

(4/22/09)

37-95

Modifications of Design Standards

(4/22/09)

37-951

Modification of landscaping requirements

The requirements of Section 37-90 (PARKING LOTS), inclusive, may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are unfeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, a high water table, or a City, State or Federal mandated brownfield remediation that requires the site to be capped. Where a high water table exists, the planting requirements of Section 37-90, inclusive, shall be complied with, except such planted areas need not be designed to absorb storm water runoff.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

(4/22/09)

37-952

Modification of design requirements by authorization

For #enlargements#, the City Planning Commission may authorize modifications or waivers of the maneuverability and curb cut standards of Section 36-58, and the landscaping requirements of Section 37-90 (PARKING LOTS), inclusive, for portions of the #zoning lot# occupied by existing open parking areas, provided the Commission finds that:

- (a) maneuverability and curb cut regulations have been complied with to the maximum extent practicable;
- (b) the amount of perimeter landscaped areas have been provided to the maximum extent practicable;
- (c) the amount of interior planting islands and their distribution throughout the existing open parking area have been provided to the maximum extent practicable; and

- (d) perimeter landscaped areas and interior planting islands have been engineered to absorb storm water runoff to the maximum extent practicable.

The Commission may request reports from licensed engineers and landscaped architects in considering such modifications.

(4/22/09)

37-96

Landscaping Selection Lists

(4/22/09)

37-961

Selection list for perimeter trees

BOTANICAL NAME	COMMON NAME
Acer campestre	Hedge Maple*
Acer ginnala	Amur Maple*
Acer negundo	Boxelder*
Acer truncatum	Shantung Maple*
Amelanchier arborea	Downy Serviceberry
Amelanchier canadensis	Shadblow Serviceberry
Amelanchier laevis	Allegheny Serviceberry
Betula lenta	Sweet Birch*
Betula nigra "Heritage"	Heritage River Birch*
Carpinus caroliniana	American hornbeam
Cedrus atlantica	Atlas Cedar
Cedrus deodara	Deodar Cedar
Crataegus laevigata	English Hawthorn
Crataegus viridis	Green Hawthorn
Cornus mas	Cornelian Cherry*
Cornus racemosa	Gray Dogwood*
Cercis canadensis	Redbud
Hamamelis vernalis	Vernal Witchhazel
Hamamelis virginiana	American Witchhazel
Koelreuteria paniculata	Goldenraintree
Larix laricina	Tamarack
Magnolia stella	Star Magnolia
Magnolia virginiana	Sweetbay Magnolia
Maackia amurensis	Amur Maackia
Pinus virginiana	Virginia Pine
Prunus cerasifera	Purpleleaf Plum

Prunus 'Okame'	Okame Cherry
Prunus padus	European Birdcherry
Prunus sargentii	Sargent Cherry
Prunus serrulata "Kwanzan"	Japanese Flowering Cherry
Prunus virginiana "Schubert"	Schubert Cherry
Prunus x yedoensis	Yoshino Cherry
Rhus copallina	Shinning Sumac
Salix discolor	True Pussy Willow
Sambucus nigra	Black Elderberry
Syringa reticulata	Japanese Tree Lilac

-
- * Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island

(4/22/09)

37-962

Selection list for interior trees

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red Maple*
Acer saccharinum	Silver Maple*
Acer x freemanii	Freeman Maple*
Catalpa speciosa	Northern Catalpa
Celtis occidentalis	Hackberry
Celtis laevigata	Sugar Hackberry
Eucommia ulmoides	Hardy Rubber Tree
Fraxinus americana	American Ash*
Fraxinus excelsior	European Ash*
Fraxinus pennsylvanica	Green Ash*
Gleditsia triacanthos inermis	Honeylocust
Ginkgo biloba	Ginkgo
Gymnocladus dioicus	Kentucky Coffeetree
Juglans nigra	Black Walnut
Larix decidua	European Larch
Larix laricina	American Larch
Liquidambar styraciflua	Sweetgum
Liriodendron tulipifera	Tulip Tree
Metasequoia glyptostroboides	Dawn Redwood
Nyssa sylvatica	Tupelo
Platanus occidentalis	American Sycamore
Platanus x acerifolia	London Planetree
Pyrus calleryana	Callery Pear***

<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus imbricaria</i>	Shingle Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus rubra</i>	Northern Red Oak
<i>Taxodium distichum</i>	Baldcypress
<i>Ulmus americana</i>	American Elm*/**
<i>Ulmus carpinifolia</i>	Smooth-leaf Elm*/**
<i>Ulmus parvifolia</i>	Lace Bark Elm*/**
<i>Styphnolobium japonicum</i>	Scholar Tree
<i>Tilia americana</i>	Basswood/American Linden
<i>Zelkova serrata</i>	Japanese Zelkova

-
- * Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island
- ** Only cultivars of elms that have been bred for resistance to Dutch Elm Disease
- *** Excluding "Bradford" cultivar

(4/22/09)

37-963

Selection list for ground covers and shrubs

GROUND COVERS	
BOTANICAL NAME	COMMON NAME
<i>Asclepias tuberosum</i>	Butterfly Weed
<i>Calamagrostis stricta</i>	Slimstem Reedgrass
<i>Comptonia peregrina</i>	Sweetfern
<i>Cortaderia selloana</i> "Pumilla"	Dwarf Pampas Grass
<i>Euonymus coloratus</i>	Euonymus
<i>Festuca glauca</i>	Blue Fescue Grass
<i>Juniperus horizontalis</i>	Creeping Juniper
<i>Hibiscus moscheutos</i>	Swamp Rose Mallow*
<i>Iris pallida</i>	Sweet Iris
<i>Iris sibirica</i>	Siberian Iris
<i>Iris versicolor</i>	Blue Flag Iris

SHRUBS	
BOTANICAL NAME	COMMON NAME

<i>Abeliax grandiflora</i>	Glossy Abelia
<i>Aesculus parviflora</i>	Bottlebrush Buckeye
<i>Andromeda polifolia</i>	Bog-rosemary
<i>Aronia arbutifolia</i>	Red Chokeberry
<i>Aronia melanocarpa</i>	Black Chokeberry
<i>Baccharis halimifolia</i>	Eastern baccharis
<i>Betula nana</i>	Dwarf birch
<i>Betula pumila</i>	Bog Birch
<i>Calluna vulgaris</i>	Scotch Heather
<i>Castanea pumila</i>	chinkapin
<i>Cephalanthus occidentalis</i>	Buttonbush
<i>Chamaecyparis</i> spp.	Chamaecyparis
<i>Clethra alnifolia</i>	Summersweet
<i>Cornus sericea</i>	Redtwig Dogwood
<i>Cornus sericea</i> "Flaviramea"	Yellowtwig Dogwood
<i>Cotoneaster dammeri</i>	Bearberry Cotoneaster
<i>Daphne cneorum</i>	Rose Daphne
<i>Daphne caucasica</i>	Caucasian Daphne
<i>Ericacarnea</i>	Spring Heath
<i>Euonymus fortunei</i>	Wintercreeper Euonymus
<i>Eubotrys racemosa</i>	Swamp Doghobble
<i>Gaylussacia brachycera</i>	Box Huckleberry
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea
<i>Ilex crenata</i>	Japanese Holly
<i>Ilex glabra</i>	Inkberry
<i>Ilex verticillata</i>	Winterberry
<i>Itea virginica</i> "Henry's Garnet"	Virginia Sweetspire
<i>Juniperus procumbens</i>	Japgarden Juniper
<i>Juniperus sabina</i>	Savin Juniper
<i>Juniperus squamata</i>	Singleseed Juniper
<i>Kalmia angustifolia</i>	Sheep Laurel
<i>Ledum groenlandicum</i>	Labrador Tea
<i>Leiophyllum buxifolium</i>	Box Sandmyrtle
<i>Leucothoe racemosa</i>	Sweetbells Leucothoe
<i>Microbiota decussata</i>	Russian Arborvitae
<i>Myrica gale</i>	Sweetgale
<i>Paxistima canbyi</i>	Canby Paxistima
<i>Pieris floribunda</i>	Mountain Pieris
<i>Rhododendron canadense</i>	Rhodora
<i>Rhododendron viscosum</i>	Swamp Azalea
<i>Rhododendron atlanticum</i>	Coast Azalea
<i>Rhus aromatica</i> "Gro-Lo"	Gro-Lo Sumac
<i>Rosa Palustris</i>	Swamp Rose
<i>Spirea x bumaldi</i> "Anthony Waterer"	Goldflame Spirea
<i>Vaccinium macrocarpon</i>	American Cranberry
<i>Zenobia pulverenta</i>	Dusty Zenobia

- * Asian Longhorn Beetle quarantine species - planting not recommended in parts of Brooklyn, Manhattan, Queens and Staten Island

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article IV: Manufacturing District Regulations Chapter 1 - Statement of Legislative Intent

Effective date of most recently amended section of Article IV Chapter 1: 09/21/11

Date of file creation: Web version of Article IV Chapter 1: 02/10/14

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(12/15/61)

Article IV
Manufacturing District Regulations

Chapter 1
Statement of Legislative Intent

(12/21/89)

41-00
GENERAL PURPOSES OF MANUFACTURING DISTRICTS

The Manufacturing Districts established in this Resolution are designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of manufacturing and related activities, with due allowance for the need for a choice of sites.
- (b) To provide, as far as possible, that such space will be available for use for manufacturing and related activities, and to protect residences by separating them from manufacturing activities and by generally prohibiting the use of such space for new residential development.
- (c) To encourage manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this Resolution restricts the emission of such nuisances, without regard to the industrial products and processes involved.
- (d) To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of manufacturing and related activities, by restricting those manufacturing activities which involve danger of fire, explosions, toxic and noxious matter, radiation and other hazards, or create offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, to those limited areas which are

appropriate therefor.

- (e) To protect manufacturing and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by providing space off public streets for parking and loading facilities associated with such activities.
- (f) To protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings.
- (g) To protect light manufacturing and to encourage stability and growth in appropriate mixed-use areas by permitting light manufacturing and controlled residential uses to co-exist where such uses are deemed compatible.
- (h) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of manufacturing and related development, to strengthen the economic base of the City, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

(4/9/81)

41-10

PURPOSES OF SPECIFIC MANUFACTURING DISTRICTS

(9/21/11)

41-11

M1 Light Manufacturing Districts (High Performance)

These districts are designed for a wide range of manufacturing and related uses which can conform to a high level of performance standards. Manufacturing establishments of this type, within completely enclosed buildings, provide a buffer between Residence (or Commercial) Districts and other industrial uses which involve more objectionable influences. New residences are excluded from these districts, except for:

- (a) joint living-work quarters for artists in M1-5A and M1-5B

Districts;

- (b) dwelling units in M1-5M and M1-6M Districts;
- (c) dwelling units in M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, where authorized by the City Planning Commission, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development; and
- (d) dwelling units in M1-6D Districts.

(12/15/61)

41-12

M2 Medium Manufacturing Districts (Medium Performance)

These districts are designed for manufacturing and related activities which can meet a medium level of performance standards. Enclosure of such activities is not normally required except in areas along the boundary of a Residence District. No new residences or community facilities are permitted.

(12/15/61)

41-13

M3 Heavy Manufacturing Districts (Low Performance)

These districts are designed to accommodate the essential heavy industrial uses which involve more objectionable influences and hazards, and which, therefore, cannot reasonably be expected to conform to those performance standards which are appropriate for most other types of industrial development. No new residences or community facilities are permitted.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article IV: Manufacturing District Regulations

Chapter 2 - Use Regulations

Effective date of most recently amended section of Article IV Chapter 2: 10/09/13

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(12/15/61)

Chapter 2

Use Regulations

(10/9/13)

42-00

GENERAL PROVISIONS

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group.

Use Groups 4B, 4C, 5, 6A, 6B, 7, 8, 9B, 9C, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14, 16, 17 or 18, including each #use# listed separately therein, and certain #uses# listed in Use Groups 3A, 4A, 6C, 9A, 10A or 12B are permitted in #Manufacturing Districts# as indicated in Section 42-11 to 42-15, inclusive, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 42-01 (Special Provisions for Adult Establishments).

#Uses# listed in Use Groups 11A, 16, 17 or 18 must also comply with the applicable performance standards set forth in Sections 42-21 to 42-28, inclusive. In case of any conflict between the Use Group and the performance standards, the latter shall control.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts (as well as M3 Districts) if such #uses# comply with all of the applicable performance standards for such districts.

Whenever a #use# is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive #use# listing, either in the same or another Use Group, the more specific listing shall control.

The letters A, B, B1, C, D, E, F, G or H in the column entitled Parking Requirement Category [PRC] following a #use# listed in Sections 32-14 to 32-25, inclusive, refer to the classification of #commercial uses# to determine required #accessory# off-street parking spaces as set forth in the table in Section 44-21 (General Provisions).

The #uses# listed in the various Use Groups set forth in Sections

42-11 to 42-15, inclusive, are also listed in alphabetical order in the Index at the end of this Resolution, for the convenience of those using the Resolution. Whenever there is any difference in the meaning or implication between the text of these Use Groups and the text of the Index, the text of these Use Groups shall prevail.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

The following chart sets forth the Use Groups permitted in the various #Manufacturing Districts#:

USE GROUPS PERMITTED
IN MANUFACTURING DISTRICTS

Districts	Use Groups									
	#Community Facility#					Retail & #Commercial#				
	3	4	5	6	7	8	9	10	11	
Light Manufacturing M1		x	x	x	x	x	x	x	x	
Medium Manufacturing M2				x	x	x	x	x	x	
Heavy Manufacturing M3				x	x	x	x	x	x	

Districts	Use Groups							
	Recreation				Gen. Ser-vice	#Manufacturing#		
	12	13	14	15	16	17	18	
Light Manufacturing M1	x	x	x		x	x		
Medium Manufacturing M2	x	x	x		x	x		
Heavy Manufacturing M3	x	x	x		x	x	x	

(10/13/10)

42-01

Special Provisions for Adult Establishments

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in a #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences# or new #joint living-work quarters for artists# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision.
- (b) In all other #Manufacturing Districts#, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences# or new #joint living-work quarters for artists# are allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences# or new #joint living-work quarters for artists# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.
- (c) No #adult establishment# shall be established less than 500 feet from another #adult establishment#.
- (d) No more than one #adult establishment# permitted under this Section shall be established on a #zoning lot#.
- (e) #Adult establishments# shall not exceed, in total, 10,000 square feet of #floor area# and #cellar# space not used for enclosed storage or mechanical equipment.
- (f) #Adult establishments# which were established on October 25, 1995, and conform to all provisions of the Zoning Resolution

relating to #adult establishments# other than the provisions of all or any combination of paragraphs (c), (d) and (e) of this Section, shall not be subject to the provisions of Section 52-77 (Termination of Adult Establishments).

For purposes of this Section, an #adult establishment# shall be established upon the date of a permit issued by the Department of Buildings therefor, or, in the case of an #adult establishment# in existence prior to August 8, 2001, as determined by the Department of Buildings, subject to rules as the Department of Buildings may prescribe regarding the failure to perform work authorized under a permit or to commence operation pursuant to a permit and the discontinuance of an #adult establishment#.

(9/21/11)

42-02

Residential Use

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #use# regulations governing M1 Districts shall apply, except that #residential uses# may be permitted by authorization of the City Planning Commission in accordance with the provisions of Section 42-47 (Residential Uses in M1-1D through M1-5D Districts), subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts) and 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts).

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #use# regulations of an M1 District shall apply, except that #residential use# is allowed subject to the #bulk# regulations of Section 43-01 (Applicability of this Chapter) and the #accessory# off-street parking regulations of Section 44-024 (Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens).

In M1-6D Districts, #residences# shall be permitted in accordance with the #use# regulations set forth in Section 42-48, the #bulk# regulations set forth in Section 43-62, and the parking regulations applicable in C6-4 Districts as set forth in Article III, Chapter 6, and as modified, pursuant to 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).

(1/28/71)

42-10

USES PERMITTED AS-OF-RIGHT

(2/2/11)

42-11

Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B

M1

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-13, 32-14, 32-15, 32-16, 32-18, 32-21.

Use Group 4A shall be limited to all health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), and houses of worship. Such #uses# are not subject to the special permit provisions of Sections 42-32 and 74-921.

(5/8/13)

42-12

Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16

M1 M2 M3

Use Group 3A shall be limited to Museums that are ancillary to existing Motion Picture Production Studios or Radio or Television Studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough

of the Bronx, in M1-4 Districts, food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment.

Use Group 10A shall be limited to depositories for storage of office records, microfilm or computer tapes, or for data processing; docks for ferries; office or business machine stores, sales or rental; photographic or motion picture production studios; and radio or television studios.

In the #Manhattan Core#, automobile rental establishments, #public parking garages# and #public parking lots# in Use Groups 8C and 12D are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), #public parking garages# and #public parking lots# in Use Groups 8C and 12D are subject to the provisions of Article I, Chapter 6.

(10/25/93)

42-13

Use Groups 6C, 9A and 12B

M2 M3

Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists' supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; docks for ferries or water taxis; eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less; eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less; frozen food lockers; fishing tackle or equipment, rental or sales; jewelry or art metal craft shops; locksmith shops; meeting halls; millinery shops; music stores; newsstands, open or closed; paint stores; picture framing shops; and watch or clock repair shops.

Use Group 9A shall be limited to blueprinting or photostatting establishments; business schools or colleges; medical or dental laboratories; musical instrument repairs; printing establishments; public auction rooms; studios - art, music, dancing, or theatrical; trade or other schools for adults; typewriter or other small business machine sales, rental or repairs; and umbrella repairs.

Use Group 12B shall be limited to antique stores; art galleries,

commercial; candy or ice cream stores; cigar or tobacco stores; delicatessen stores; jewelry or art metal craft shops; music stores; and newsstands.

(8/20/81)

42-131

M1-5A and M1-5B Districts

M1-5A M1-5B

The regulations governing M1 Districts shall apply in M1-5A and M1-5B Districts except where the special #use# regulations set forth in Section 42-14, paragraph D. (Special Uses in M1-5A and M1-5B Districts) provide otherwise.

(2/2/11)

42-132

M1-5M and M1-6M Districts

In M1-5M and M1-6M Districts in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, 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 Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings).

In M1-5M and M1-6M Districts, eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing are permitted only by special permit of the Board of Standards and Appeals in accordance with Section 73-244.

(9/21/11)

42-133

Provisions for dwelling units in certain M1-5 or M1-6 Districts

- (a) In M1-5 and M1-6 Districts, except for M1-6D Districts, located within the rectangle formed by West 23rd Street, Fifth Avenue, West 31st Street, and Eighth Avenue, no new #dwelling units# shall be permitted. However, #dwelling

units# which the Chairperson of the City Planning Commission determines were occupied on September 1, 1980, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than June 21, 1983.

Such #dwelling units# shall comply with the requirements of Sections 15-026 or 15-22, where applicable and with Section 15-23. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy on September 1, 1980, shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

- (b) In M1-6 Districts located within the rectangle formed by West 35th Street, Fifth Avenue, West 40th Street and Sixth Avenue, no #dwelling units# shall be permitted, except that:
- (1) #dwelling units# which the Chairperson of the City Planning Commission determines were occupied on May 18, 1981, shall be a permitted #use# provided that a complete application to permit such #use# is filed by the owner of the #building# or the occupant of the #dwelling unit# not later than June 21, 1983. For the purposes of Article 7C of the New York State Multiple Dwelling Law, such a determination of #residential# occupancy shall be deemed to permit #residential use# as-of-right for such #dwelling unit#;
 - (2) in any #building# for which an alteration application for #conversion# of #floor area# used for non-#residential use# to #dwelling units# or for an #extension# or minor #enlargement# of existing #residential use#, was filed prior to May 18, 1981, #dwelling units# shall be permitted, provided that such alterations shall comply with the regulations in effect on the date of such filing. The right to #convert# to #dwelling units# or #extend# or #enlarge# existing #residential use# pursuant to the provisions of this Section shall expire one year from July 23, 1981, unless a temporary or permanent certificate of occupancy has been issued; and
 - (3) in M1-6D Districts, #residential use# shall be permitted as-of-right subject to the supplemental #use# regulations set forth in Section 42-48 (Supplemental Use Regulations in M1-6D Districts).

(2/2/11)

42-14

Use Group 17

M1 M2 M3

Use Group 17 consists primarily of #manufacturing uses# that:

- (1) can conform to high performance standards by controlling objectionable influences; and
- (2) in so doing, can limit their impact on adjacent residential areas; and
- (3) normally generate a great deal of traffic, both pedestrian and freight.

A. Service or wholesale establishments

Building materials or contractors' yards, open or enclosed, including sales, storage, or handling of building materials, with no limitation on #lot area# per establishment, except that lumber yards shall be limited to 20,000 square feet of #lot area# per establishment, and provided that any yard in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

Produce or meat markets, wholesale

B. Manufacturing establishments

Adhesives, excluding manufacture of basic components

Advertising displays

Aircraft, including parts

Apparel or other textile products from textiles or other materials, including hat bodies, or similar products

Automobiles, trucks, or #trailers#, including parts or rebuilding of engines

Beverages, non-alcoholic

Boats less than 200 feet in length, building or repair, open or enclosed, provided that such #use# or portion thereof may be conducted outside a #completely enclosed building# only if located at a distance greater than 200 feet from a #Residence District# boundary, or if effectively screened by a wall or fence at least eight feet in height with no boat building located less than 30 feet from a #Residence District# boundary

Bottling work, for all beverages

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas or canvas products

Carpets

Ceramic products, including pottery, small glazed tile, or similar products

Chemicals, compounding or packaging

Cork products

Cosmetics or toiletries

Cotton ginning, or cotton wadding or linters

Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances

Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies

Film, photographic

Food products, except slaughtering of meat or preparation of fish for packing

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt, or feather products, except washing, curing or dyeing

Hosiery

Ice, dry or natural

Ink or inked ribbon

Jute, hemp, sisal or oakum products

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Luggage

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products

Mattresses, including rebuilding or renovating

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar processes

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks or similar precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products

Perfumes or perfumed soaps, compounding only

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Printing or publishing, with no limitation on #floor area# per establishment

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber

Scenery construction

Shoddy

Silverware, plate or sterling

Soap or detergents, packaging only

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products

Statuary, mannequins, figurines, or religious art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage

Tobacco, including curing or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products

Toys

Umbrellas

Upholstering, bulk, excluding upholstering shops dealing directly with consumers

Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles

Venetian blinds, window shades, or awnings, with no limitation on production or on #floor area# per establishment

Wax products

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

C. Miscellaneous #uses#

Agriculture, including greenhouses, nurseries or truck gardens

Docks for passenger ocean vessels, other than #gambling vessels#

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, with no limitation on vessel or dock capacity

Docks for vessels not otherwise listed other than docks for #gambling vessels#

Public transit, railroad or electric utility substations, open or enclosed, with no limitation as to size

Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations

Truck weighing stations, open or enclosed

Trucking terminals or motor freight stations with no limitation on #lot area# per establishment

D. Special #uses# in M1-5A and M1-5B Districts

M1-5A M1-5B

(1) #Joint living-work quarters for artists# in #buildings# in M1-5A and M1-5B Districts, provided:

(a) Such #building# was erected prior to December 15,

1961.

- (b) The #lot coverage# of such #building# does not exceed 5,000 square feet except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet. However, such quarters may also be located in a #building# occupying more than 5,000 square feet of #lot area# if the entire #building# was held in cooperative ownership by #artists# on September 15, 1970. #Joint living-work quarters for artists# are permitted in other #buildings or other structures# only by special permit of the City Planning Commission pursuant to Section 74-782, by minor modification of the Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts), paragraph (e), or by authorization of the City Planning Commission pursuant to Section 42-142 (Modification by authorization of the City Planning Commission of use regulations in M1-5A and M1-5B Districts).
- (c) In M1-5B Districts in #buildings# occupying less than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141, Section 74-781 (Modification by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts), or by authorization of the City Planning Commission pursuant to Section 42-142.
- (d) In #buildings# occupying more than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to Sections 42-141, 74-781 or by authorization of the City Planning Commission pursuant to Section 42-142.
- (e) At least 30 percent of the gross roof area of a #building# containing 15 #joint living-work quarters for artists# shall be provided for recreational use. For each additional #joint living-work quarters for artists#, 100 square feet

of additional roof area shall be provided 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 42-141.

- (f) In any #building# which, as a result of #zoning map# change CP-23167 is zoned M1-5B, any existing occupant of a #joint living-work quarters for artists# which cannot meet the qualifications of the Department of Cultural Affairs may remain as a lawful #use#. This lawful #use# is non-transferable and ceases immediately upon the vacating of such space. Such occupants must register with the Department of Cultural Affairs not later than August 31, 1983, in order to preserve their lawful status in their existing space.
 - (g) In a #building# for which an alteration permit for #joint living-work quarters for artists# was requested prior to April 27, 1976, such alterations may comply with the regulations effective prior to such date.
- (2) #Commercial# and #manufacturing uses# below the floor level of the second #story# provided:
- (a) In M1-5A Districts, in #buildings# occupying more than 3,600 square feet of #lot area#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings#, unless modified by the Chairperson of the City Planning Commission, pursuant to Sections 42-141 or 74-781;
 - (b) In M1-5B Districts, in any #buildings#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings# unless modified by the Chairperson of the City Planning Commission, pursuant to Sections 42-141 or 74-781;
- (3) In addition to the above restrictions, the following #uses# are not permitted as of right in any #building or other structure# or on any tract of land in M1-5A or

M1-5B Districts:

- (a) All eating or drinking places as listed in Use Groups 6A, 6C, 10A or 12A of more than 5,000 square feet of floor space, except that any eating or drinking place which is listed in Use Group 6A, which had obtained an alteration permit prior to July 14, 1976, is permitted.
- (b) Eating or drinking places of less than 5,000 square feet with entertainment other than musical entertainment but not dancing, with a capacity of 200 persons or less as listed in Use Group 6C, and with entertainment or dancing as listed in Use Groups 10A or 12A. However, such #uses# are permitted:
 - (i) provided that there is entertainment but not dancing, with a capacity of 200 persons or less as listed in Use Group 6C, only by special permit of the Board of Standards and Appeals in accordance with Section 73-241; or
 - (ii) with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing as listed in Use Group 12A only by special permit of the Board of Standards and Appeals in accordance with Section 73-244.
- (c) Non-commercial clubs as listed in Use Groups 6E and 14B.
- (d) All #uses# listed in Use Group 8A except that theaters are permitted only by special permit of the Board of Standards and Appeals in accordance with standards set forth in Section 73-202. However, this provision shall not apply to theaters with a capacity of less than 100 seats.
- (e) Banquet halls, wedding chapels, catering establishments, #physical culture or health establishments#, including gymnasiums, reducing salons, massage establishments or steam baths. However, this provision shall not apply to gymnasiums occupying not more than 10,000 square feet and used exclusively for the following sports facilities: basketball, handball, squash and tennis.

- (f) All other #uses# listed in Use Group 12A.
- (g) All #uses# listed in Use Group 13 except that theaters are permitted only by special permit of the Board of Standards and Appeals in accordance with standards set forth in Section 73-202. However, this provision shall not apply to theaters with a capacity of less than 100 seats.
- (4) (a) Any #use# which became #non-conforming# after April 27, 1976, shall be governed by Article V (Non-Conforming Uses and Non-Complying Buildings), except that in M1-5A and M1-5B Districts, Section 52-37 is hereby suspended and replaced by paragraph D.(4)(b) of this Section.
- (b) In M1-5A and M1-5B Districts, any #non-conforming use# listed in Use Groups 5, 6, 8, 10, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or a #use# listed in Use Group 6.
- (5) Museums or non-commercial art galleries, subject to the #bulk# regulations applicable for #manufacturing uses#, and subject to the provisions of this Section.

- (a) As of right

In any #building#, a museum or non-commercial art gallery is permitted on the ground floor where a #use# in Use Group 6 is permitted pursuant to the provisions of paragraphs D.(2) or D.(4) of this Section and, above the ground floor where #joint living- work quarters for artists# are permitted, pursuant to paragraph D.(1) of this Section.

- (b) By authorization of the City Planning Commission

In an M1-5A District, the City Planning Commission may authorize a museum or non-commercial art gallery where it is not permitted as-of-right, provided that the Commission finds that:

- (i) the #use# of such space as a museum or non-commercial art gallery will not harm #manufacturing uses# in the M1-5A District or the industrial sector of the City's economy;
- (ii) any commercial or manufacturing tenants in

such space were given the opportunity by the owner or predecessors in title to remain in the space at fair market rentals, and the property owners or predecessors in title did not cause the vacating of the space through harassment, non-renewal of leases, or the charging of rents in excess of the then fair market value; and

- (iii) any such museum or non-commercial art gallery will be supportive of the local art industry.

The Commission may set such conditions on the grant of an authorization to allow such #uses# as it deems necessary to protect #manufacturing uses# or the industrial sector of the City's economy. In no case shall such museum or non-commercial art gallery occupy more than 65,000 square feet of #floor area#.

E. #Accessory uses#

(7/19/90)

42-141

Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts

In M1-5A and M1-5B Districts, the requirements of paragraphs D.(1)(b), D.(1)(c), D.(1)(d) and D.(1)(e) or D.(2) of Section 42-14 may be modified by certification of the Chairperson of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant to the applicable Community Board at least twenty days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.

- (a) The provisions of paragraphs D.(1)(c) or (d) or D.(2) of Section 42-14 may be modified if the #floor area# below the level of the second #story# was vacant as of January 28, 1976, and a complete application under this provision is filed with the City Planning Commission not later than June 21, 1983.
- (b) The provisions of paragraphs D.(1)(c) or (d) of Section 42-14 may be modified, provided that:

- (1) the #floor area# below the level of the second #story# was occupied by #joint living-work quarters for artists# as of September 1, 1980, and a complete application for a determination of occupancy has been filed by the owner of the #building#, or the occupant of a #joint living-work quarters for artists# in the #building#, with the Department of City Planning not later than June 21, 1983. For the purpose of Article 7C of the New York State Multiple Dwelling Law, such a determination of #joint living-work quarters for artists# occupancy by the Chairperson of the City Planning Commission shall be deemed to permit #residential use# as-of-right for such quarters; or
 - (2) the Chairperson finds that the space below the floor level of the second #story# is required by an #artist# whom the Department of Cultural Affairs has certified as working in a heavy or bulky medium which is not easily transported to the upper floors.
- (c) The provisions of paragraph D.(2) of Section 42-14 may be modified provided a #use# other than those listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E occupied the #floor area# below the level of the second #story# as of September 1, 1980, and an application under this provision has been filed with the City Planning Commission not later than June 21, 1983.
- (d) The requirements of D.(1)(e) of Section 42-14 may be modified provided that the Chairperson of the Commission has administratively certified to the Department of Buildings that the roof either is unsuited for open space use or cannot be made suitable for open space use at a reasonable cost.
- (e) The requirements of D.(1)(b) of Section 42-14 relating to #joint living-work quarters for artists# in #buildings# where the #lot coverage# is 5,000 square feet or more, or 3,600 square feet or more in #buildings# with frontage along Broadway, may be modified, provided that:
- (1) such #floor area# was occupied on September 1, 1980, as #joint living-work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;
 - (2) such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances,

independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy or separate utilities or systems for the entirety of each section of the #building#; and

- (3) the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#, except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet.

(2/2/11)

42-142

Modification by authorization of the City Planning Commission of use regulations in M1-5A and M1-5B Districts

In M1-5A and M1-5B Districts, the requirements of Section 42-14 (Use Group 17), paragraphs D.(1)(b), (c), and (d), may be modified by authorization of the City Planning Commission, provided that:

- (a) such #non-residential building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;
- (b) any alterations to the subject #building# required in connection with such #conversion# to #joint living-work quarters for artists# have received a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission; and
- (c) a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission.

In order to grant an authorization the City Planning Commission shall find that such modification of #use# requirements shall have minimal adverse effects on the conforming #uses# located within the #building# and in the surrounding area.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the subject #building# and to minimize adverse effects on the

character of the surrounding area.

(8/15/74)

42-15

Use Group 18

M3

Use Group 18 consists primarily of industrial #uses# which:

- (1) either involve considerable danger of fire, explosion or other hazards to public health or safety, or cannot be designed without appreciable expense to conform to high performance standards with respect to the emission of objectionable influences; and
- (2) normally generate a great deal of traffic, both pedestrian and freight.

A. Manufacturing establishments

Asphalt or asphalt products

Beverages, alcoholic or breweries

Brick, tile or clay

Cement

Charcoal, lampblack or fuel briquettes

Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, exterminating agents, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic resins, rayon yarns, or hydrochloric, picric, or sulphuric acids or derivatives

Coal, coke or tar products

Excelsior or packing materials

Fertilizers

Foundries, ferrous or non-ferrous

Gelatin, glue or size

Glass or large glass products, including structural or plate glass or similar products

Grain, milling or processing

Graphite or graphite products

Gypsum

Hair, felt, or feathers, bulk processing, washing, curing or dyeing

Incineration or reduction of garbage, offal or dead animals

Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds

Leather or fur tanning, curing, finishing or dyeing

Linoleum or oil cloth

Machinery, heavy, including electrical, construction, mining, or agricultural, including repairs

Matches

Meat or fish products, including slaughtering of meat or preparation of fish for packing

Metal or metal ores, reduction, refining, smelting or alloying

Metal alloys or foil, miscellaneous, including solder, pewter, brass, bronze, or tin, lead or gold foil or similar products

Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing or similar processes

Metal casting or foundry products, heavy, including ornamental iron work or similar products

Monument works, with no limitation on processing

Paint, varnishes or turpentine

Petroleum or petroleum products, refining

Plastic, raw

Porcelain products, including bathroom or kitchen equipment or similar products

Radioactive waste disposal services involving the handling or storage of radioactive waste

Railroad equipment, including railroad cars or locomotives

Rubber, natural or synthetic, including tires, tubes or similar products

Sewage disposal plants

Ship or boat building or repair yards, for ships or boats 200 feet in length or over

Soaps or detergents, including fat rendering

Steel, structural products, including bars, girders, rails, wire rope or similar products

Solvent extracting

Stock yards or slaughtering of animals or poultry

Stone processing or stone products, including abrasives, asbestos, stone screenings, stone cutting, stone work, sand or lime products, or similar processes or products

Sugar refining

Textile bleaching

Wood or bone distillation

Wood or lumber processing including sawmills or planing mills, excelsior, plywood, or veneer, wood-preserving treatment or similar products or processes

Wood pulp or fiber, reduction or processing, including paper mill operations

Wool scouring or pulling

B. Storage or miscellaneous #uses#, open or enclosed

Coal or gas storage

Dumps, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

Explosives storage, when not prohibited by other ordinances

Gas manufacturing plants

Grain storage

Junk or salvage yards, including auto wrecking or similar establishments, provided that such yard is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

Lumber yards, with no limitation on #lot area# per establishment

Manure, peat or topsoil storage

Petroleum or petroleum products, storage or handling

Refrigerating plants

Scrap metal, junk, paper or rags storage, sorting, or baling, provided that any yard in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including solid opaque entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

C. #Accessory uses#

(2/2/11)

42-20

PERFORMANCE STANDARDS

In all #Manufacturing Districts#, after December 15, 1961, any #use# thereafter established or changed to a #use# listed in Use Group 11A, 16, 17, or 18, and every #building or other structure# or open area of a #zoning lot# thereafter #developed#,

constructed, or used for any #use# listed in Use Group 11A, 16, 17, or 18, shall comply with each and every performance standard governing noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, humidity, heat or glare applicable to the district in which such #use#, #building or other structure# or open area is located.

If any existing #use# or #building or other structure# is #extended#, #enlarged# or reconstructed after December 15, 1961, the applicable district regulations for each and every performance standard shall apply with respect to such #extended#, #enlarged#, or reconstructed portion or portions of such #use# or #building or other structure#.

In case of any conflict between the Use Groups and the performance standards, the latter shall control. #Uses# listed in Use Group 18 are permitted in M1 or M2 Districts (as well as M3 Districts) if such #uses# comply with all of the applicable performance standards for such districts.

In case of any conflict between the performance standards and the rules and regulations adopted by the Department of Environmental Protection, the more restrictive shall apply.

(12/15/61)

42-21

Performance Standards Regulating Noise

(12/15/61)

42-211

Definitions

For the purposes of this Section, the following terms are defined:

Decibel

A "decibel" is a unit of measurement of the intensity of sound (the sound pressure level).

Impact noise analyzer

An "impact noise analyzer" is an instrument used in conjunction

with the #sound level meter# to measure the peak intensities of short duration sounds.

Octave band

An "octave band" is one of a series of eight bands which cover the normal range of frequencies included in sound measurements. Such #octave bands# serve to define the sound in terms of its pitch components.

Octave band analyzer

An "octave band analyzer" is an instrument used in conjunction with a #sound level meter# to measure sound in each of eight #octave bands#.

Sound level meter

A "sound level meter" is an instrument standardized by the American Standards Association, which is used for measurement of the intensity of sound and is calibrated in #decibels#.

(12/15/61)

42-212

Method of measurement

For the purpose of measuring the intensity or frequency of sound, the #sound level meter#, the #octave band analyzer#, and the #impact noise analyzer# shall be employed.

The "C" network and the "slow" meter response of the #sound level meter# shall be used. Sounds of short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the #sound level meter#, shall be measured with the #impact noise analyzer# as manufactured by the General Radio Company, or its equivalent, in order to determine the peak value of the impact. For sounds so measured, the sound pressure levels set forth in Section 42-213 (Maximum permitted decibel levels) may be increased by six #decibels#.

(12/15/61)

42-213

Maximum permitted decibel levels

In all #Manufacturing Districts#, the sound pressure level resulting from any activity, whether open or enclosed, shall not exceed, at any point on or beyond any #lot line#, the maximum permitted #decibel# levels for the designated #octave band# as set forth in the following table for the district indicated.

In the enforcement of this regulation, sounds produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted #decibel# levels.

MAXIMUM PERMITTED
SOUND PRESSURE LEVEL
(in #decibels#)

#Octave Band# (cycles per second)	District		
	M1	M2	M3
20 to 75	79	79	80
75 to 150	74	75	75
150 to 300	66	68	70
300 to 600	59	62	64
600 to 1,200	53	56	58
1,200 to 2,400	47	51	53
2,400 to 4,800	41	47	49
Above 4,800	39	44	46

(12/15/61)

42-214

Special provisions applying along district boundaries

Whenever a #Manufacturing District# adjoins a #Residence District#, at any point at the district boundary or within the #Residence District#, the maximum permitted #decibel# levels in all #octave bands# shall be reduced by six #decibels# from the maximum levels set forth in the table in Section 42-213 (Maximum permitted decibel levels).

(12/15/61)

42-22

Performance Standards Regulating Vibration

(12/15/61)

42-221

Definitions

For the purposes of this Section, the following terms are defined:

Frequency

A "frequency" is the number of oscillations per second of a vibration.

Impact vibrations

"Impact vibrations" are earth-borne oscillations occurring in discrete pulses at or less than 100 pulses per minute.

Steady state vibrations

"Steady state vibrations" are earth-borne oscillations that are continuous. Discrete pulses that occur more frequently than 100 times per minute shall be considered to be #steady state vibrations#.

Three-component measuring system

A "three-component measuring system" is a device for recording the intensity of any vibration in three mutually perpendicular directions.

(12/15/61)

42-222

Method of measurement

For the purpose of measuring vibration, a #three-component measuring system# approved by the Commissioner of Buildings shall be employed.

(12/15/61)

42-223

Maximum permitted steady state vibration displacement

In all #Manufacturing Districts#, no activity shall cause or create a #steady state vibration# at any point on any #lot line#, with a displacement in excess of the permitted #steady state vibration# displacement for the #frequencies# as set forth in the following table for the district indicated.

MAXIMUM PERMITTED
STEADY STATE VIBRATION DISPLACEMENT
(in inches)

#Frequency# (cycles per second)	District		
	M1	M2	M3
10 and below	.0008	.0020	.0039
10-20	.0005	.0010	.0022
20-30	.0003	.0006	.0011
30-40	.0002	.0004	.0007
40-50	.0001	.0003	.0005
50-60	.0001	.0002	.0004
60 and over	.0001	.0001	.0004

(12/15/61)

42-224

Maximum permitted impact vibration displacement

In all #Manufacturing Districts#, no activity shall cause or create an #impact vibration#, at any point on any #lot line#, with a displacement in excess of the permitted #impact vibration# displacement for the #frequencies# as set forth in the following table for the district indicated.

MAXIMUM PERMITTED
IMPACT VIBRATION DISPLACEMENT

(in inches)

#Frequency# (cycles per second)	District		
	M1	M2	M3
10 and below	.0016	.0040	.0078
10-20	.0010	.0020	.0044
20-30	.0006	.0012	.0022
30-40	.0004	.0008	.0014
40-50	.0002	.0006	.0010
50-60	.0002	.0004	.0008
60 and over	.0002	.0002	.0008

(12/15/61)

42-225

Special provisions applying along district boundaries

Whenever an M2 or M3 District adjoins a #Residence District#, the #steady state# and #impact vibration# displacement, measured at the district boundary, shall not exceed the maximum permitted for an M1 District for the #frequencies# as set forth in the tables in Section 42-223 (Maximum permitted steady state vibration displacement) or Section 42-224 (Maximum permitted impact vibration displacement).

(12/15/61)

42-23

Performance Standards Regulating Smoke, Dust and Other Particulate Matter

(12/15/61)

42-231

Definitions

For the purposes of this Section, the following terms are defined:

Combustion for indirect heating

"Combustion for indirect heating" is the burning of fuel in equipment, such as steam boilers, water or air heaters, stills, or brew kettles, where there is no contact between the products of combustion and the materials being heated.

Dust

"Dust" is solid #particulate matter# capable of being air- or gas-borne.

Particulate matter

"Particulate matter" is any finely divided liquid or solid matter capable of being air- or gas-borne.

Process weight

"Process weight" is the total weight of all materials used in any process which discharges #dust# into the atmosphere. Such materials shall include solid fuels, but not liquid or gaseous fuels or combustion air.

Smoke

"Smoke" is any visible emission into the open air from any source, except emissions of an uncontaminated water vapor.

Smoke unit

A "smoke unit" is a measure of the quantity of #smoke# being discharged and is the number obtained by multiplying the #smoke# density in a #Standard Smoke Chart number# by the time of emission in minutes. For example, the emission of #Standard Smoke Chart number# 1 for one minute equals one #smoke unit#.

Standard Smoke Chart numbers

"Standard Smoke Chart numbers" are the numbers on the Standard Smoke Chart of the Department of Air Pollution Control that coincide most nearly with the grids on the Standard Smoke Chart indicating graduations of light-obscuring capacity of #smoke#.

(12/15/61)

42-232

Maximum permitted emission of smoke

In all #Manufacturing Districts#, the density of emission of #smoke# during normal operations shall not exceed #Standard Smoke Chart number# 2, and the quantity of #smoke# shall not exceed a maximum of 10 #smoke units# per hour per stack in M1 Districts, 20 such units in M2 Districts, and 30 such units in M3 Districts. The method of measurement, additional limitations on the emission of #smoke# of a density not exceeding #Standard Smoke Chart number# 2, and the maximum permitted density and quantity of #smoke# during special operations such as building new fires, banking, or cleaning fires, soot blowing, or process purging, shall be determined in accordance with rules and regulations adopted by the Department of Environmental Protection.

(2/2/11)

42-233

Maximum permitted emission of dust

(a) Related to #combustion for indirect heating#

In all #Manufacturing Districts#, the emission into the atmosphere of #dust# related to #combustion for indirect heating# from any source shall not exceed the maximum number of pounds of #dust# per million British thermal units heat input per hour as set forth herein:

(1) In M1 Districts

In M1 Districts, the maximum permitted emission shall be 0.50 pounds for minimum-size plants producing a heat input of 10 million or less British thermal units per hour and 0.15 for maximum size plants producing a heat input of 10,000 million or more British thermal units per hour. All intermediate values shall be determined from a straight line plotted on log graph paper.

(2) In M2 or M3 Districts

In M2 or M3 Districts, the maximum permitted emission for such minimum-size plants shall be 0.60 in M2 Districts and 0.70 in M3 Districts, and for such maximum-size plants shall be 0.16 in M2 Districts and 0.18 in M3 Districts. All intermediate values shall be determined from a straight line plotted on log graph

paper.

(b) Related to processes

In all #Manufacturing Districts#, the emission into the atmosphere of process #dust# or other #particulate matter# which is unrelated to #combustion for indirect heating# or incineration shall not exceed 0.50 pounds per hour for 100 pounds of #process weight# or 50 pounds per hour for 100,000 pounds of #process weight#. All intermediate values shall be determined from a straight line plotted on log graph paper.

(c) Total limit on emission of #dust# or other #particulate matter# in M1 or M2 Districts

In M1 or M2 Districts the maximum amount of #dust# or other #particulate matter# from all sources including #combustion for indirect heating#, process #dust#, or combustion for incineration which may be emitted from a single stack or vent shall not exceed 33 pounds per hour in M1 Districts, nor 250 pounds per hour in M2 Districts.

(d) Method of measurement and #dust# from incineration

In all #Manufacturing Districts#, the method of measurement and permitted emission of #dust# related to combustion for incineration shall not exceed the maximum allowances established under rules and regulations adopted by the Department of Environmental Protection.

(e) Prevention of wind-blown air pollution

In all #Manufacturing Districts#, all storage areas, yards, service roads, or other untreated open areas within the boundaries of a #zoning lot# shall be improved with appropriate landscaping or paving, or treated by oiling or any other means as specified in rules and regulations adopted by the Department of Environmental Protection, so that #dust# or other types of air pollution borne by the wind from such sources shall be minimized.

(12/15/61)

42-234

General control over smoke and other particulate matter

In addition to the performance standards of regulating #smoke# and other #particulate matter#, the emission of such matter shall

be so controlled in manner and quantity of emission as not to be detrimental to or endanger the public health, safety, comfort, or other aspects of the general welfare, or cause damage or injury to property.

(12/15/61)

42-24

Performance Standards Regulating Odorous Matter

(12/15/61)

42-241

In M1 or M2 Districts

In M1 or M2 Districts, the emission of odorous matter shall be in accordance with limits established by the Department of Environmental Protection. In addition to such limits, the emission of odorous matter in such quantities as to be readily detectable at any point along #lot lines# or to produce a public nuisance or hazard beyond #lot lines# is prohibited.

(12/15/61)

42-242

In M3 Districts

In M3 Districts, the emission of odorous matter in such quantities as to produce a public nuisance or hazard at or beyond #lot lines# is prohibited.

(12/15/61)

42-25

Performance Standards Regulating Toxic Noxious Matter

(12/15/61)

42-251

Definitions

For the purposes of this Section, the following term is defined:

Toxic or noxious matter

"Toxic or noxious matter" is any solid, liquid, or gaseous matter, including but not limited to gases, vapors, #dusts#, fumes, and mists, containing properties which by chemical means are:

- (a) inherently harmful and likely to destroy life or impair health; or
- (b) capable of causing injury to the well-being of persons or damage to property.

(12/15/61)

42-252

Regulation of toxic or noxious matter

In all #Manufacturing Districts#, the emission of #toxic or noxious matter# into the atmosphere shall be in accordance with limits established by the Department of Environmental Protection. In addition to such emission limits, the emission of such matter shall be so controlled that no concentration at or beyond #lot lines# shall be detrimental to or endanger the public health, safety, comfort, and other aspects of the general welfare, or cause damage or injury to property.

(12/15/61)

42-26

Performance Standards Regulating Radiation Hazards

(12/15/61)

42-261

Definitions

For the purposes of this Section, the following term is defined:

Fireproof containers

"Fireproof containers" shall include steel or concrete containers and shall not include lead or other low-melting metals or alloys, unless the lead or low-melting metal or alloys are completely encased in steel.

(12/15/61)

42-262

Maximum permitted quantities of unsealed radioactive material

In M1 Districts, unsealed radioactive materials shall not be manufactured, utilized, or stored (unless such materials are stored in a #fireproof container# at or below ground level) in excess of one million times the quantities set forth in Column 1 of the table in Section 38-2 of the Industrial Code Rule No. 38, relating to Radiation Protection adopted by the Board of Standards and Appeals of the New York State Department of Labor on October 10, 1955, effective December 15, 1955.

In M2 Districts, such materials shall not be manufactured, utilized, or stored (unless such materials are stored in a #fireproof container# at or below ground level) in excess of 10 million times the quantities set forth in Column 1 of the table cited in this Section. In M3 Districts no limits as to such permitted quantities shall apply.

(12/15/61)

42-263

Maximum permitted quantities of fissionable materials

In M1 or M2 Districts, no one of the following fissionable materials shall be assembled at any one point, place, or work area on a #zoning lot# in a quantity equal to or in excess of the amount set forth herein:

Material	Quantity
Uranium-233	200 grams
Plutonium-239	200 grams
Uranium-235	350 grams

In addition, any establishment which provides radiation waste disposal services in the nature of collection or storage of radioactive waste from other #manufacturing uses# shall be prohibited in M1 or M2 Districts.

(12/15/61)

42-264

Administration and appeal

The Department of Health shall have exclusive jurisdiction to enforce and administer these hazards in accordance with the rules and regulations promulgated by the Board of Health. An appeal may be made to the Board of Health to permit the manufacture, utilization, or storage of unsealed radioactive materials or fissionable materials, in excess of the quantities set forth in Section 42-262 (Maximum permitted quantities of unsealed radioactive material) or Section 42-263 (Maximum permitted quantities of fissionable materials). In any case where the Board of Health determines that the radiation hazard on or beyond any #lot line# is remote and minimal, even in the event of an accident, the Board may permit such additional quantity.

(12/15/61)

42-27

Performance Standards Regulating Fire and Explosive Hazards

(12/15/61)

42-271

Definitions

For the purposes of this Section, the following terms are defined:

Flammable or explosive

"Flammable or explosive" materials are materials which produce flammable or explosive vapors or gases under ordinary weather temperature, including liquids with an #open cup flash point# of less than 100 degrees F.

Free burning

"Free burning" materials are materials constituting an active fuel.

Intense burning

"Intense burning" materials are materials which by virtue of low ignition temperature, high rate of burning, and large heat evolution burn with great intensity.

Moderate burning

"Moderate burning" materials are materials which in themselves burn moderately and may contain small quantities of a higher grade of combustibility.

Open cup flash point

The "open cup flash point" is the temperature at which a liquid sample produces sufficient vapor to flash but not ignite when in contact with a flame in a Tagliabue open cup tester.

Original sealed containers

"Original sealed containers" are containers with a capacity of not more than 55 gallons.

Slow burning

"Slow burning" materials are materials which will not ignite or actively support combustion during an exposure for five minutes to a temperature of 1,200 degrees F. and which, therefore, do not constitute an active fuel.

(10/11/62)

42-272

Classifications

For the purposes of this Section, materials are divided into four classifications or ratings based on the degree of fire and explosive hazard. The rating of liquids is established by specified #open cup flash points# as set forth in this Section, and the Board of Standards and Appeals shall determine the rating of solids under this Section.

- (a) Class I includes #slow burning# to #moderate burning# materials. This shall include all liquids with an #open cup flash point# of 182 degrees F. or more.
- (b) Class II includes #free burning# to #intense burning# materials. This shall include all liquids with an #open cup flash point# between 100 and 182 degrees F.
- (c) Class III includes materials which produce #flammable or explosive# vapors or gases under ordinary weather temperature. This shall include all liquids with an #open cup flash point# of less than 100 degrees F.
- (d) Class IV includes materials which decompose by detonation, including but not limited to all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; and strong oxidizing agents such as perchloric acid, perchlorates, chlorates, chlorites, or hydrogen peroxide in concentrations greater than 35 percent.

(12/15/61)

42-273

Regulations applying to Class I materials or products

In all #Manufacturing Districts#, Class I materials or products may be stored, manufactured, or utilized in manufacturing processes or other production.

(2/2/11)

42-274

Regulations applying to Class II materials or products

Class II materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

(a) In M1 Districts

In M1 Districts, Class II materials or products shall be stored, manufactured, or utilized subject to the following limitations:

- (1) such storage, manufacture or utilization shall be carried on only within #buildings or other structures# which are #completely enclosed# by incombustible exterior walls;
- (2) such #buildings or other structures# shall either be set back at least 40 feet from any #lot lines# or, in lieu thereof, all such #buildings or other structures# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code; and
- (3) the storage of Class II materials or products shall be limited to 100,000 gallons.

(b) In M2 Districts

In M2 Districts, Class II materials or products may be manufactured or utilized without limitation. The storage of Class II materials or products shall be limited to 200,000 gallons, except that such limitation shall not apply to storage in underground tanks or storage of finished products in #original sealed containers#.

- (1) Special provisions applying along district boundaries

In M2 Districts and within 100 feet of the district boundary of a #Residence District#, a #Commercial District# or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in Section 42-274, paragraph (a), for M1 Districts.

(c) In M3 Districts

In M3 Districts, Class II materials or products may be stored, manufactured, or utilized without limitation.

- (1) Special provisions applying along district boundaries

In M3 Districts and within 100 feet of the district boundary of a #Residence District#, a #Commercial District# or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in paragraph (a) of this Section for M1 Districts.

(2/2/11)

42-275

Regulations applying to Class III materials or products

Class III materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

(a) In M1 Districts

In M1 Districts, Class III materials or products shall not be manufactured in any event, and shall be stored or utilized subject to the following limitations:

- (1) such storage or utilization shall be carried on only within #buildings or other structures# which are #completely enclosed# by incombustible exterior walls;
- (2) such #buildings or other structures# shall either be set back at least 40 feet from any #lot line# or, in lieu thereof, all such #buildings or other structures# shall be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and all such structures as storage tanks shall be protected by a fire extinguishing system which shall comply with the requirements set forth in the Administrative Code;
- (3) the final manufactured product shall have a rating of Class I; and
- (4) the storage of Class III materials or products shall be limited to 50,000 gallons.

(b) In M2 Districts

In M2 Districts, Class III materials or products shall not be manufactured in any event and shall be stored or utilized subject to the following limitations:

- (1) the final manufactured product shall have a rating of Class II; and
- (2) the storage of Class III materials or products shall be limited to 100,000 gallons, except that such limitation shall not apply to storage in underground tanks and storage of finished products in #original sealed containers#.
- (3) In M2 Districts, and within 100 feet of the district boundary of a #Residence District#, a #Commercial District# or an M1 District, Class III materials or products shall be stored or utilized only in accordance with the provisions set forth in paragraph (a) of this Section for M1 Districts.

(c) In M3 Districts

In M3 Districts, Class III materials or products may be stored, manufactured, or utilized without limitation.

- (1) Special provisions applying along district boundaries

In M3 Districts and within 400 feet of a #Residence District#, a #Commercial District# or an M1 District, the provisions set forth in paragraph (a) of this Section for M1 Districts shall apply. In M3 Districts and within 300 feet of the district boundary of an M2 District, no more than 200,000 gallons of Class III materials or products may be stored, except that such limitation shall not apply to storage in underground tanks or storage of finished products in #original sealed containers#.

(10/11/62)

42-276

Regulations applying to Class IV materials or products

Class IV materials or products shall not be manufactured in any #Manufacturing District# and may be utilized in manufacturing processes or other production in any #Manufacturing District# only when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. No storage of Class IV materials or products is permitted in any #Manufacturing District# except such #accessory# storage as may be authorized by such special permit for the utilization of such materials or products in

manufacturing processes or other production.

(10/11/62)

42-277

Regulations applying to oxygen manufacture, storage, or utilization

Oxygen, gaseous or liquid, shall not be manufactured in any #Manufacturing District# except when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Article VII, Chapter 3. Oxygen, gaseous or liquid, may be stored or utilized in all #Manufacturing Districts# in accordance with the provisions set forth in the Administrative Code and subject to the following limitations:

(a) In M1 Districts

In M1 Districts, the total quantity of such oxygen stored shall not exceed 150,000 cubic feet at standard temperature and pressure.

(b) In M2 Districts

In M2 Districts, the total quantity of such oxygen stored shall not exceed 500,000 cubic feet at standard temperature and pressure.

(c) In M3 Districts

In M3 Districts, the total quantity of such oxygen stored is unlimited.

(12/15/61)

42-28

Performance Standards Regulating Humidity, Heat, or Glare

(12/15/61)

42-281

Regulation applying to M1 Districts

In M1 Districts, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond any #lot line#.

(12/15/61)

42-282

Regulation applying to M2 Districts

In M2 Districts, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out within an enclosure and in such a manner as not to be perceptible at or beyond any #lot line#.

(12/15/61)

42-283

Regulation applying to M3 Districts

When an M3 District adjoins any other district, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond the district boundary.

(12/15/61)

42-30

USES PERMITTED BY SPECIAL PERMIT

(2/8/90)

42-31

By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

M2 M3

Amusement arcades [PRC-E]

M1

Amusement parks, children's, with sites of not less than 10,000 square feet nor more than 75,000 square feet per establishment [PRC-E]

M1-5A M1-5B

Eating and drinking establishments, with entertainment but not dancing, with a capacity of 200 persons or less [PRC-D]

M1-5A M1-5B M1-5M M1-6M

Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

M1 M2 M3

#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), and massage establishments

M1 M2 M3

Radio or television towers, non-#accessory#

M1 M2 M3

Sand, gravel or clay pits

M1

#Schools#, provided they have no living or sleeping accommodations

(5/8/13)

42-32

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

M1 M2 M3

Airports

M1

Amusement parks, children's, with sites of not less than 75,000 square feet nor more than 10 acres per establishment [PRC-E]

M1 M2 M3

Arenas, auditoriums, or stadiums with a capacity in excess of 2,500 seats [PRC-D]

M1 M2 M3

Bus stations, with less than 10 berths

M1 M2 M3

Bus stations, with 10 or more berths

M1

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment [PRC-B1]

M1

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment [PRC-B]

M1

Department stores [PRC-B]

M1 M2 M3

Docks for #gambling vessels#, pursuant to Section 62-837

M1 M2 M3

Drive-in theaters, with a maximum capacity of 500 automobiles

M1

Dry goods or fabrics stores, with no limitation on #floor area# per establishment [PRC-B]

M1

Food stores, with no limitation on #floor area# per establishment [PRC-B]

M1

Furniture stores, with no limitation on #floor area# per establishment [PRC-B1]

M1 M2 M3

Heliports

M1

Indoor interactive entertainment facilities with eating and drinking* [PRC-D]

M1-5

Museums and non-commercial art galleries

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

#Public parking garages#** with capacity of more than 150 spaces

M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

#Public parking garages#** with any capacity

M1 M2 M3

#Public parking lots# with capacity of more than 150 spaces**

M1 M2 M3

Railroad passenger stations

M1 M2 M3

Seaplane bases

M1 M2

Sewage disposal plants

M1

Television, radio, phonograph or household appliance stores, with no limitation on #floor area# per establishment [PRC-B]

M1 M2 M3

Trade expositions, with rated capacity of more than 2,500 persons [PRC-D]

M1 M2 M3

#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

M1

#Uses# listed in Use Group 4A Community Facilities, except ambulatory diagnostic or treatment health care facilities and houses of worship

M1

Variety stores, with no limitation on #floor area# per establishment [PRC-B]

* In M1-1, M1-5A, M1-5B Districts and M1 Districts with a suffix "D," indoor interactive entertainment facilities with eating and drinking are not permitted

** In the #Manhattan Core#, these #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.

(12/15/61)

42-40

**SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING
ALONG DISTRICT BOUNDARIES**

(2/2/11)

42-41

Enclosure of Commercial or Manufacturing Activities

M1 M2 M3

In all districts, as indicated, all commercial or manufacturing activities established by #development#, #enlargement#, #extension# or change of #use#, except storage of materials or products, shall be subject to the provisions of this Section with respect to enclosure, except as otherwise specifically provided in the Use Groups permitted in the district, and in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-Street Loading Berths). With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

(12/15/61)

42-411

In M1 Districts

M1

In the district indicated, all such activities shall be located within #completely enclosed buildings#, provided, however, that #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

(12/15/61)

42-412

In M2 or M3 Districts

M2 M3

In the districts indicated, all such activities within 300 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#, provided, however, that #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#.

(2/2/11)

42-42

Enclosure or Screening of Storage

M1 M2 M3

In all districts, as indicated, all storage of materials or products established by #development#, #enlargement#, #extension#, change of #use#, or any new open storage or any increase in the portion of a #zoning lot# used for open storage, shall conform to the provisions of this Section. In addition, new #accessory# open storage or any increase in the portion of a #zoning lot# used for #accessory# open storage shall conform to the provisions of this Section.

With respect to the #enlargement# or #extension# of existing storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such storage.

(12/15/61)

42-421

In M1 Districts

M1

In the district indicated, storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

(12/15/61)

42-422

In M2 or M3 Districts

M2 M3

In the districts indicated, and within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

(12/15/61)

42-44

Limitations on Business Entrances, Show Windows or Signs

M1 M2 M3

In all districts, as indicated, the location of primary business entrances, #show windows#, or #signs# shall be subject to the provisions of this Section. For the purposes of this Section, a lot of record or a group of contiguous lots of record held in single ownership or control at December 15, 1961, or any applicable amendment thereto, shall be considered a single #zoning lot#, regardless of any subsequent subdivision.

For the purposes of this Section, a #corner lot# shall include the entire #zoning lot#, notwithstanding the 100 foot limitation in the definition of #corner lots# in Section 12-10 (DEFINITIONS). All other #zoning lots# shall be considered #zoning lots# with single frontage.

The provisions of this Section shall not apply to:

- (a) vehicular entrances or exits for permitted drive-in #uses# or automotive service establishments or for permitted or required #accessory# off-street parking spaces or loading berths;
- (b) service entrances, or other entrances less than 3 feet, 6 inches in width;
- (c) windows other than #show windows#; or
- (d) ventilators, fire escapes or other appurtenances required by law.

(12/15/61)

42-441

For zoning lots with single frontage

M1 M2 M3

In all districts, as indicated, for #zoning lots# with single frontage, no primary business entrance, #show window# or #sign# shall be located on that portion of the #street# frontage within 20 feet of frontage on the same side of the #street# in a #Residence District#.

However, where the #street# frontage of such #zoning lot# or portion thereof located within the #Manufacturing District# is less than 30 feet in length, such minimum distance shall be reduced to 10 feet.

For #zoning lots# with a frontage of more than 30 feet, an application may be made to the Board of Standards and Appeals to reduce such minimum distance to 10 feet, as provided in Section 73-50 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES).

(12/15/61)

42-442

For corner lots

M1 M2 M3

In all districts, as indicated, no primary business entrance, #show window# or #sign# shall be located on that portion of the #street# frontage of a #corner lot# within 75 feet of frontage on the same side of the #street# in a #Residence District#.

However, primary business entrances, #show windows#, or #signs# may be located on frontage less than 75 feet, but not less than 20 feet, from a #Residence District# boundary:

- (a) if the total length of the #block# face containing such frontage is less than 220 feet; or
- (b) if such frontage adjoins frontage on a #corner lot# in a #Residence District#; or
- (c) if such frontage is separated from frontage in the #Residence District# by one or more #zoning lots# with single frontage.

(12/15/61)

42-45

Exceptions for Integrated Developments Divided by District Boundaries

M1 M2 M3

In all districts, as indicated, primary business entrances, #show windows# or #signs# may be located on any frontage within a #Manufacturing District#, if the Commissioner of Buildings finds that the #zoning lot# on which the business entrance, #show window# or #sign# is to be located:

- (a) is divided by a boundary between the #Manufacturing District# and a #Residence District#; or
- (b) is presently in the same ownership as adjoining property located in a #Residence District#, and no #building# in the #Residence District# exists, or will in the future be erected, within a distance of 75 feet from the #Manufacturing District#, as evidenced by deed restrictions filed in an office of record binding the owner and his heirs and assigns.

(2/22/90)

42-46

Air Space over a Railroad or Transit Right-of-way or Yard

(11/19/87)

42-461

Definitions

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

(2/2/11)

42-462

Use of railroad or transit air space

M1 M2 M3

- (a) In all districts, as indicated, #railroad or transit air space# may be #developed# or used only for a permitted #use accessory# to the railroad or transit right-of-way or yard, a #use# permitted by the City Planning Commission as set forth in Section 74-681 (Development within or over a railroad or transit right-of-way or yard), a railroad passenger station permitted by the City Planning Commission as set forth in Section 74-62 (Railroad Passenger Stations) or an open vehicle storage establishment authorized pursuant to this Section unless the right-of-way or yard or portion thereof is no longer required for railroad or transit #use# as set forth in paragraph (b) of this Section.

If any #building or other structure# constructed in such #railroad or transit air space# in accordance with the provisions of Section 74-681 is #enlarged# or replaced by a new #building or other structure#, the provisions of this Section shall apply to such #enlargement# or replacement.

However, any #use# legally established in such #railroad or transit air space# in accordance with the provisions of Section 74-681 may be changed to another #use# listed in a permitted Use Group, and no special permit from the City Planning Commission shall be required for such change of #use#.

Any #building or other structure# within or over a railroad or transit right-of-way or yard, which #building or other structure# was completed prior to September 27, 1962, or constructed in accordance with the applicable provisions of Sections 11-31 to 11-34, inclusive, prior to December 5, 1991, may be #enlarged# or replaced in accordance with the applicable district regulations without any requirement for a special permit from the City Planning Commission. Ownership of rights permitting the #enlargement# or replacement of such a #building or other structure# shall be deemed to be equivalent to ownership of a #zoning lot# or portion thereof, provided that such #enlargement# or replacement will be on one #block# and the rights are in single ownership and recorded prior to February 22, 1990. Such ownership of rights shall be deemed to include alternative ownership arrangements specified in the #zoning lot# definition of Section 12-10 (DEFINITIONS).

#Enlargement# or replacement utilizing these ownership rights shall be deemed to be constructed upon the equivalent

of a #zoning lot#.

- (b) When the #use# of a railroad or transit right-of-way or yard, or portion thereof, has been permanently discontinued or terminated and a #large-scale development# requiring one or more special permits is proposed, no #use# or #development# of the property shall be allowed until the City Planning Commission has authorized the size and configuration of all #zoning lots# created on such property. As a condition for such authorization, the Commission shall find that:

- (1) the proposed #zoning lots#, indicated by a map describing the boundaries of, and the total area of, each lot, are not excessively large, elongated or irregular in shape and that no #development# on any #zoning lot# would result in the potential for an excessive concentration of #bulk# that would be incompatible with allowable #developments# on adjoining property; and
- (2) each resulting #zoning lot# has direct access to one or more #streets#.

No subsequent alteration in size or configuration of any #zoning lot# approved by the Commission shall be permitted unless authorized by the Commission. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of such #zoning lot# designation on the character of the surrounding area. Such conditions shall be set forth in a written Declaration of Restrictions covering all tracts of land or in separate written Declarations of Restrictions covering parts of such tracts of land and which in the aggregate cover the entire tract of land comprising the #zoning lot# and which is executed and recorded as specified in the definition of #zoning lot# in Section 12-10.

Prior to granting any #zoning lot# authorization relating to such right-of-way or yard, the City Planning Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use such property or portion thereof for a railroad or transit #use#.

- (c) In an M1-1 District, on the #block# bounded by Vanderbilt Avenue, Atlantic Avenue, Carlton Avenue and Pacific Street in the borough of Brooklyn, the City Planning Commission may authorize the #use# of #railroad or transit air space# for

an open vehicle storage establishment provided the Commission makes the following findings:

- (1) that adequate access to one or more #streets# is provided;
- (2) that access to such #use# is located on a #street# not less than 60 feet in width;
- (3) that the proposed open vehicle storage establishment will result in reducing the number of vehicles standing on nearby #streets#; and
- (4) that such establishment is located not less than 20 feet below #curb level# except for access ramps to the #street# or #streets#.

For the purpose of this authorization a secondary access ramp may be permitted provided that the intersection of such ramp and the #street# shall be no more than two #blocks# from the intersection of the primary access ramp and a #street#.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the surrounding area, including requirements for the shielding of flood lights, screening, and surfacing of all access ramps or driveways.

- (d) Notwithstanding the above, the #High Line#, as defined in Section 98-01, shall be governed by the provisions of Section 98-17 (Air Space Over a Railroad or Transit Right of Way or Yard).

(9/21/11)

42-47

Residential Uses in M1-1D through M1-5D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, new #residences# or #enlargements# of existing #residences# may be permitted by authorization of the City Planning Commission provided the #zoning lot# existing on June 20, 1988, meets the criteria of paragraphs (a), (b) or (c) of this Section.

- (a) On #zoning lots# containing #residential# or #community facility uses#, new #residences# or #enlargements# of existing #residences# may be authorized, provided:

- (1) the #zoning lot# contains a #building# that has one or more #stories# of lawful #residential# or #community facility uses# and no more than one #story# of #commercial# or #manufacturing uses# therein;
 - (2) the #zoning lot# contains no other #commercial# or #manufacturing uses#; and
 - (3) 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility uses#.
- (b) On vacant #zoning lots#, new #residences# may be authorized, provided:
- (1) the #zoning lot# has been vacant continuously since June 20, 1988, or has been vacant continuously for five years prior to the date of application for such authorization;
 - (2) a #zoning lot abutting# on one #side lot line# and fronting on the same #street# is occupied by a #community facility building# or a #building# containing #residences#; and
 - (3) either of the following conditions exist:
 - (i) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 10,000 square feet of #lot area#, and 50 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility uses#; or
 - (ii) such vacant #zoning lot# and any contiguous vacant #zoning lots# and #land with minor improvements# fronting on the same #street# aggregate no more than 5000 square feet of #lot area#, and 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #residential# or #community facility uses#.
- (c) On #land with minor improvements#, new #residences# may be

authorized provided such #land with minor improvements# otherwise meets all the criteria for vacant #zoning lots# listed in paragraph (b) of this Section, except that new #residential use# shall not be authorized on #land with minor improvements# that:

- (1) is used for parking, storage or processing in connection with a conforming, enclosed #commercial# or #manufacturing use# within the district; or
 - (2) has been so used within five years prior to the date of application, unless such land has not been so used since June 20, 1988.
- (d) In determining eligibility for #residential use#, pursuant to paragraphs (a), (b) or (c) of this Section, the following regulations shall be applicable:
- (1) In order to determine whether a #corner lot# meets the criteria of paragraph (a), (b) or (c) above, the aggregate length of the #block# fronts occupied by #zoning lots# that contain #residential# or #community facility uses# may be measured along any #block# front upon which such #corner lot# has frontage.
 - (2) In determining the percent of the aggregate length of the #block# fronts occupied by #zoning lots# that contain #residential# or #community facility uses#, the length along the #block# front of every #zoning lot#, whether occupied or not, shall be measured and aggregated, and this total shall be divided by the aggregate length of the #block# fronts occupied by #zoning lots# containing lawful #residential# or #community facility uses#. Vacant #zoning lots# and #land with minor improvements# shall not be counted as #residential# or community facility frontage.

For the purpose of this Section, the length along the #block# front of any #zoning lot# occupied by a #building# that contains one or more #stories# of #residential# or #community facility use# and no more than one #story# of #commercial# or #manufacturing use# shall be considered as a frontage of #residential# or #community facility uses#, and the length along the #block# front of any #zoning lot# occupied by a #building# that contains one or more #stories# of #residential# or #community facility use# and more than one #story# of #commercial# or #manufacturing uses# shall be considered as a frontage of #commercial# or #manufacturing uses#.

- (3) New #residential use# shall not be authorized on any #floor area# that is vacant or that is occupied by a #commercial# or #manufacturing use#, except that in a #building designed for residential use# where at least 50 percent of the #floor area# is occupied by #residential use#, the #residential use# may be #extended#.
- (4) In any #building#, no #residential use# may be located on or below a #story# occupied by a #commercial# or #manufacturing use#.
- (5) For the purposes of this Section, a #through lot# fronting on no more than two #streets# shall be treated as if it consisted of two separate #zoning lots# with #abutting rear lot lines# at a line midway between the two #street lines# upon which such #through lot# fronts. In the case of a #through lot# that fronts on more than two #streets#, the #through lot# portion shall first be considered as if it were so divided, and then any remaining portion shall be considered as if it were a separate #zoning lot#. Notwithstanding, in no event shall contiguous portions of a #through lot# that front on the same #street# be treated as if they were separate #zoning lots#.

Each resulting portion of such #through lot# on each #street# frontage shall be considered separately to determine whether it meets the criteria for new #residences# set forth in paragraphs (a), (b) or (c) of this Section, and only on such portion may new #residences# or #enlargements# of existing #residences# be authorized. Only the #lot area# of such portion shall be calculated in determining the permitted amount of #floor area# to be authorized pursuant to this Section.

- (6) A #zoning lot# or contiguous #zoning lots# existing on June 20, 1988, that have been vacant continuously since June 20, 1988, or have been vacant continuously for five years prior to the date of application for such authorization, that are contiguous to and front on the same #street# as a vacant #zoning lot# or #land with minor improvements# that meets all the requirements of paragraph (b) or (c) of this Section, may be combined with such eligible #zoning lot# in its application to authorize #residential use#. The aggregate #lot area# of all such contiguous vacant #zoning lots# or #land with minor improvements# shall be limited by the

requirements of paragraph (b) (3).

- (e) In authorizing such #residential uses#, the Commission shall find that:
- (1) the #residential uses# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic materials, safety hazards or other adverse impacts from current or previous #commercial# or #manufacturing uses#;
 - (2) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;
 - (3) the #residential uses# will not adversely affect #commercial# or #manufacturing uses# in the district; and
 - (4) the authorization will not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing zoning lots#.

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

#Residential uses# authorized pursuant to this Section shall be subject to the regulations of Sections 43-61 (Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts) and 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts).

Regulations governing other #residential uses# in M1-D Districts are set forth in Article V, Chapter 2 (Non-conforming Uses).

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Section 52-46 (Conforming and Non-conforming Residential Uses in M1-1D through M1-5D Districts) or of this Section.

(9/21/11)

42-48

Supplemental Use Regulations in M1-6D Districts

All permitted #uses# in M1-6D Districts, as set forth in Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall comply with the

provisions set forth in this Section, inclusive.

(9/21/11)

42-481

Residential use

#Residential use# shall be permitted in M1-6D Districts only in accordance with the provisions of this Section. For the purposes of this Section, a "qualifying #building#" shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

(a) #Residential use# as-of-right

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.

(b) #Residential use# by certification

#Residential use# shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within qualifying #buildings# on the #zoning lot# on April 25, 2011, provided that:

- (1) preservation of non-#residential floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
- (2) #floor area# from #community facility uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential floor area converted# to #residential# vertical circulation and lobby space need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential floor area# that existed within qualifying #buildings# on April

25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #residential#, or for a new #building# containing #residences#.

(9/21/11)

42-482

Community facility use

The #community facility use# regulations applicable in M1 Districts shall not apply in M1-6D Districts. In lieu thereof, all #community facility uses# listed in Use Groups 3 and 4 shall be permitted, except that #community facilities# with sleeping accommodations shall only be permitted in accordance with paragraphs (a) or (b) of this Section, as applicable.

For the purposes of this Section, a "qualifying #building#" shall be any #building# that existed on April 25, 2011, and which contained at least 40,000 square feet of #floor area# on such date.

- (a) #Community facilities# with sleeping accommodations shall be permitted as-of-right on any #zoning lot# that, on April 25, 2011, was not occupied by a qualifying #building#. Such absence of a qualifying #building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.
- (b) #Community facilities# with sleeping accommodations shall be permitted on a #zoning lot# that, on April 25, 2011, was occupied by one or more qualifying #buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within qualifying #buildings# on the zoning lot on April 25, 2011, provided that:
 - (1) preservation of non-#residential floor area# within existing non-qualifying #buildings# on the #zoning lot# shall not be counted toward meeting the requirements of this certification; and
 - (2) #floor area# from #community facility uses# with sleeping accommodations shall not be counted toward meeting the requirements of this certification.

However, non-#residential floor area# converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential floor area# that existed within qualifying #buildings# on April 25, 2011, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change in #use# from non-#residential# to #community facility# with sleeping accommodations, or for a new #building# containing a #community facility# with sleeping accommodations.

- (c) On #narrow streets#, ground floor #community facility uses# shall be subject to the streetscape provisions set forth in Section 42-485 (Streetscape Provisions).

(9/21/11)

42-483

Commercial uses

The #commercial use# regulations applicable in M1 Districts shall apply in M1-6D Districts, except that:

- (a) #Transient hotels# shall be allowed, except that #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with paragraph (a) of Section 42-481 (Residential use), shall only be allowed upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal has been met for the area in which such #transient hotel# is located, as set forth in this paragraph, (a), or where such residential development goal has not been met, by special permit pursuant to Section 74-802 (In M1-6D Districts).

The residential development goal shall be met when at least 865 #dwelling units#, permitted pursuant to the provisions of Section 42-481, on #zoning lots# located within an area bounded by West 28th Street, West 30th Street, a line 100

feet west of Seventh Avenue, and a line 100 feet east of Eighth Avenue, have received temporary or final certificates of occupancy subsequent to September 21, 2011.

- (b) Food stores, including supermarkets, grocery stores and delicatessen stores, shall not be limited as to size of establishment.
- (c) On #narrow streets#, ground floor #commercial uses# shall be subject to special streetscape provisions, as set forth in Section 42-485.
- (d) All #uses# listed in Use Group 10 shall be permitted without limitation, except as provided for in paragraph (c) of this Section.

(9/21/11)

42-484

Manufacturing uses

In M1-6D Districts, the #manufacturing use# regulations applicable in #Special Mixed Use Districts#, as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive, shall apply.

(9/21/11)

42-485

Streetscape provisions

On #narrow streets#, for #zoning lots# with #street# frontage of 50 feet or more, ground floor #uses# limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B shall have a depth of at least 30 feet from the #street wall# and shall extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#. The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies, or entrances to parking spaces, except that lobbies shall be limited to a total width of 40 feet. No minimum 30 foot depth requirement shall apply where a reduction in such depth is necessary in order to accommodate a #residential# lobby or vertical circulation core.

Enclosed parking spaces, or parking spaces covered by 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#.

For any #development# or #enlargement# that includes a ground floor #street wall#, each ground floor #street wall# occupied by #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparency shall occupy at least 50 percent of the surface area of that portion of the ground floor #street wall# located between a height of two feet and twelve feet, or the height of the ground floor ceiling, whichever is higher, above the level of the adjoining sidewalk. The lowest point of any such required transparency shall not be higher than four feet above the level of the adjoining sidewalk, with the exception of transom windows, and the minimum width of any such required transparency shall be two feet. In addition, the maximum width of a portion of the ground floor level #street wall# without transparency shall not exceed ten feet. However, the transparency requirements of this Section shall not apply to that portion of the ground floor level #street wall# occupied by an entrance to a parking facility.

(4/8/98)

42-50

SIGN REGULATIONS

(11/19/87)

42-51

Definitions

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

(2/27/01)

42-52

Permitted Signs

M1 M2 M3

In all districts, as indicated, #signs# are permitted subject to the provisions of the following Sections:

Section 42-53 (Surface Area and Illumination Provisions)

Section 42-54 (Permitted Projection or Height of Signs)

Section 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways)

Section 42-56 (Special Provisions Applying Along District Boundaries)

Section 42-57 (Additional Sign Regulations for Adult Establishments)

Section 42-58 (Signs Erected Prior to December 13, 2000).

However, notwithstanding any provision of this Section, flags, banners or pennants other than those that are #advertising signs#, located on any #zoning lot# used primarily for #community facility uses# of a civic, philanthropic, educational or religious nature, are permitted in all districts, as indicated, without limitation.

(10/13/10)

42-53

Surface Area and Illumination Provisions

M1 M2 M3

In all districts, as indicated, all permitted #signs# shall be subject to the restrictions on #surface area# and illumination as set forth in this Section, provided that the following #signs# shall be exempted from such restrictions on #surface area#:

#Illuminated# non-#flashing signs#, other than #advertising signs#, located in a window within a #building#, with a total #surface area# not exceeding eight square feet on any #zoning lot# and limited to not more than three such #signs# in any window.

For the purpose of determining permitted #surface area# of #signs# for #zoning lots# occupied by more than one establishment, any portion of such #zoning lot# occupied by a #building# or part of a #building# accommodating one or more establishments on the ground floor may be considered as a

separate #zoning lot#.

No #illuminated sign# shall have a degree or method of illumination that exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any #illuminated sign# does not project or reflect on #residences# or #joint living-work quarters for artists# so as to interfere with the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a #sign with indirect illumination# to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into #residences# or #joint living-work quarters for artists#.

(2/27/01)

42-531

Total surface area of signs

M1 M2 M3

In all districts, as indicated, the total #surface area# of all permitted #signs#, including non-#illuminated# or #illuminated signs#, shall not exceed the limitation established for non-#illuminated signs#, as set forth in Section 42-532.

(10/13/10)

42-532

Non-illuminated signs

M1 M2 M3

In all districts, as indicated, non-#illuminated signs# with total #surface areas# not exceeding six times the #street# frontage of the #zoning lot#, in feet, but in no event more than 1,200 square feet for each #sign#, are permitted.

However, in any #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed six times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 750 square feet.

(10/13/10)

42-533

Illuminated or flashing signs

M1 M2 M3

In all districts, as indicated, #illuminated# or #flashing advertising signs# are not permitted.

#Illuminated# or #flashing signs#, other than #advertising signs#, and #accessory# or #advertising signs with indirect illumination# are permitted, provided that the total #surface area# of all such #signs#, in square feet, shall not exceed:

- (a) for #illuminated# or #flashing signs# other than #advertising signs#, five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 500 square feet; and
- (b) for #accessory# or #advertising signs with indirect illumination#, five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 750 square feet.

However, in any #Manufacturing District# in which #residences# or #joint living-work quarters for artists# are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total #surface area# of all such permitted #signs# shall not exceed five times the #street# frontage of the #zoning lot#, in feet, and that the #surface area# of each #sign# shall not exceed 500 square feet.

(2/27/01)

42-54

Permitted Projection or Height of Signs

M1 M2 M3

In all districts, as indicated, all permitted #signs# are subject to the applicable regulations of this Section, inclusive.

(10/13/10)

42-541

Permitted projection

M1 M2 M3

In all districts, as indicated, except as otherwise provided in Section 42-542 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#, except that:

- (a) in M1-5A, M1-5B, M1-5M and M1-6M Districts, for each establishment located on the ground floor, non-#illuminated signs# other than #advertising signs# may project no more than 40 inches across a #street line#, provided that along each #street# on which such establishment fronts, the number of such #signs# for each establishment shall not exceed two two-sided #signs# separated at least 25 feet apart, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches and shall not be located above the level of the first #story# ceiling.
- (b) for #zoning lots# occupied by more than two theaters designed, arranged and used for live performances of drama, music or dance and located within the area bounded by West 34th Street, Eighth Avenue, West 42nd Street and Tenth Avenue, permitted #signs# may project across a #street line# no more than 4 feet, 6 inches, provided the height of any such #signs# shall not exceed 55 feet above #curb level#.

(2/27/01)

42-542

Additional regulations for projecting signs

M1 M2 M3

In all districts, as indicated, permitted #signs# other than #advertising signs# may be displayed as follows:

- (a) Non-#illuminated signs# may be displayed on awnings or canopies permitted by the Administrative Code, with a #surface area# not exceeding 12 square feet and with the height of letters not exceeding 12 inches. Any commercial copy on such #signs# shall be limited to identification of the name or address of the #building# or an establishment

contained therein.

- (b) #Signs# may be displayed on marquees permitted by the Administrative Code, provided that no such #sign# shall project more than 48 inches above nor more than 12 inches below such marquee.

(2/27/01)

42-543

Height of signs

M1 M2 M3

In all districts, as indicated, permitted #signs# shall not extend to a height greater than 40 feet above #curb level#, provided that non-#illuminated signs# or #signs with indirect illumination# may extend to a maximum height of 75 feet.

(2/27/01)

42-55

Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways

M1 M2 M3

In all districts, as indicated, the provisions of paragraphs (a), (b) and (c), or paragraph (d), of this Section, shall apply for #signs# near designated arterial highways or certain #public parks#.

- (a) Within 200 feet of an arterial highway or a #public park# with an area of one-half acre or more, #signs# that are within view of such arterial highway or #public park# shall be subject to the following provisions:

- (1) no permitted #sign# shall exceed 500 square feet of #surface area#; and
- (2) no #advertising sign# shall be allowed; nor shall an existing #advertising sign# be structurally altered, relocated or reconstructed.

- (b) Beyond 200 feet from such arterial highway or #public park#,

the #surface area# of such #signs# may be increased one square foot for each linear foot such sign is located from the arterial highway or #public park#.

(c) The more restrictive of the following shall apply:

- (1) any #advertising sign# erected, structurally altered, relocated or reconstructed prior to June 1, 1968, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, shall have legal #non-conforming use# status pursuant to Section 52-83 (Non-Conforming Advertising Signs), to the extent of its size existing on May 31, 1968; or
- (2) any #advertising sign# erected, structurally altered, relocated or reconstructed between June 1, 1968, and November 1, 1979, within 660 feet of the nearest edge of the right-of-way of an arterial highway, whose message is visible from such arterial highway, and whose size does not exceed 1,200 square feet in #surface area# on its face, 30 feet in height and 60 feet in length, shall have legal #non-conforming use# status pursuant to Section 52-83, to the extent of its size existing on November 1, 1979. All #advertising signs# not in conformance with the standards set forth herein shall terminate.

(d) Within one-half mile of any boundary of the City of New York, permitted #signs# and #advertising signs# may be located along any designated arterial highway that is also:

- (1) a "principal route" or "toll crossing" that prohibits direct vehicular access to abutting land and provides complete separation of conflicting traffic flows; and
- (2) a through truck route designated by the New York City Department of Transportation; and
- (3) that crosses a boundary of the City of New York,

without regard to the provisions of paragraphs (a), (b) and (c) of this Section, provided any such permitted or #advertising sign# otherwise conforms to the regulations of this Chapter including, with respect to an #advertising sign#, a location not less than 500 feet from any other #advertising sign#, except that, in the case of any such permitted or #advertising sign# erected prior to August 7, 2000, such #sign# shall have #non-conforming use# status pursuant to Sections 52-82 (Non-Conforming Signs other than

Advertising Signs) and 52-83 with respect to all other regulations of this Chapter to the extent of the degree of #non-conformity# of such #sign# as of August 7, 2000, including, with respect to an #advertising sign#, its location within 500 feet of any other such #advertising sign#.

Upon application, the requirements of paragraphs (a), (b) and (c) of this Section shall be waived, provided that the Chairperson of the City Planning Commission certifies that such waiver is limited to a single non-#flashing sign# other than an #advertising sign#, located on a #zoning lot# not less than one and one-half acres and, all other permitted #signs#, other than #advertising signs# located on such #zoning lot#, that are subject to the provisions of this Section, conform with all the #sign# regulations applicable in C1 Districts.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

(2/27/01)

42-551

Advertising signs on waterways

No moving or stationary #advertising sign# shall be displayed on a vessel plying waterways adjacent to #Manufacturing Districts# and within view from an arterial highway.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings" and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

For the purposes of this Section, an #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

(2/27/01)

42-56

Special Provisions Applying Along District Boundaries

(2/27/01)

42-561

Restrictions along district boundary located in a street

M1 M2 M3

In all districts, as indicated, and within 100 feet of the #street line# of any #street# or portion thereof in which the boundary of an adjoining #Residence District# is located, or which adjoins a #public park# of one-half acre or more, #advertising signs# that face at an angle of less than 165 degrees away from such #Residence District# or park boundary shall not be permitted and all other #signs# facing at less than such an angle shall conform with all the #sign# regulations applicable in C1 Districts as set forth in Sections 32-61 to 32-68, inclusive, relating to Sign Regulations.

(2/27/01)

42-562

Restriction on angle and height above curb level

M1 M2 M3

In all districts, as indicated, and within 500 feet of the boundary of a #Residence District# or #Commercial District#, except C7 or C8 Districts, any illuminated portion of any #sign# shall face at an angle of more than 90 degrees away from such boundary line and a #sign with indirect illumination# may extend only to a height of 58 feet above #curb level#.

(2/27/01)

42-57

Additional Sign Regulations for Adult Establishments

M1 M2 M3

In all districts, as indicated, all permitted #signs#, other than #advertising signs#, for #adult establishments# shall conform with the provisions of this Chapter, except that the maximum #surface area# of all #signs#, other than #advertising signs#, for #adult establishments# shall not exceed, in the aggregate, three times the #street# frontage of the #zoning lot#, but in no event more than 150 square feet per establishment, of which no more than 50 square feet may be #illuminated# and no portion thereof may be #flashing#.

No #signs# for #adult establishments# shall be permitted on the roof of any #building#, nor shall such #signs# extend above #curb level# at a height greater than 25 feet.

(2/27/01)

42-58

Signs Erected Prior to December 13, 2000

M1 M2 M3

In all districts, as indicated, a #sign# erected prior to December 13, 2000, shall have #non-conforming use# status pursuant to Sections 52-82 (Non-Conforming Signs Other Than Advertising Signs) or 52-83 (Non-Conforming Advertising Signs) with respect to the extent of the degree of #non-conformity# of such #sign# as of such date with the provisions of Sections 42-52, 42-53 and 42-54, where such #sign# shall have been issued a permit by the Department of Buildings on or before such date. In all such districts, as indicated, a #sign# other than an #advertising sign# erected prior to December 13, 2000, shall also have #non-conforming use# status pursuant to Section 52-82 with respect to the degree of #non-conformity# of such #sign# as of such date with the provisions of Section 42-55, paragraphs (a)(1) and (b), where such #sign# shall have been issued a permit by the Department of Buildings on or before such date. Nothing herein shall be construed to confer #non-conforming use# status upon any #advertising sign# located within 200 feet of an arterial highway or of a #public park# with an area of one-half acre or more, and within view of such arterial highway or #public park#, or where such #advertising sign# is located at a distance from an arterial highway or #public park# with an area of one-half acre or more which is greater in linear feet than there are square feet of #surface area# on the face of such #sign#, contrary to the requirements of Section 42-55, paragraph (b). The #non-conforming use# status of signs subject to Section 42-55, paragraphs (c)(1), (c)(2) and (d), shall remain unaffected by this provision.

For the purposes of this Section, arterial highways shall include all highways that are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes," "parkways" or "toll crossings," and that have been designated by the City Planning Commission as arterial highways to which the provisions of this Section shall apply.

(9/21/11)

42-59

Sign Regulations in M1-6D Districts

In M1-6D Districts, #signs# are permitted subject to the #sign# regulations applicable in C6-4 Districts, as set forth in Section 32-60, inclusive.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article IV: Manufacturing District Regulations Chapter 3 - Bulk Regulations

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(12/15/61)

Chapter 3

Bulk Regulations

(12/15/61)

43-00

APPLICABILITY AND GENERAL PROVISIONS

(10/9/13)

43-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #building or other structure# on any #zoning lot# or portion of a #zoning lot# located in any #Manufacturing District#. The #bulk# regulations of this Chapter shall also apply to any portion of a #zoning lot# in a #Manufacturing District# that is #developed# or #enlarged# with an open #use#. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# which do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Article VIII, IX, X, XI, XII and XIII.

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# of non-#residential floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions within Existing Buildings), unless such #conversions# meet the requirements for #residential developments# of Article II (Residence District Regulations).

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the #bulk# regulations governing M1 Districts shall apply to #community facility#, #commercial# and #manufacturing uses#, and the regulations of Section 43-61 (Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts) shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-1D through M1-5D Districts). M1-6D Districts shall be subject to the #bulk# regulations set forth in Section 43-62.

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #bulk# regulations of an M1 District shall apply to #manufacturing#, #commercial# and #community facility uses#, and the #bulk# regulations for an R5 District set forth in Article II, Chapter 3, shall apply to #residential uses#.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

(2/2/11)

43-02

Street Tree Planting in Manufacturing Districts

M1 M2 M3

In all districts, as indicated, all #developments#, or #enlargements# of 20 percent or more in #floor area#, excluding #developments# or #enlargements# in Use Groups 17 or 18, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is #converted# from a #manufacturing use# to a #commercial# or #community facility use# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C and 16D.

(12/15/61)

43-10

FLOOR AREA REGULATIONS

(8/18/77)

43-11 **Definitions**

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

(9/21/11)

43-12 **Maximum Floor Area Ratio**

M1 M2 M3

In all districts, as indicated, for 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 Public Plazas)

Section 43-14 (Floor Area Bonus for Arcades)

Section 43-15 (Existing Public Amenities for which Floor Area Bonuses Have Been Received)

Section 43-16 (Special Provisions for Zoning Lots Divided by District Boundaries)

Section 43-61 (Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts)

Section 43-62 (Bulk Regulations in M1-6D Districts)

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

Maximum Permitted #Floor
Area Ratio#

Districts

1.00	M1-1
2.00	M1-2* M1-4 M2-1 M2-3 M3
5.00	M1-3 M1-5 M2-2 M2-4
10.00	M1-6

- * In Community District 1, in the Borough of Queens, in the M1-2 District bounded by a line 100 feet southwesterly of 37th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 39th Avenue, 24th Street, and a line 100 feet northeasterly of 40th Avenue, 23rd Street, 39th Avenue and 24th Street, the maximum #floor area ratio# shall be increased to 4.0 provided that such additional #floor area# is limited to the following #uses#: photographic or motion picture production studios and radio or television studios listed in Use Group 10A; and #uses# listed in Use Groups 16A, 16D, 17A and 17B as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), except for automobile, motorcycle, trailer or boat sales, motorcycle or motor scooter rental establishments, poultry or rabbit killing establishments, riding academies, stables for horses and trade schools for adults

For #zoning lots# containing both #community facility use# and #manufacturing# or #commercial use#, the total #floor area# used for #manufacturing# or #commercial use# shall not exceed the amount permitted in the table in this Section or by the bonus provisions in Sections 43-13 or 43-14.

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

(2/2/11)

43-121

Expansion of existing manufacturing buildings

M1 M2 M3

In all districts, as indicated, where a #building or other structure# used for a conforming #manufacturing use# was in existence prior to December 15, 1961, such #building or other structure# may be expanded for a #manufacturing use#. Such

expansion may consist of an #enlargement#, or additional #development#, on the same #zoning lot#, provided that:

(a) the resulting total #floor area# shall not be greater than:

- (1) 150 percent of the #floor area# existing on December 15, 1961; or
- (2) 110 percent of the maximum #floor area# otherwise permitted under the provisions of Section 43-12 (Maximum Floor Area Ratio).

(b) the resulting #floor area ratio# shall not exceed the highest of:

- (1) 150 percent of the maximum #floor area ratio# otherwise permitted under the provisions of Section 43-12;
- (2) 110 percent of the #floor area ratio# existing on December 15, 1961; or
- (3) a #floor area ratio# of 2.4, provided that in the event this paragraph, (b)(3), is utilized, the City Planning Commission shall administratively certify and the City Council approve, that such expansion will not adversely affect the surrounding area.

The parking reduction provisions of Section 44-27 (Special Provisions for Expansion of Existing Manufacturing Buildings) shall apply to such expansion.

(9/21/11)

43-122

Maximum floor area ratio for community facilities

M1

In the districts indicated, for any #community facility use# on a #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table:

Maximum Permitted #Floor Area Ratio#	Districts
2.40	M1-1
4.80	M1-2

6.50

M1-3 M1-4 M1-5

10.00

M1-6

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, for any #zoning lot# containing both #residential use# and #community facility use#, the total #floor area# used for #residential use# shall not exceed the amount permitted in Section 43-61 (Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts).

(9/21/11)

43-13

Floor Area Bonus for Public Plazas

M1-6

In the district indicated, except for M1-6D Districts, for each square foot of #public plaza# provided on a #zoning lot#, in accordance with the provisions of Section 37-70, inclusive, 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.

(9/21/11)

43-14

Floor Area Bonus for Arcades

M1-6

In the district indicated, except for M1-6D Districts, for each square foot of #arcade# provided on a #zoning lot#, the total #floor area# permitted on the #zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by three square feet. However, the provisions of this Section shall not apply to #zoning lots# that are both within 100 feet of the western #street line# of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan.

(10/17/07)

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 #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 #publicly accessible open area# for which a #floor area# bonus has been received, by certification, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

- (c) Nighttime closing of existing #publicly accessible open areas#.

The Commission may, upon application, authorize the closing of an existing #publicly accessible open area# for which a #floor area# bonus has been received, during certain nighttime hours pursuant to Section 37-727 (Hours of access).

- (d) Elimination or reduction of existing public amenities

No existing #arcade#, #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 74-761 (Elimination or reduction in size of bonused public amenities).

Regulations Applying in Special Situations

(12/15/61)

43-16

Special Provisions for Zoning Lots Divided by District Boundaries

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different maximum #floor area ratios#, the provisions set forth in Article VII, Chapter 7 shall apply.

(1/22/98)

43-17

Special Provisions for Joint Living-Work Quarters for Artists in M1-5A and M1-5B Districts

M1-5A M1-5B

In the districts indicated, no #building# containing #joint living-work quarters for artists# shall be #enlarged#.

Mezzanines are allowed within individual quarters, in #buildings# with an existing #floor area ratio# of 12.0 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain, provided that such mezzanines do not exceed 33 and 1/3 percent of the gross #floor area# of such individual quarters. Such mezzanines shall not be included as #floor area# for the purpose of calculating minimum required size of a #joint living-work quarters for artists#.

In the districts indicated no #building# containing #joint living-work quarters for artists# shall be subdivided into quarters of less than 1,200 square feet except where no #story# contains more than one #joint living-work quarters for artists# unless modified pursuant to Section 43-171.

However, the minimum size requirement may be replaced by the requirements of Section 15-026 for #joint living-work quarters for artists#:

- (a) for which a determination of #residential# or #joint living-work quarters for artists# occupancy on September 1, 1980, has been made pursuant to Sections 42-14, paragraph D.(1)(f), 42-141 paragraph (b) or 74-782; or
- (b) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
- (c) that the Loft Board determines were occupied for

#residential use# or as #joint living-work quarters for artists# on September 1, 1980.

#Joint living-work quarters for artists# existing on September 1, 1980, may not be divided subsequently into quarters of less than 1,200 square feet, unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

In the districts indicated, two or more #buildings# which are separated by individual load-bearing walls and contain #joint living-work quarters for artists#, each of which #building# conforms to the regulations set forth in Section 42-14 may be combined to produce a #lot area# covered by #buildings# in excess of 3,600 square feet.

(2/2/11)

43-171

Minor modifications

On application, the Chairperson of the City Planning Commission may grant minor modifications to the requirements of Section 43-17 relating to #joint living-work quarters for artists# size, provided that the Chairperson of the City Planning Commission had administratively certified to the Department of Buildings that the division of one or more #stories# into #joint living-work quarters for artists# with an area of at least 1,200 square feet cannot be accomplished without practical difficulties because the #floor area# of such #story#, exclusive of exterior walls and common areas, is within five percent of a multiple of 1,200 square feet.

The applicant must send a copy of any request for a modification pursuant to this Section to the applicable Community Board at least twenty days prior to the next regularly scheduled Community Board meeting.

(1/28/71)

43-20

YARD REGULATIONS

Definitions and General Provisions

(11/19/87)

43-21

Definitions

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

(12/15/61)

43-22

Level of Yards

In all #Manufacturing Districts#, the level of a #yard# or of a #rear yard equivalent# shall not be higher than #curb level#. However, this Section shall not be construed to require that natural grade level be disturbed in order to comply with this requirement.

No #building or other structure# shall be erected above ground level in any required #yard# or #rear yard equivalent# except as otherwise provided in Section 43-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(4/30/12)

43-23

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Manufacturing Districts#, the following obstructions shall be permitted within a required #yard# or #rear yard equivalent#:

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

(1) Arbors or trellises;

(2) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

(i) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches; and

- (ii) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project;
- (3) Canopies;
- (4) Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required #yard# or #rear yard equivalent#;
- (5) Eaves, gutters or downspouts, projecting into such #yard# or #rear yard equivalent# not more than 16 inches or 20 percent of the width of such #yard# or #rear yard equivalent#, whichever is the lesser distance;
- (6) Exterior wall thickness, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch, and is limited to one inch of thickness for every foot of existing #yard# width, up to a maximum thickness of eight inches. When an open area is provided along a common #lot line#, then such exterior wall thickness is limited to one inch for every foot of existing open area on the #zoning lot#;

Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly encroach upon required #yards# in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no encroachment of #floor area# into a required #yard#;

- (7) Fences;
- (8) Flagpoles;
- (9) Parking spaces for automobiles or bicycles, off-street, open, #accessory#;
- (10) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

- (11) Steps, and ramps for persons with physical disabilities;
 - (12) Terraces or porches, open;
 - (13) Walls, not exceeding eight feet in height and not roofed or part of a #building#.
- (b) In any #rear yard# or #rear yard equivalent#:
- (1) Any #building# or portion of a #building# used for any permitted #use#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care and treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, shall be permitted upon such #building#, or portion thereof, pursuant to Section 43-42 (Permitted Obstructions);
 - (2) Breezeways;
 - (3) Fire escapes;
 - (4) Parking spaces for automobiles or bicycles, off-street, #accessory#, provided that the height of an #accessory building# used for such purposes and located in a required #rear yard# or #rear yard equivalent# shall not exceed 23 feet above #curb level#;
 - (5) Solar energy systems on the roof of a #building# permitted as an obstruction to such #yard#:
 - (i) up to four feet in height as measured perpendicular to the roof surface when located above a permitted #commercial# or #community facility use# or attached parking structure; or
 - (ii) shall be limited to 18 inches in height as measured perpendicular to the roof surface when located above a shed or detached parking structure, or on any roof with a slope greater than 20 degrees;
 - (6) Water-conserving devices, required in connection with

air conditioning or refrigeration systems in
#buildings# existing prior to May 20, 1966, if located
not less than eight feet from any #lot line#.

However, no portion of a #rear yard equivalent# which is also a
required #front yard# or required #side yard# may contain any
obstructions not permitted in such #front yard# or #side yard#.

(12/15/61)

43-24

Measurement of Yard Width or Depth

In all #Manufacturing Districts#, the width or depth of a #yard#
or #rear yard equivalent# shall be measured perpendicular to #lot
lines#.

Basic Regulations

(12/15/61)

43-25

Minimum Required Side Yards

M1 M2 M3

In all districts, as indicated, no #side yards# are required.
However, if an open area extending along a #side lot line# is
provided, it shall be at least eight feet wide.

(4/30/08)

43-26

Minimum Required Rear Yards

M1 M2 M3

In all districts, as indicated, a #rear yard# with a depth of not
less than 20 feet shall be provided at every #rear lot line# on
any #zoning lot# except as otherwise provided in Sections 43-27
(Special Provisions for Shallow Interior Lots), 43-28 (Special
Provisions for Through Lots) or 43-31 (Other Special Provisions
for Rear Yards). #Rear yards# shall also be provided along
portions of #side lot lines# as set forth in Section 43-261

(Beyond one hundred feet of a street line).

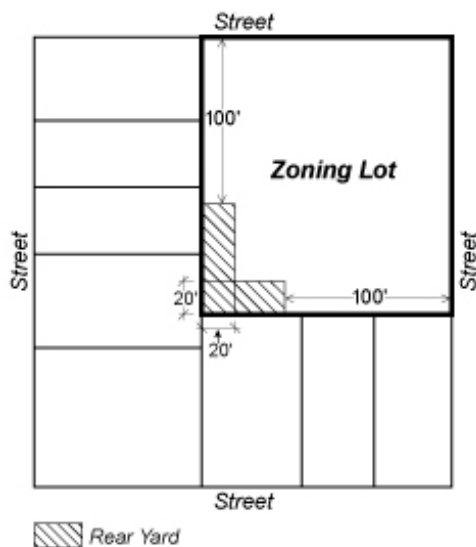
(4/30/08)

43-261

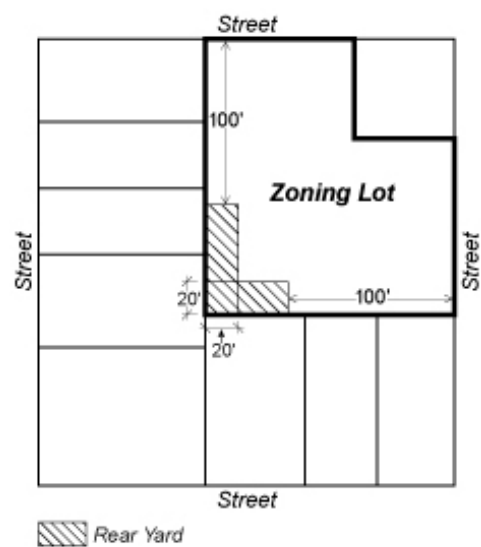
Beyond one hundred feet of a street line

M1 M2 M3

In all districts, as indicated, for #corner lots#, and for #zoning lots# that are bounded by two or more #streets# that are neither #corner lots# or #through lots#, the portion of a #side lot line# beyond 100 feet of the #street line# that it intersects shall be considered a #rear lot line# and a #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



CORNER LOT
(33-261.1, 43-261.1)



ZONING LOT BOUNDED BY
TWO OR MORE STREETS
(NEITHER A CORNER LOT NOR A THROUGH LOT)
(33-261.2, 43-261.2)

(2/2/11)

43-27

Special Provisions for Shallow Interior Lots

M1 M2 M3

In all districts, as indicated, if an #interior lot#:

- (a) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and
- (b) is less than 70 feet deep;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each two feet by which the maximum depth of a #zoning lot# is less than 70 feet. No #rear yard# is required on any #interior lot# with a maximum depth of less than 50 feet.

(2/2/11)

43-28

Special Provisions for Through Lots

M1 M2 M3

In all districts, as indicated, no #rear yard# regulations shall apply on any #through lot# which extends less than 110 feet in maximum #lot depth# from #street# to #street#. However, 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, except that in the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required:

- (a) an open area with a minimum #lot depth# of 40 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts;
- (b) two open areas, each adjoining and extending along the full length of the #street line#, and each with a minimum depth of 20 feet measured from such #street line#; or
- (c) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 20 feet measured from each such #side lot line#.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 43-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(12/15/61)

43-29

Special Provisions Applying along Railroad Rights-of-Way

M1 M2 M3

In all districts, as indicated, along such portion of a #rear lot line# which coincides with a boundary of a railroad right-of-way, no #rear yard# shall be required.

(12/15/61)

43-30

Special Provisions Applying along District Boundaries

M1 M2 M3

In all districts, as indicated, open areas shall be provided in accordance with the provisions of this Section along the boundaries of #Residence Districts#, except where such district boundaries are also the boundaries of railroad rights-of-way or cemeteries.

(12/15/61)

43-301

Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District

M1 M2 M3

In all districts, as indicated, along such portion of the boundary of a #Manufacturing District# which coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# and at least 15 feet wide shall be provided within the #Manufacturing District#. Such an open area shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

(12/15/61)

43-302

Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots

M1 M2 M3

In all districts, as indicated, along such portion of the #rear lot line# of a #zoning lot# in a #Manufacturing District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level# and at least 30 feet in depth shall be provided within the #Manufacturing District#. Such an open area shall not be used for storage or processing of any kind.

(12/15/61)

43-303

Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District

M1 M2 M3

In all districts, as indicated, along such portion of a #side lot line# of a #zoning lot# in a #Manufacturing District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level# and at least 15 feet wide shall be provided within the #Manufacturing District#. Such open area shall not be used for #accessory# off-street loading or for storage or processing of any kind.

(10/25/67)

43-304

Required front yards along district boundary located in a street

M1-1 M1-2 M1-3 M1-4 M2 M3

In the districts indicated, if the boundary of an adjoining #Residence District# is located at the center line of a #street# less than 60 feet wide, a #front yard# not higher than #curb level# and at least 20 feet in depth shall be provided along any #front lot line# forming the boundary between a #zoning lot# located within the #Manufacturing District# and that portion of

the #street# in which the district boundary is located.

(12/15/61)

43-31

Other Special Provisions for Rear Yards

M1 M2 M3

In all districts, as indicated, the #rear yard# requirements set forth in Section 43-26 (Minimum Required Rear Yards) shall be modified as set forth in this Section.

(12/15/61)

43-311

Within 100 feet of corners

M1 M2 M3

In all districts, as indicated, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

(5/20/65)

43-312

Along short dimension of block

M1 M2 M3

In all districts, as indicated, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

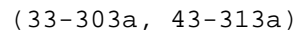
(4/30/08)

43-313

For zoning lots with multiple rear lot lines

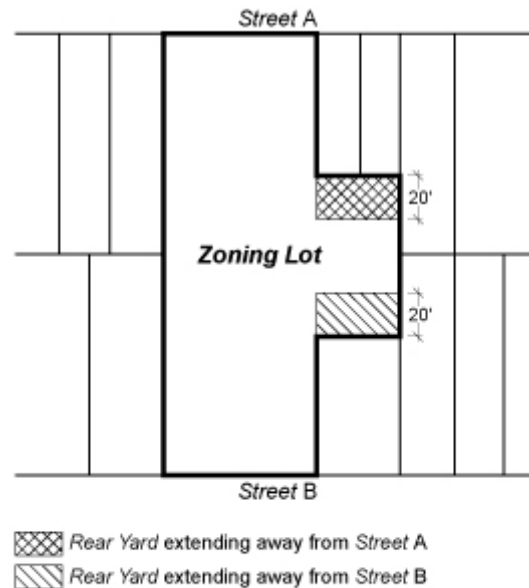
In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply:

- (a) A #rear yard# with a minimum depth of 20 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#.



- (b) No #rear yard# shall be required where such #rear lot line# coincides with a #side lot line# of an adjoining #zoning lot#.

- (c) For portions of #through lots# that have multiple #rear lot lines# and such portions are not subject to #interior lot# regulations, the #street line# bounding the #zoning lot# closest to such #rear lot line# shall be used to determine compliance with this Section.



(33-303c, 43-313c)

All Yards

(12/15/61)

43-32

Special Provisions for Zoning Lots Divided by District Boundaries

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different #yard# regulations, the provisions set forth in Article VII, Chapter 7, shall apply.

(4/30/08)

43-33

Modifications of Rear Yard Regulations

M1 M2 M3

In all districts, as indicated, the regulations set forth in Section 43-313 (For zoning lots with multiple rear lot lines) may be modified in accordance with the provisions of Section 73-69 (Rear Yard Modifications).

(12/15/61)

43-40

HEIGHT AND SETBACK REGULATIONS

Definitions and General Provisions

(11/19/87)

43-41

Definitions

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

(4/30/12)

43-42

Permitted Obstructions

In all #Manufacturing Districts#, the following obstructions shall be permitted to penetrate a maximum height limit or a #sky exposure plane# set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks) or 43-49 (Limited Height Districts).

- (a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:
 - (1) shall be limited to a maximum projection from a #building# wall of 2 feet, 6 inches, except when located on the first #story# above a setback;
 - (2) shall have solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the #building# wall (as viewed in elevation) from which they project; and

- (3) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail permitted in accordance with Section 43-42 (Permitted Obstructions).

When located on the first #story# above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback, and shall be limited, in total, to 50 percent of the width of the #building# wall from which they project;

- (b) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 43-43, 43-44 or 43-45 (Tower Regulations);
- (c) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;
- (d) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (e) Elevator or stair bulkheads (including shafts; and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, provided that:
 - (1) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#, except that such obstructions need not be set back more than 25 feet from a #narrow street line# or more than 20 feet from a #wide street line#. However, such restrictions on location shall not apply to elevator or stair bulkheads (including shafts or vestibules), provided the #aggregate width of street walls# of such bulkheads within 10 feet of a #street wall#, facing each #street# frontage, times their average height, in feet, does not exceed an area equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
 - (2) all mechanical equipment shall be screened on all sides;

(3) such obstructions and screening are contained within a volume that complies with one of the following:

- (i) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, shall not exceed an area equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (ii) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

For the purposes of this paragraph, (e), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#;

- (f) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit;
- (g) Flagpoles or aerials;
- (h) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (i) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible

level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;

- (j) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (j), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
- (k) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (l) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;
- (m) Solar energy systems:
 - (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
 - (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:
 - (i) a height of 15 feet;
 - (ii) a height of six feet when located on a bulkhead or other obstruction, pursuant to paragraph (e) of this Section;
 - (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

- (n) Spires or belfries;
- (o) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;
- (p) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (q) Wind energy systems on portions of #buildings# with a height of 100 feet or greater, provided:
 - (1) the highest point of the wind turbine assembly does not exceed 55 feet;
 - (2) no portion of the wind turbine assembly is closer than 10 feet to any #lot line#; and
 - (3) in districts where #residences# or #joint living work quarters for artists# are permitted as-of-right, by special permit or by authorization, or within 100 feet of such districts, the diameter of the swept area of the rotor does not exceed 15 feet;
- (r) Window washing equipment mounted on a roof;
- (s) Wire, chain link or other transparent fences.

(9/21/11)

43-43

Maximum Height of Front Wall and Required Front Setbacks

M1 M2 M3

In all districts, as indicated, if the front wall or any other portion of a #building or other structure# is located at the

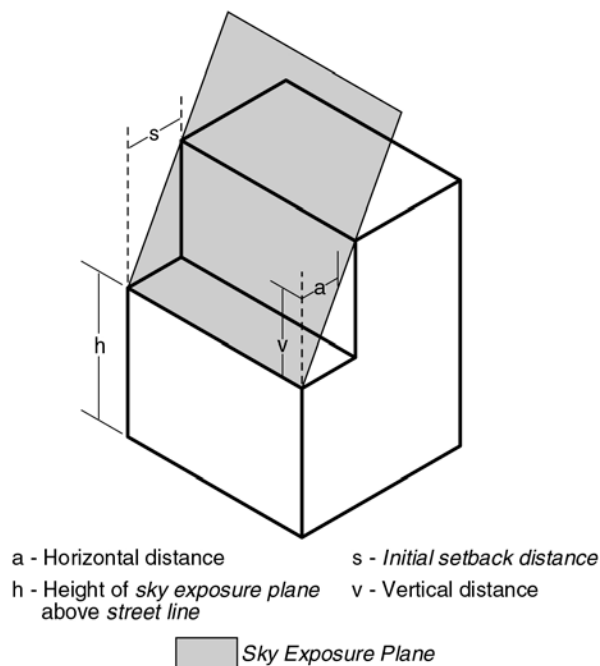
#street line# or within the #initial setback distance# as set forth in the table in this Section, the height of such front wall or other portion of a #building or other structure#, except as otherwise set forth in this Section, shall not exceed the maximum height above #curb level# set forth in the table. Above such maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table.

The regulations of this Section shall apply, except as otherwise provided in Sections 43-42 (Permitted Obstructions), 43-44 (Alternate Front Setbacks) or 43-45 (Tower Regulations). In M1-1 Districts, for #community facility buildings#, the maximum height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above the #street line# shall be 35 feet, and in M1-4 Districts, for #community facility buildings#, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

For #zoning lots# in M1-6 Districts that are both within 100 feet of the western #street line# of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan, the following #street wall# regulations shall apply to #street# frontages not occupied by a #public plaza#. The #street wall# of a #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to a minimum height of 125 feet or the height of the #building#, whichever is less, and a maximum height of 150 feet. Above a height of 150 feet, no portion of a #building# may penetrate a #sky exposure plane# except for towers, pursuant to Section 43-45. The #sky exposure plane# shall begin at a height of 150 feet above the #street line# and rise over the #zoning lot# at a slope of 5.6 feet of vertical distance for each foot of horizontal distance on a #wide street#, and at a slope of 2.7 feet of vertical distance for each foot of horizontal distance on a #narrow street#. The provisions of Section 43-44 (Alternate Front Setbacks) shall not apply. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#. Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#. However, no recesses shall be permitted within 20 feet of an adjacent #building# and within 30 feet of the intersection of two #street lines#.

MAXIMUM HEIGHT OF FRONT WALL
AND REQUIRED FRONT SETBACKS

						#Sky Exposure Plane#	
						Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)	
#Initial Setback Distance# (in feet)		Maximum Height of a Front Wall, or other Portion of a #Building or other structure# within the #Initial Setback Distance#	Height above #Street Line# (in feet)	On #Narrow Street#	On #Wide street#		
On #Narrow Street#	On #Wide Street#			Verti- cal Dis- tance	Hori- zon- tal Dis- tance	Verti- cal Dis- tance	Hori- zon- tal Dis- tance
Within M1-1 Districts							
20	15	30 feet or 2 #stories#, whichever is less	30	1 to	1	1 to	1
Within M1-2, M1-4, M2-1, M2-3 or M3 Districts							
20	15	60 feet or 4 #stories#, whichever is less	60	2.7 to	1	5.6 to	1
Within M1-3, M1-5, M1-6, M2-2 or M2-4 Districts							
20	15	85 feet or 6 #stories#, whichever is less	85	2.7 to	1	5.6 to	1



Sky Exposure Plane
(23-632, 24-522, 33-432, 43-43)

(10/17/07)

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 table in this Section. The #sky exposure plane# shall be measured from a point above the #street line#.

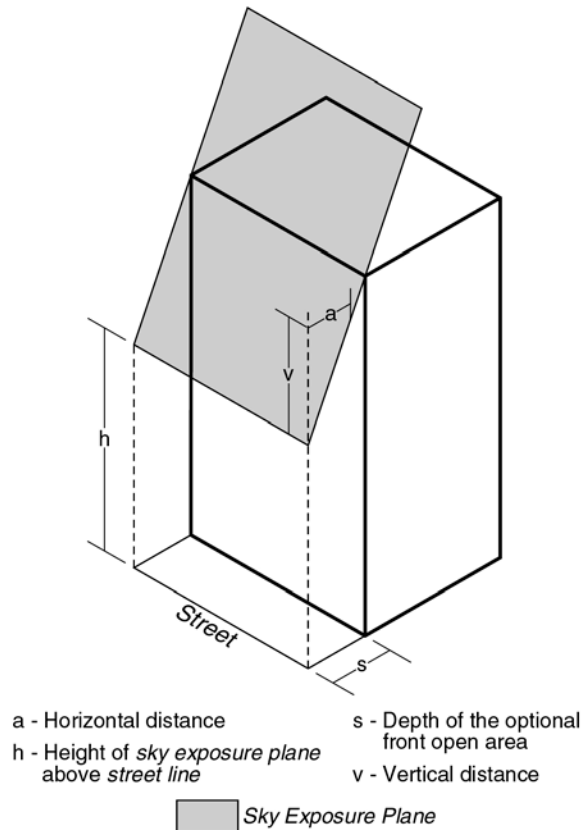
In an M1-6 District, if the open area provided under the terms of this Section is a #public plaza#, such open area may be counted toward the bonus provided for a #public plaza#, pursuant to

Section 43-13 (Floor Area Bonus for Public Plazas).

In M1-1 Districts, for #community facility buildings# the height above the #street line# shall be 35 feet.

ALTERNATE REQUIRED FRONT SETBACKS

			Alternative #Sky Exposure Plane#			
			Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
Depth of Optional Front Open Area (in feet)			On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#	Height above #Street Line# (in feet)	Vertical Distance	Hori-zontal Distance	Vertical Distance	Hori-zontal Distance
Within M1-1 Districts						
15	10	30	1.4 to	1	1.4 to	1
Within M1-2, M1-4, M2-1, M2-3 or M3 Districts						
15	10	60	3.7 to	1	7.6 to	1
Within M1-3, M1-5, M1-6, M2-2 or M2-4 Districts						
15	10	85	3.7 to	1	7.6 to	1



Alternate Sky Exposure Plane
(23-64, 24-53, 33-442, 43-44)

Supplementary Regulations

(2/2/11)

43-45 Tower Regulations

M1-3 M1-4 M1-5 M1-6

In the districts indicated, any #building# or #buildings#, or portion thereof, which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section 43-451 (Towers on small lots), may penetrate an established #sky exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower.) At any given level, such tower may occupy any portion of the #zoning lot# not located less

than 15 feet from the #street line# of a #narrow street#, or less than 10 feet from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 1,600 square feet.

If all of the #buildings# on a #zoning lot# containing such tower do not occupy at any level more than the maximum percent of the #lot area# set forth in this Section or Section 43-451 for towers, the tower may occupy any portion of the #zoning lot# located 20 feet or more from the #street line# of a #narrow street# or 15 feet or more from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 2,250 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 2,000 square feet.

(12/15/61)

43-451

Towers on small lots

M1-3 M1-4 M1-5 M1-6

In the districts indicated, a tower may occupy the percent of the #lot area# of a #zoning lot# set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percent of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43

17,501 to 18,500	42
18,501 to 19,999	41

Regulations Applying in Special Situations

(12/15/61)

43-46

Special Provisions for Zoning Lots Directly Adjoining Public Parks

M1 M2 M3

In all districts, as indicated, a #public park# with an area of between one and fifteen acres shall be considered a #wide street# for the purpose of applying the height and setback regulations as set forth in Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(12/15/61)

43-47

Modification of Height and Setback Regulations

M1

In the district indicated, for certain #community facility uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 43-41 to 43-45, inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

(12/15/61)

43-48

Special Provisions for Zoning Lots Divided by District Boundaries

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts with different height and setback regulations, or whenever a #zoning lot# is divided by a boundary between a district to which the provisions of Section 43-45 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7 shall apply.

(4/4/82)

43-49

Limited Height Districts

M1 M2 M3

In all districts, as indicated, wherever such districts are located within a #Limited Height District#, the maximum height of a #building or other structure#, or portion thereof, shall be as shown in the following table:

#Limited Height District#	Maximum Height above #Curb Level#
LH-1	50 feet
LH-1A	60 feet
LH-2	70 feet
LH-3	100 feet

(12/15/61)

43-50

COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES

Basic Regulations

(2/2/11)

43-51

Minimum Dimensions of Courts for Buildings Containing Community Facility Uses

M1

In the district indicated, the regulations set forth in the following Sections shall apply to all #buildings# containing #community facility uses#:

- Section 24-61 (General Provisions and Applicability)
- Section 24-62 (Minimum Dimensions of Courts)
- Section 24-63 (Outer Court Regulations)
- Section 24-64 (Inner Court Regulations)
- Section 24-65 (Minimum Distance between Required Windows and Walls or Lot Lines)
- Section 24-66 (Modifications of Court Regulations or Distance Requirements)
- Section 24-68 (Permitted Obstructions in Courts).

(12/21/89)

43-60

SUPPLEMENTARY REGULATIONS

(9/21/11)

43-61

Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts

The following regulations shall apply to any #development# or #enlargement# authorized pursuant to Section 42-47 (Residential Uses in M1-1D through M1-5D Districts):

- (a) The total amount of #residential floor area# permitted on any #zoning lot# shall not exceed a #floor area ratio# of 1.65.

On #zoning lots# containing both #residential use# and #community facility#, #manufacturing# or #commercial use#, the maximum #floor area# shall be the maximum #floor area# permitted for either the #commercial# or #manufacturing use#

as set forth in Sections 43-12 (Maximum Floor Area Ratio) through 43-14 (Floor Area Bonus for Arcades), or the #community facility use# as set forth in Section 43-122 (Maximum floor area ratio for community facility buildings), or the #residential use# as set forth in this Section, whichever permits the greatest amount of #floor area#.

On #zoning lots# containing both #residential use# and #manufacturing# or #commercial use#, the total #floor area# used for #manufacturing# or #commercial use# shall not exceed the amount permitted by Sections 43-12 through 43-14.

- (b) The maximum number of #dwelling units# shall equal the total #residential floor area# provided on the #zoning lot# divided by 675. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one #dwelling unit#.
- (c) The maximum #building# height above #curb level# shall be 32 feet.
- (d) No such #development# or #enlargement# shall be permitted within 30 feet of the #rear lot line#.
- (e) The maximum distance from the #street line# to the #street wall# of such #development# shall be ten feet, unless modified by the City Planning Commission pursuant to Section 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts).
- (f) No #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level it shall have a width of not less than eight feet. However, #enlargements# of #single-family# or #two-family residences# existing as of June 20, 1988, shall be exempt from this requirement, provided such #enlarged building# does not exceed a height of two #stories#.

(9/21/11)

43-62

Bulk Regulations in M1-6D Districts

(9/21/11)

43-621

Floor area regulations in M1-6D Districts

(a) The maximum #floor area ratio# for #zoning lots# shall be 10.0, and no #floor area# bonuses shall apply, except as set forth in paragraph (b) of this Section.

(b) In #Inclusionary Housing designated areas#

For M1-6D Districts mapped within an #Inclusionary Housing designated area#, the provisions of Section 23-90 (INCLUSIONARY HOUSING) applicable to R10 Districts without a letter suffix shall apply, as modified in this Section:

(1) for #zoning lots# that do not contain #residences#, the maximum #floor area ratio# shall be 10.0; and

(2) the maximum base #floor area ratio# for #zoning lots# containing #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, up to 10.0. Such #floor area ratio# may be increased to a maximum of 12.0 only through the provision of #affordable housing#, pursuant to Section 23-90, inclusive.

(9/21/11)

43-622

Maximum lot coverage in M1-6D Districts

Any #story# of a #building# containing #dwelling units# shall not exceed a maximum #lot coverage# of 70 percent for #interior# or #through lots# and 100 percent for #corner lots#. However, where any such level contains parking spaces or non-#residential uses#, such level shall be exempt from #lot coverage# regulations.

(9/21/11)

43-623

Density in M1-6D Districts

The provisions of 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS) shall apply. The applicable factor shall be 790.

(9/21/11)

43-624

Height and setback in M1-6D Districts

In M1-6D Districts, the height and setback provisions of this Section shall apply to all #buildings#.

(a) Rooftop regulations

(1) Permitted obstructions

The provisions of Section 33-42 shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane#, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, on #narrow streets#, a maximum base height or #sky exposure plane# may be penetrated, as follows:

(i) Structural columns

Structural columns may penetrate a maximum height limit or #sky exposure plane#, provided that such columns are one story or less in height, have a #street wall# no greater than 30 inches in width, and are spaced not less than 15 feet on center.

(ii) Dormers

- (a) On any #street# frontage, the aggregate width of all dormers at the maximum base height shall 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 such dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base

height.

- (b) The aggregate width of dormers at the maximum base height facing the #rear yard line# or #rear yard equivalent# shall not exceed 60 percent of the length of the wall of the #building# facing a #rear yard line# at the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all such rear dormers shall be decreased by one percent of the width of the #building# wall facing the #rear lot line#, at the level of the highest #story# entirely below the maximum base height.

Where two rear setbacks are provided as set forth in paragraph (b)(3)(ii) of this Section, the aggregate width of rear dormers, measured separately within each setback, shall not exceed 60 percent of the length of #building# wall facing a #rear yard line# at the highest #story# entirely below each rear setback. For each foot of height that a dormer is above the level of a setback, the aggregate width of dormers within such setback shall be decreased by one percent of the width of the highest #story# entirely below such setback.

In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#.

(2) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, and #conversions# of #non-residential buildings# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully screened on all sides. However, no such screening requirements shall apply to water tanks.

(b) Height and setback

(1) #Street wall# location

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 paragraph (b)(2) of this Section. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#. However, no recesses shall be permitted within 20 feet of an adjacent #building# and within 30 feet of the intersection of two #street lines#.

(2) Base height

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and a maximum base height of 150 feet.

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 85 feet and a maximum base height of 125 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may apply along a #narrow street# to a distance of 100 feet from a #wide street#.

(3) Required setbacks and maximum #building# heights

(i) Along #wide streets#

The provisions of this paragraph, (b)(3)(i), shall apply to #buildings#, or portions thereof, located on #wide streets# and on #narrow streets# within 100 feet of a #wide street#. The portion of such #building# above a height of 150 feet shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. The maximum height of such #buildings# shall be 290 feet. In addition, the gross area of each of either the highest two or three #stories# of such #building#

shall not exceed 80 percent of the gross area of the #story# directly below such highest two or three #stories#.

(ii) Along #narrow streets#

The provisions of this paragraph, (b)(3)(ii), shall apply to #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet of a #wide street#. No portion of such #building or other structure# shall penetrate a #sky exposure plane# which begins at a height of 125 feet above the #narrow street line# and rises over the #zoning lot# with a slope of four feet of vertical distance for every foot of horizontal distance. The maximum height of such #buildings# shall be 210 feet. However, any portion of such #building or other structure# that is located beyond 15 feet of the #street line# may penetrate such #sky exposure plane#, provided such portion does not exceed a height of 210 feet. In addition, the gross area of each of the top two #stories# of a #building# may not be greater than 80 percent of the gross area of the #story# directly below such top two #stories#.

In addition, for #buildings# containing #residences#, no portion of such #building# exceeding a height of 125 feet shall be nearer to a #rear yard line# than ten feet. Alternatively, a pair of setbacks may be provided in accordance with the following:

- (a) a setback of five feet from the #rear yard line# shall be provided between a height of 85 feet and 125 feet; and
- (b) a setback of ten feet from the #rear yard line# shall be provided between a height of 125 and 165 feet.

However the heights of such setbacks shall be vertically equidistant from a height of 125 feet.

In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#.

(4) Maximum length of #building# wall

The maximum length of any #story# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet.

(9/21/11)

43-625

Yard regulations in M1-6D Districts

In M1-6D Districts, the provisions of Section 43-20 (YARD REGULATIONS) shall apply, except that #residential# portions of a #building# shall provide a #rear yard# with a minimum depth of 30 feet at any level not higher than the floor level of the lowest #story# containing #dwelling units# with a #window# opening upon such #rear yard#. On any #through lot# that is 110 feet or more in depth from #street# to #street#, a #rear yard equivalent# shall be provided within 15 feet of the centerline of the #through lot# or #through lot# portion. In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#.

(9/21/11)

43-626

Courts in M1-6D Districts

#Residential# portions of #buildings# shall be subject to the court provisions applicable in R10 Districts as set forth in Section 23-80 (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS), inclusive.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article IV: Manufacturing District Regulations

Chapter 4 - Accessory Off-Street Parking and Loading Regulations
Off-Street Parking Regulations

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(12/15/61)

Chapter 4

Accessory Off-Street Parking and Loading Regulations

(12/15/61)

44-00

GENERAL PURPOSES AND DEFINITIONS

Off-street Parking Regulations

(12/15/61)

44-01

General Purposes

The following regulations on permitted and required accessory off-street parking spaces are adopted in order to provide parking spaces off the streets for the increasing number of people driving to work in areas outside the high density central areas, to relieve congestion on streets in industrial districts, to help prevent all-day parking in residential and commercial areas adjacent to manufacturing areas, and to provide for better and more efficient access to and from industrial establishments within the City, and thus to promote and protect public health, safety, and general welfare.

(10/9/13)

44-02

Applicability

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces apply to #manufacturing#, #commercial# or #community facility uses#, as set forth in the provisions of the various Sections.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in

Article VI, Chapter 4.

(6/27/63)

44-021

Applicability of regulations to non-profit hospital staff dwellings

Except as modified in Section 44-211 (Parking requirements applicable to non-profit hospital staff dwellings), the regulations of Article III, Chapter 6, applicable to #residences# in C4-2 Districts shall apply to #non-profit hospital staff dwellings# in M1 Districts, and the regulations of this Chapter applicable to #community facility uses# shall not apply to such #use#.

(5/8/13)

44-022

Applicability of regulations in the Manhattan Core and the Long Island City area

Special regulations governing #accessory# off-street parking and loading in the #Manhattan Core# are set forth in Article I, Chapter 3, and special regulations governing #accessory# off-street parking in the #Long Island City area#, as defined in Section 16-02 (Definitions), are set forth in Article I, Chapter 6.

(9/21/11)

44-023

Applicability of regulations in M1-1D through M1-5D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the parking regulations governing M1 Districts shall apply to #manufacturing#, #commercial# or #community facility uses#, and the regulations of Section 44-28 (Parking Regulations for Residential Uses in M1-1D through M1-5D Districts) shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-1D through M1-5D Districts).

(9/21/11)

44-024

Applicability of regulations in M1-6D Districts

In M1-6D Districts, the parking regulations governing M1 Districts shall apply to #commercial# and #manufacturing uses#. For #residential# and #community facility uses#, the parking regulations applicable in C6-4 Districts, as set forth in Article III, Chapter 6, shall apply.

In addition, parking regulations shall be modified by 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), as applicable.

(9/21/11)

44-025

Applicability of regulations in an M1-1 District in Community District 12 in the Borough of Queens

In the M1-1 District bounded by 95th Avenue, 148th Street, 97th Avenue and 147th Place in Community District 12 in the Borough of Queens, the #accessory# off-street parking regulations of an M1 District shall apply, except that the #accessory# off-street parking regulations for an R5 District set forth in Article II, Chapter 5, shall apply to #residential uses#.

(6/27/63)

44-03

Definitions

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

(12/15/61)

44-10

PERMITTED ACCESSORY OFF-STREET PARKING SPACES

(6/23/66)

44-11

General Provisions

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces may be provided for all permitted #uses# subject to the applicable provisions set forth in Section 44-12 (Maximum Size of Accessory Group Parking Facilities).

Such #accessory# off-street parking spaces may be open or enclosed. However, except as otherwise provided in Section 73-49 (Roof Parking), no spaces shall be located on any roof which is immediately above a #story# other than a #basement#.

(6/23/66)

44-12

Maximum Size of Accessory Group Parking Facilities

M1 M2 M3

In all districts, as indicated, no #accessory group parking facility# shall contain more than 150 off-street parking spaces, except as provided in Section 44-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

(6/23/66)

44-13

Modification of Maximum Size of Accessory Group Parking Facilities

M1 M2 M3

In all districts, as indicated, a #group parking facility# may contain additional spaces not to exceed 50 percent of the maximum number otherwise permitted under the provisions of Section 44-12 (Maximum Size of Accessory Group Parking Facilities), if the Commissioner of Buildings determines that such facility:

- (a) has separate vehicular entrances and exits thereto, located not less than 25 feet apart;
- (b) is located on a street not less than 60 feet in width; and
- (c) if #accessory# to a #commercial# or #manufacturing use#, has adequate reservoir space at the entrances to accommodate a minimum of 10 automobiles.

The Commissioner of Buildings shall establish appropriate additional regulations with respect to the design of such facility to minimize adverse effects on the character of the surrounding area, such as requirements for shielding of floodlights.

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

(6/23/66)

44-14

Exceptions to Maximum Size of Accessory Group Parking Facilities

M1 M2 M3

In all districts, as indicated, the Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces, in accordance with the provisions of Section 73-48 (Exceptions to Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

(12/15/61)

44-20

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

(2/2/11)

44-21

General Provisions

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #development# after December 15, 1961, for the #manufacturing#, #commercial# or #community facility uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations:

- (a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number);

- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street);
- (c) for houses of worship, in accordance with the provisions of Section 44-25 (Waiver for Locally Oriented Houses of Worship).

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

Type of #Use#

Parking Spaces Required, in Relation
to Specified Unit of Measurement

Districts

FOR MANUFACTURING OR COMMERCIAL USES

#Manufacturing# or semi-industrial #uses#. #Uses# in Use Group 17B, 17D, 18A or 18C, or in PRC-F in Use Group 11 or 16, and with a minimum of either 7,500 square feet of #floor area# or 15 employees.

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 1,000 square feet of #floor area#¹, or 1 per 3 employees, whichever will require a larger number of spaces - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Storage or miscellaneous #uses#. #Uses# in:

- (a) PRC-G in Use Group 10 or 16;
- (b) Use Group 17A, 17D, 18B, or 18C; or
- (c) Use Group 17C, except for agricultural #uses#, such exception including greenhouses, nurseries, or truck gardens;

with a minimum of either 10,000 square feet of #floor area# or 15 employees.

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 2,000 square feet of #floor area#², or 1 per 3 employees, whichever will require a lesser number of spaces - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

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

Square feet of #floor area#:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 200 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

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

Square feet of #floor area#:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 300³ - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Low traffic-generating #uses#. #Uses# in PRC-C in Use Group 6, 7, 9, 13, 14 or 16

Square feet of #floor area#:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 600 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Places of Assembly. #Uses# in PRC-D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit

Rated Capacity:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 8 persons - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Open commercial amusements. #Uses# in PRC-E in Use Group 13, or when permitted by special permit⁵

Square feet of #lot area#⁴:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 500 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Other #commercial uses#. #Uses# in PRC-H in Use Group 5, 6, 7, 12, 13 or 14, or when permitted by special permit

#Boatels#

1 per 2 guest rooms or suites - M1

Camps, overnight or day, with a minimum of either 10,000 square feet of #lot area# or 10 employees

1 per 2,000 square feet of #lot area# or 1 per 3 employees, whichever will require a lesser number of spaces - M1 M2 M3

Docks for non-commercial pleasure boats; rental boats; ferries; sightseeing, excursion or sport fishing vessels; passenger ocean vessels; or vessels not otherwise listed (see Section 62-43 for parking requirement)

Hotels

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

Guest rooms or suites:

None required - M1-4 M1-5 M1-6

1 per 8 - M1-1 M1-2 M1-3

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

Rated capacity:

None required - M1-4 M1-5 M1-6

1 per 8 persons - M1-1 M1-2 M1-3

#Motels# or #tourist cabins#

1 per guest room or suite - M1

Post offices

Square feet of #floor area#:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 1,200 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Prisons

Rated capacity:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 10 beds - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

Refreshment stands, drive-in

Square feet of #floor area#:

1 per 50 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

1 per 100 - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

Funeral establishments

Square feet of #floor area#:

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 400 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

FOR COMMUNITY FACILITY USES

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

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

None required - M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

1 per 1,000 - M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

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

None required - M1-4 M1-5 M1-6

1 per 300 sq. ft. of #floor area# and #cellar# space³, except #cellar# space used for storage - M1-1 M1-2 M1-3

Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations, except ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; non-commercial recreation centers; or welfare centers

None required - M1-4 M1-5 M1-6

1 per 10 persons-rated capacity - M1-1 M1-2 M1-3

Hospitals and related facilities⁶

1 per 5 beds - M1-1 M1-2 M1-3

1 per 10 beds - M1-4 M1-5 M1-6

Houses of worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room

None required - M1-4 M1-5 M1-6

1 per 15 persons-rated capacity - M1-1 M1-2 M1-3

Seminaries

(a) For that #floor area# used for classrooms, laboratories, student centers or offices

Square feet of #floor area#:

None required - M1-4 M1-5 M1-6

1 per 1,000 sq. ft. of #floor area# - M1-1 M1-2 M1-3

(b) For that #floor area# used for theaters, auditoriums, gymnasiums or stadiums

None required - M1-4 M1-5 M1-6

1 per 8 persons-rated capacity - M1-1 M1-2 M1-3

Outdoor skating rinks

Square feet of #lot area#:

None required - M1-4 M1-5 M1-6

1 per 800 - M1-1 M1-2 M1-3

Outdoor tennis courts

Number of courts:

None required - M1-4 M1-5 M1-6

1 per 2 courts - M1-1 M1-2 M1-3

NOTE: PRC = Parking Requirement Category

¹ For predominantly open #manufacturing uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements

² For predominantly open storage or miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements

³ The parking requirements for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and #uses# in PRC-B1, may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Spaces for Ambulatory Diagnostic or Treatment Health Care Facilities listed in Use Group 4 and Uses in Parking Requirement Category B1)

⁴ In the case of golf driving ranges, requirements in this table apply only to that portion of the range used for tees

⁵ In the case of outdoor skateboard parks, in M3-1 Districts, the requirements of this table apply only to that portion

used as skating runs and #accessory buildings#. The #floor area# of #accessory buildings# shall be considered #lot area# for the purpose of these requirements

- ⁶ Requirements are in addition to area utilized for ambulance parking

(6/27/63)

44-211

Parking requirements applicable to non-profit hospital staff dwellings

M1

In the district indicated, the provisions of Sections 36-31 to 36-39, inclusive, relating to Required Accessory Off-Street Parking Spaces for Residences When Permitted in Commercial Districts, shall apply as set forth in this Section to #non-profit hospital staff dwellings#. The district regulations of Sections 36-31 to 36-39, inclusive, applicable to #non-profit hospital staff dwellings# are determined in accordance with the following table, and are the same as the regulations applicable to #residences# in the districts indicated in the table.

#Commercial District# whose Regulations are Applicable	District
C4-2	M1-1 M1-2 M1-3
C4-7	M1-4 M1-5 M1-6

(9/9/04)

44-22

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

M1 M2 M3

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in Section 44-21 (General Provisions), the parking requirements for each type of #use# shall apply to the extent of that #use#.

However, the number of spaces required for houses of worship or for #uses# in parking requirement category D (Places of Assembly), when in the same #building# or on the same #zoning lot# as any other #use#, may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for Houses of Worship or Places of Assembly).

(12/15/61)

44-23

Waiver of Requirements for Spaces Below Minimum Number

M1 M2 M3

In all districts, as indicated, subject to the provisions of Section 44-231 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to #commercial uses# in parking requirement category A, B, B1, C, D, E or H, or to permitted #community facility 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	District
15	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
40	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

(12/15/61)

44-231

Exceptions to application of waiver provisions

M1 M2 M3

In all districts, as indicated, the waiver provisions of Section 44-23 shall not apply to the following types of #uses#:

- (a) #Manufacturing# or semi-industrial #uses# in Use Group 17B, 17D, 18A or 18C, or in parking requirement category F in Use

Group 11 or 16.

- (b) Storage or miscellaneous #uses# in Use Group 17A, 17C, 17D, 18B or 18C, or in parking requirement category G in Use Group 16.
- (c) The following #commercial uses# in parking requirement category H in Use Group 7 or 13:

#Boatels#

Camps, overnight or day

#Motels# or #tourist cabins#

Refreshment stands, drive-in.

(12/15/61)

44-24

Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden

M1 M2 M3

In all districts, as indicated, the requirements set forth in Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street).

The Commissioner of Buildings may refer such matter to the Department of Transportation for a report, and may base a determination on such report.

(9/9/04)

44-25

Waiver for Locally-Oriented Houses of Worship

M1

In the district indicated, the requirements set forth in Sections 44-21 (General Provisions) and 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to a house of worship, provided the Chairperson of the City Planning Commission certifies that:

- (a) seventy-five percent or more of the congregants of such house of worship reside within a three-quarter mile radius of the house of worship;
- (b) the number of spaces required pursuant to this Section is less than the number of spaces listed in the table in Section 44-23 (Waiver of Requirements for Spaces below Minimum Number); and
- (c) such house of worship shall not include, as an #accessory use#, the leasing, licensing or any other grant of permission to utilize a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events.

For the purposes of determining the number of spaces required pursuant to this Section, the product of the actual percentage of congregants living within a three-quarter mile radius of the house of worship, computed for the purposes of paragraph (a) of this Section, multiplied by the persons-rated capacity of the largest room of assembly, shall be subtracted from the persons-rated capacity of the largest room of assembly.

The provisions of paragraph (c) of this Section are not intended to restrict the lease, license or other permission to use a room or other space in a house of worship, when given by the house of worship to a person in order to hold a function, occasion or event, where such person hires or retains a business engaged in serving food or beverages for purposes of such function, occasion or event, and provided that such business is not located on the same #zoning lot# as the house of worship, makes its services available to non-congregants, and does not operate its business substantially for the benefit or convenience of congregants or visitors to the house of worship.

A certification pursuant to this Section shall be granted on condition that the Certificate of Occupancy for such house of worship be marked or amended to provide that #accessory uses# shall not include the utilization of a room or other space in such house of worship for the operation of a business engaged in serving food or beverages for functions, occasions or events. The Chairperson may impose additional conditions and safeguards to ensure compliance with the provisions of this Section, in the form of a signed declaration of restrictions. The filing of any

such declaration in the Borough Office of the Register of the City of New York shall be precondition for the issuance of a building permit.

Within 45 days of receipt of a complete application, including documentation of the residences of congregants in a form acceptable to the Department of City Planning, the Chairperson shall either certify that the proposed #development# or #enlargement# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply.

(9/9/04)

44-26

Special Provisions for Zoning Lots Divided by District Boundaries

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

(2/2/11)

44-27

Special Provisions for Expansion of Existing Manufacturing Buildings

M1 M2 M3

In all districts, as indicated, whenever an existing #manufacturing building# is expanded pursuant to the provisions of Section 43-121 (Expansion of existing manufacturing buildings), the City Planning Commission may reduce, up to a maximum of 40 spaces, the parking requirements of Sections 44-21 (General Provisions) or 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Regulations), provided the Commission certifies:

- (a) that because of site limitations such a reduction is necessary for the proper design and operation of the #manufacturing building#; and
- (b) that off-site parking and mass transit facilities are

adequate to satisfy the additional parking demand generated by the expansion.

(9/21/11)

44-28

Parking Regulations for Residential Uses in M1-1D through M1-5D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, the regulations of this Section shall apply to #residential uses# authorized pursuant to Section 42-47 (Residential Uses in M1-1D through M1-5D Districts).

- (a) In M1-1D Districts, for any new #residence# authorized pursuant to Section 42-47, one #accessory# parking space shall be provided for each #dwelling unit#. The Commission may reduce this requirement if the Commission determines that there is sufficient on-street parking space available to meet the needs of the new #residence#.

Access to such required #accessory# parking shall be designed so as to minimize any adverse effect upon the availability of on-street parking and loading for conforming #manufacturing# and #commercial uses#. If necessary, in order to implement this requirement, the Commission may modify the ten foot maximum setback requirement of paragraph (e) of Section 43-61 (Bulk Regulations for Residential Uses in M1-1D through M1-5D Districts).

- (b) In M1-2D, M1-3D, M1-4D and M1-5D Districts, #accessory# parking shall not be permitted, except when authorized by the City Planning Commission.

The Commission may authorize #accessory# parking provided:

- (1) the #zoning lot# extends 40 feet or more along the #street line#;
- (2) the curb cut extends no more than 15 feet along the #street line# and provides access to a #group parking facility# of five or more #accessory# off-street parking spaces; and
- (3) the Commission determines that such curb cut will not adversely affect the availability of on-street parking and loading for conforming #manufacturing# and #commercial uses#.

(12/15/61)

44-30

RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

(9/9/04)

44-31

General Provisions

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to any permitted #use# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 44-32 (Off-Site Spaces for All Permitted Uses)

Section 44-33 (Joint and Shared Facilities)

Section 44-34 (Additional Regulations for Required Spaces When Provided Off-Site)

Section 73-45 (Modification of Off-Site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

(12/15/61)

44-32

Off-Site Spaces for All Permitted Uses

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to any permitted #use# may be provided on a #zoning lot# other than the same #zoning lot# as such #use# but within the same district or an adjoining C8 or #Manufacturing District#. However, all required spaces shall be not more than 600 feet from the nearest boundary of the #zoning lot# on which such #use# is located.

(9/9/04)

44-33

Joint and Shared Facilities

(9/9/04)

44-331

Joint facilities

M1 M2 M3

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 44-21 (General Provisions)

Section 44-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements).

- (b) all such spaces conform to the provisions of Section 44-32 (Off-Site Spaces for All Permitted Uses); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

(9/9/04)

44-332**Shared facilities for houses of worship**

M1-1 M1-2 M1-3

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times;
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship; and
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

(9/9/04)

44-34**Additional Regulations for Required Spaces When Provided Off-Site**

M1 M2 M3

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 44-32 (Off-Site Spaces for All Permitted Uses) or 44-33 (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.

- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

(9/29/10)

44-35

Restriction on Use of Accessory Off-Street Parking Spaces

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, whether permitted or required and whether open or enclosed, shall be used primarily for the owners, occupants, employees, customers, or visitors of the #use# or #uses# to which such spaces are #accessory#.

#Car sharing vehicles# may occupy #accessory# off-street parking spaces in #group parking facilities# containing 20 spaces or more; however, the number of spaces so occupied shall not exceed 10 percent of all parking spaces in such #group parking facilities#.

(6/23/66)

44-36

Restrictions on Automotive Repairs and Sale of Motor Fuel

M1 M2 M3

In all districts, as indicated, automotive repairs or the sale of motor fuel, motor oil, or automotive accessories are not permitted in connection with the operation of #accessory# off-street parking spaces.

However where such parking spaces are provided in a #building or other structure#, minor automotive repairs (not including body work) are permitted, and not more than three motor fuel pumps may be provided. However, no motor fuel shall be sold to persons who are not using the parking spaces. The provisions of this Section are not applicable to #accessory# off-street parking spaces provided in #public parking garages#.

(12/15/61)

44-40

ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES

(9/29/10)

44-41

General Provisions

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces shall conform to the provisions of Section 44-40, inclusive.

Special regulations applying to #large-scale community facility developments# are set forth in Article VII, Chapter 8.

(4/30/12)

44-42

Size and Identification of Spaces

M1 M2 M3

(a) Size of spaces

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of the Department of Buildings, or where the applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

Driveways used to access required parking spaces must be unobstructed for a width of at least eight feet and a height of eight feet above grade and if connecting to a #street#, such driveway may only be accessed by a curb cut.

In any case where a reduction of the required area per parking space is permitted on the basis of the applicant's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

(b) Identification of #car sharing vehicles#

Within an off-street parking facility that contains #car sharing vehicles#, an information plaque shall be placed at a location accessible to and visible to users of such facility. The plaque shall be fully opaque, non-reflective and constructed of permanent, highly durable materials and shall contain the following statements in lettering no less than one inch high:

- (1) "Total parking spaces in facility:" which shall specify the total number of parking spaces permitted within such parking facility; and
- (2) "Maximum number of car sharing vehicles:" which shall specify the total number of #car sharing vehicles# permitted within such parking facility.

6/21/73

44-43

Location of Access to the Street

M1 M2 M3

In all districts, as indicated, the entrances and exits of all permitted or required #accessory group parking facilities# and all permitted #public parking lots# or #public parking garages# with 10 or more spaces, shall be located not less than 50 feet from the intersection of any two #street lines#. However, access located within 50 feet of such intersection may be permitted if the Commissioner of Buildings or, in the case of #public parking lots# or #public parking garages# permitted in accordance with the provisions of Article VII, Chapter 4, the City Planning Commission certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The

Commissioner of Buildings or the City Planning Commission may refer such matter to the Department of Transportation for a report and may base its determination on such report.

The waiver provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the spaces with access to the #street# to conform to the provisions of this Section.

(11/28/07)

44-44

Surfacing

M1 M2 M3

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted #public parking lots# shall be graded, constructed, surfaced, and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory group parking facility# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

(11/28/07)

44-45

Screening

M1 M2 M3

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

- (a) shall be screened from all adjoining #zoning lots# in #Residence Districts# (including such #zoning lots# situated

across a #street#) by either:

- (1) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
 - (2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated provided that not more than 50 percent of the face is open;
- (b) shall be maintained in good condition at all times;
- (c) may be interrupted by normal entrances or exits; and
- (d) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

Paragraph (a) shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

(6/23/66)

44-46

Accessory Off-Street Parking Spaces in Public Parking Garages

M1 M2 M3

In all districts, as indicated, permitted or required #accessory# off-street parking spaces may be provided in a permitted #public parking garage#, but only on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory# and subject to all the other applicable regulations of this Chapter.

Such #accessory# off-street parking spaces shall be included with all other spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number of spaces in such #public parking garage#.

The computation of #floor area# for such #public parking garage# shall be in accordance with the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), except as otherwise specifically authorized in accordance with the provisions of

Sections 73-67 (Additional Floor Space for Public Parking Garages), 74-511 (In C1 Districts), 74-512 (In other Districts) or 74-52 (Public Parking Garages or Public Parking Lots in High Density Central Areas).

(2/2/11)

44-47

Parking Lot Maneuverability and Curb Cut Regulations

M1 M2 M3

In all districts, as indicated, the provisions of this Section shall apply to:

- (a) #developments# with #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#;
- (b) #enlargements# of a #building# with #accessory# open parking areas or the #enlargement# of an open parking area that result in:
 - (1) an increase in the total number of parking spaces #accessory# to #commercial# or #community facility use# on the #zoning lot# that is at least 20 percent greater than the number of such spaces existing on November 28, 2007; or
 - (2) an increase in the total amount of #floor area# on the #zoning lot# that is at least 20 percent greater than the amount of #floor area# existing on November 28, 2007, and where at least 70 percent of the #floor area# on the #zoning lot# is occupied by #commercial# or #community facility uses#; and
- (c) existing #buildings# with new #accessory# open parking areas in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# or #enlargements# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Groups 9 or 16.

For the purposes of this Section, an "open parking area" shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

For all such new or #enlarged# open parking areas, a site plan shall be submitted to the Department of Buildings showing the location of all parking spaces, curb cuts and compliance with the maneuverability standards set forth in paragraphs (b) and (c) of Section 36-58.

(2/2/11)

44-48

Parking Lot Landscaping

M1 M2 M3

In all districts, as indicated, all #developments# and #enlargements# containing #commercial# or #community facility uses# and new open parking areas #accessory# to #commercial# or #community facility uses# shall comply with the provisions of Section 37-90 (PARKING LOTS), inclusive.

(6/10/09)

44-49

Cross Access Connections in Manufacturing Districts in the Borough of Staten Island

M1 M2 M3

In the Borough of Staten Island, in the districts indicated, existing or new open parking lots adjacent to one another on the same or separate #zoning lots# shall be required to provide vehicular passageways between such open parking lots in accordance with the provisions of Section 36-59 (Cross Access Connections in the Borough of Staten Island), inclusive.

Off-street Loading Regulations

(12/15/61)

44-50

GENERAL PURPOSES

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in manufacturing and industrial areas within the City, and thus to promote and protect public health, safety, and general welfare.

(12/15/61)

44-51

Permitted Accessory Off-Street Loading Berths

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, may be provided for all permitted #uses#, under rules and regulations promulgated by the Commissioner of Buildings, and subject to the provisions of Sections 44-582 (Location of access to the street), 44-583 (Restrictions on location of berths near Residence Districts), 44-584 (Surfacing) and 44-585 (Screening).

(2/2/11)

44-52

Required Accessory Off-Street Loading Berths

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all #development# after December 15, 1961, for the #community facility#, #commercial# or #manufacturing uses# listed in the table, except as otherwise provided in Sections 44-53 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements) or 44-54 (Wholesale, Manufacturing or Storage Uses Combined with Other Uses), as a condition precedent to the #use# of such #development#.

After December 15, 1961, if the #use# of any #building or other structure# or #zoning lot# is changed or #enlarged#, the requirements set forth in the table shall apply to the #floor area# of the changed or #enlarged# portion of such #building# or of the #lot area# used for such #use#.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

Whenever any #use# specified in the table is located on an open lot, the requirements set forth in the table for #floor area# shall apply to the #lot area# used for such #use#.

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS,
ENLARGEMENTS OR CHANGES OF USE

Districts
Type of #Use#

#Floor Area# - Required Berths

M1 M2 M3
Hospitals and related facilities* or prisons

First 10,000 square feet of floor area - 1 required berth
Next 290,000 square feet of floor area - None
Each additional 300,000 square feet of floor area or fraction thereof - 1 required berth

M1 M2 M3
Funeral establishments

First 10,000 square feet of floor area - 1 required berth
Next 20,000 square feet of floor area - 1 required berth
Any additional amount - 1 required berth

M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2
Hotels, offices, or court houses

First 25,000 square feet of floor area - None
Next 75,000 square feet of floor area - 1 required berth
Next 200,000 square feet of floor area - 1 required berth
Each additional 300,000 square feet of floor area or fraction thereof - 1 required berth

M1-3 M1-5 M1-6 M2-2 M2-4
Hotels, offices, or court houses

First 100,000 square feet of floor area - None
Next 200,000 square feet of floor area - 1 required berth
Each additional 300,000 square feet of floor area or fraction thereof - 1 required berth

M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2
#Commercial uses#. All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 14A or 16A. All amusement #uses# listed in Use Group 8A or 12A. All automotive service #uses# listed in Use Group 7D.

First 8,000 square feet of floor area - None
Next 17,000 square feet of floor area - 1 required berth
Next 15,000 square feet of floor area - 1 required berth
Next 20,000 square feet of floor area - 1 required berth
Next 40,000 square feet of floor area - 1 required berth
Each additional 150,000 square feet of floor area or fraction thereof - 1 required berth

M1-3 M1-5 M1-6 M2-2 M2-4

#Commercial uses#. All retail or service #uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 9B, 10A, 14A or 16A. All amusement #uses# listed in Use Group 8A or 12A. All automotive service #uses# listed in Use Group 7D.

First 25,000 square feet of floor area - None
Next 15,000 square feet of floor area - 1 required berth
Next 60,000 square feet of floor area - 1 required berth
Each additional 150,000 square feet of floor area or fraction thereof - 1 required berth

M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2
Services, wholesale, #manufacturing# or storage #uses#. All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, 16D, 17A or 18B. All #manufacturing uses# listed in Use Group 11A, 17B or 18A.

First 8,000 square feet of floor area - None
Next 17,000 square feet of floor area - 1 required berth
Next 15,000 square feet of floor area - 1 required berth
Next 20,000 square feet of floor area - 1 required berth
Each additional 80,000 square feet of floor area or fraction

thereof - 1 required berth

M1-3 M1-5 M1-6 M2-2 M2-4

Services, wholesale, #manufacturing# or storage #uses#. All service, wholesale or storage #uses# listed in Use Group 7C, 10B, 11B, 16D, 17A or 18B. All #manufacturing uses# listed in Use Group 11A, 17B or 18A.

First 15,000 square feet of floor area - None

Next 25,000 square feet of floor area - 1 required berth

Next 40,000 square feet of floor area - 1 required berth

Each additional 80,000 square feet of floor area or fraction thereof - 1 required berth

* Requirements in this table are in addition to area utilized for ambulance parking.

(12/15/61)

44-53

Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements

M1 M2 M3

In all districts, as indicated, if any #building# or #zoning lot# contains two or more #uses# having different requirements for loading berths as set forth in Section 44-52 (Required Accessory Off-Street Loading Berths), and if:

- (a) the #floor area# of each separate #use# is less than the minimum #floor area# for which berths are required; and
- (b) the total #floor area# of all the #uses# for which berths are required is greater than the smallest amount of #floor area# for which berths are required for any of the #uses# individually; then

off-street loading berths shall be provided as if the total #floor area# of the #uses# for which berths are required were used for that #use# for which the most berths are required.

(12/15/61)

44-54

Wholesale, Manufacturing or Storage Uses Combined with Other Uses

M1 M2 M3

In all districts, as indicated, except as provided in Section 44-53 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements), if any #building# or #zoning lot# is used partly for wholesale, #manufacturing# or storage #uses# or any combination of such #uses#, and partly for any other #uses# set forth in the table in Section 44-52 (Required Accessory Off-Street Loading Berths), at least 50 percent of the #floor area# in the #building# shall be subject to the requirements set forth for wholesale, #manufacturing# or storage #uses#, and the remainder shall be subject to the other applicable requirements.

(12/15/61)

44-55

Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

M1 M2 M3

In all districts, as indicated, the requirements set forth in the following Sections shall not apply to any #building# or #zoning lot# as to which the Commissioner of Buildings has certified that there is no way to arrange the required berths with access to the #street# to conform to the provisions of Section 44-582 (Location of access to the street):

Section 44-52 (Required Accessory Off-Street Loading Berths)

Section 44-53 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements)

Section 44-54 (Wholesale, Manufacturing or Storage Uses Combined with Other Uses).

The Commissioner of Buildings may refer such matter to the Department of Transportation for a report and may base a determination on such report.

(12/15/61)

44-56**Special Provisions for Zoning Lots Divided by District Boundaries**

M1 M2 M3

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts having different requirements for #accessory# off-street loading berths, the provisions set forth in Article VII, Chapter 7, shall apply.

(12/15/61)

44-57**Joint Loading Berths Serving Two or More Buildings**

M1 M2 M3

In all districts, as indicated, required loading berths may be provided in facilities designed to serve jointly two or more adjoining #buildings# or #zoning lots# within a single #block#, provided that:

- (a) the number of berths in such joint facilities shall be not less than that required for the total combined #floor area# of such #buildings# or #zoning lots# as set forth in Sections 44-52 (Required Accessory Off-Street Loading Berths), 44-53 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements) and 44-54 (Wholesale, Manufacturing or Storage Uses Combined with Other Uses);
- (b) direct access is provided from such joint facilities to all such #buildings# or #zoning lots#; and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

(12/15/61)

44-58**Additional Regulations for Permitted or Required Berths**

M1 M2 M3

In all districts, as indicated, all permitted or required #accessory# off-street loading berths shall conform to the provisions set forth in this Section.

(12/15/61)

44-581

Size of required loading berths

M1 M2 M3

In all districts, as indicated, all required off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways, or entrances to or exits from such off-street berths.

MINIMUM DIMENSIONS FOR
REQUIRED ACCESSORY OFF-STREET LOADING BERTHS
(in feet)

	Length	Width	Vertical Clearance
Hospitals and related facilities or prisons	33	12	12
Funeral establishments	25	10	8
Hotels, offices or court houses	33	12	12
#Commercial uses#*	33	12	14
Wholesale, #manu- facturing# or storage #uses#:	with less than 10,000 square feet of #floor area# with 10,000 square feet of #floor area# or more	33 50	12 12
			14

* As set forth in the table in Section 44-52 (Required Accessory Off-Street Loading Berths)

(12/15/61)

44-582

Location of access to the street

M1 M2 M3

In all districts, as indicated, no permitted or required #accessory# off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any two #street lines#. However, a location closer to such intersection may be permitted if the Commissioner of Buildings certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The Commissioner of Buildings may refer such matter to the Department of Transportation for report and may base a determination on such report.

The waiver provisions of Section 44-55 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) shall apply when the Commissioner of Buildings has certified that there is no way to arrange the berths with access to the #street# to conform to the provisions of this Section.

(12/15/61)

44-583

Restrictions on location of berths near Residence Districts

M1 M2 M3

In all districts, as indicated, where #accessory# off-street loading berths are located within 60 feet of a #Residence District# boundary, such berths shall be enclosed within a #building#, and no entrance to or exit from the berths on to the #street# shall be less than 30 feet from the district boundary.

(12/15/61)

44-584

Surfacing

M1 M2 M3

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

(4/8/98)

44-585
Screening

M1 M2 M3

In all districts, as indicated, all permitted or required open off-street loading berths which are located on #zoning lots# adjacent to the boundary of a #Residence District# shall be screened from all adjoining #zoning lots# in #Residence Districts#, including #zoning lots# situated across a #street#, by either:

- (a) a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
- (b) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening:

- (1) shall be maintained in good condition at all times;
- (2) may be interrupted by normal entrances or exits; and
- (3) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

(4/22/09)

44-60
BICYCLE PARKING

M1 M2 M3

In all districts, as indicated, the provisions of Section 36-70 (BICYCLE PARKING), inclusive, shall apply to all permitted #commercial# and #residential uses#. In addition, for #manufacturing uses#, #accessory# bicycle parking spaces shall be excluded from the definition of #floor area#, provided that:

- (a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by one bicycle parking space per 10,000 square feet of #floor area#; and
- (b) the #accessory# bicycle parking spaces provided meet the standards for #accessory# bicycle parking of Section 36-73 (Restrictions on Operation, Size and Location of Bicycle Parking Spaces);

However, in no event shall #accessory# bicycle parking spaces be excluded from the calculation of #floor area# in the case of #single-# or #two-family residences# or in the case of #accessory# bicycle parking spaces provided off-site pursuant to Section 36-74 (Certification for Off-Site Bicycle Parking Spaces).

Space provided for #accessory# bicycle parking spaces within an #accessory group parking facility# shall not be counted as #floor area# provided that such portion of the #accessory group parking facility# does not count as #floor area#.

The number of #accessory# bicycle parking spaces provided pursuant to this Section, the total area, in square feet, of bicycle parking spaces and the total area, in square feet, excluded from the calculation of #floor area# for such spaces shall be noted on the certificate of occupancy.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article V: Non-conforming uses and non-complying buildings

Chapter 1 - Statement of Legislative Intent

Effective date of most recently amended section of Article V Chapter 1: 10/25/95

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(12/15/61)

Article V

Non-conforming Uses and Non-complying Buildings

Chapter 1

Statement of Legislative Intent

(10/25/95)

51-00

PURPOSE OF REGULATIONS GOVERNING NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

The zoning districts established in this Resolution (as set forth in the district regulations in Articles II, III and IV and on the zoning maps) are designed to guide the future use of the City's land by encouraging the development of desirable residential, commercial and manufacturing areas with appropriate groupings of compatible and related uses and thus to promote and to protect public health, safety and general welfare.

As a necessary corollary, in order to carry out such purposes, non-conforming uses which adversely affect the development of such areas must be subject to certain limitations. The regulations governing non-conforming uses set forth in this Chapter are therefore adopted in order to provide a gradual remedy for existing undesirable conditions resulting from such incompatible non-conforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, these regulations are designed to restrict further investment in such uses, which would make them more permanent establishments in inappropriate locations.

In the case of a few objectionable non-conforming uses which are detrimental to the character of the districts in which such uses are located, a reasonable statutory period of life is established for such uses, in order to permit the owner gradually to make his plans for the future during the period when he is allowed to continue the non-conforming uses of his property, thereby minimizing any loss, while at the same time assuring the public that the district in which such non-conformity exists will eventually benefit from a more nearly uniform character.

In the case of buildings not complying with the bulk regulations of this Resolution, the regulations governing non-complying buildings set forth in this Chapter are adopted in order to permit the appropriate use of such buildings but to prevent the

creation of additional non-compliances or increases in the degree of existing non-compliances.

These regulations are thus designed to preserve the character of the districts established in this Resolution in the light of their peculiar suitability to particular uses, and thus to promote and protect public health, safety and general welfare.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article V: Non-conforming uses and non-complying buildings

Chapter 2 - Non-Conforming Uses

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(12/15/61)

Chapter 2
Non-Conforming Uses

(12/15/61)

52-00
DEFINITIONS AND GENERAL PROVISIONS

(11/19/87)

52-01
Definitions

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

(10/9/13)

52-02
Applicability of Article V, Chapter 2

In the #flood zone#, the provisions of this Chapter are modified by the provisions of Article VI, Chapter 4.

(12/15/61)

52-10
CONTINUATION OF NON-CONFORMING USE

(12/15/61)

52-11
General Provisions

A #non-conforming use# may be continued, except as otherwise provided in this Chapter.

(12/15/61)

52-20

REPAIRS OR ALTERATIONS

(12/15/61)

52-21

Repairs and Incidental Alterations

Repairs to both structural and non-structural parts or #incidental alterations# may be made in a #building or other structure# substantially occupied by a #non-conforming use#, or in connection with a permitted change or #extension# of a #non-conforming use#.

(12/21/89)

52-22

Structural Alterations

No structural alterations shall be made in a #building or other structure# substantially occupied by a #non-conforming use#, except when made:

- (a) in order to comply with requirements of law; or
- (b) in order to accommodate a conforming #use#; or
- (c) in order to conform to the applicable district regulations on performance standards; or
- (d) in the course of an #enlargement# permitted under the provisions of Sections 52-41 to 52-46, inclusive, relating to Enlargements or Extensions,

or except as set forth in Sections 52-81 to 52-83, inclusive, relating to Regulations Applying to Non-Conforming Signs.

(12/15/61)

52-30

CHANGE OF NON-CONFORMING USE

(5/8/13)

52-31

General Provisions

For the purposes of this Chapter, a change of #use# is a change to another #use# listed in the same or any other Use Group. However, a change in ownership or occupancy shall not, by itself, constitute a change of #use#.

A #non-conforming use# may be changed to any conforming #use#, and the applicable district #bulk# regulations and #accessory# off-street parking requirements shall not apply to such change of #use# or to alterations made in order to accommodate such conforming #use#, but shall apply to any #enlargement#.

In all zoning districts which mandate compliance with the Quality Housing Program, the provisions of Article II, Chapter 8, shall apply to such change of #use#.

However, notwithstanding the provisions above, 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# of non-#residential floor area# to #residences# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residences# of Article II (Residence District Regulations).

A #non-conforming use# may be changed to another #non-conforming use# only in accordance with the provisions of this Chapter.

Any such change of #use# permitted by this Chapter shall conform to the applicable district regulations on #accessory# off-street loading berths as set forth in Section 52-41 (General Provisions) and on #accessory signs#, except that in #Residence Districts# such change shall conform to the regulations on #accessory signs# applicable in a C1 District.

In the #Manhattan Core#, a #non-conforming use# may be changed to an automobile rental establishment, #public parking garage# or #public parking lot# in Use Groups 8 and 12D only pursuant to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), a #non-conforming use# may be changed to a #public parking garage# or

#public parking lot# in Use Groups 8 and 12D only pursuant to the provisions of Article I, Chapter 6.

In the case of a conflict between these provisions and retail continuity provisions that apply to the ground floor of #buildings#, a #non-conforming use# on the ground floor in such #building# may be changed only to a #conforming use#.

(12/15/61)

52-32

Land with Minor Improvements

In all #Residence# and #Commercial Districts#, a #non-conforming use# of #land with minor improvements# may be changed only to a conforming #use#.

(12/15/61)

52-33

Manufacturing or Related Uses in Residence Districts

(12/15/61)

52-331

Buildings designed for residential use

In all #Residence Districts#, a #non-conforming use# listed in Use Group 11A, 16, 17 or 18 which is located in a #building designed for residential use# may be changed only to a #use# permitted in #Residence Districts#.

(8/17/90)

52-332

Other buildings or structures in Residence Districts

In all #Residence Districts#, a #non-conforming use# listed in Use Group 11A, 16, 17 or 18 which is not subject to the provisions of Sections 52-32 (Land with Minor Improvements) or 52-331 (Buildings designed for residential use), may be changed

either to a conforming #use# or:

- (a) to any #use# listed in Use Group 6, 7B, 7C, 7D, 8, 9, 10, 11B or 14, in which case any subsequent change of #use# shall conform to the provisions of Section 52-34 (Commercial Uses in Residence Districts); or
- (b) in accordance with the provisions of the following table:

From Use Group	To Use Group
11A	11A
16 or 17	11A 16 or 17
18	11A 16 17 or 18

provided that such changed #use# shall conform to all regulations on performance standards applicable in M1 Districts, and that any such changed #use#, or the storage of materials or products #accessory# to any changed #use#, which is not located within a #completely enclosed building#, shall be screened by a solid wall or fence (including solid entrance or exit gates) at least eight feet in height. Whenever a #use# located within a #completely enclosed building# is changed to another #use#, no activity related to such changed #use#, including the storage of materials or products, shall be located outside of such #building#.

In no event shall any change of #use# permitted in paragraph (b) of this Section extend the statutory period of useful life applicable under the provisions of Section 52-74 (Uses Objectionable in Residence Districts).

(2/2/11)

52-34

Commercial Uses in Residence Districts

In all #Residence Districts#, a #non-conforming use# listed in Use Group 6, 7, 8, 9, 10, 11B, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or to a #use# listed in Use Group 6. In the case of any such change, the limitation on #floor area# set forth in Section 32-15 (Use Group 6) shall not apply. Eating or drinking places, with musical entertainment, but not dancing, thus permitted as a change of #use#, shall be limited exclusively to the sale of food

or drink for on-premises consumption by seated patrons within a #completely enclosed building#.

(8/17/90)

52-35

Manufacturing or Related Uses in Commercial Districts

In all #Commercial Districts#, a #non-conforming use# listed in Use Group 11A, 16, 17 or 18 which is not subject to the provisions of Section 52-32 (Land with Minor Improvements), may be changed either to a conforming #use# or:

- (a) to a #use# listed in Use Group 6, 7, 8, 9, 10, 11B or 14, in which case any subsequent change of #use# shall conform to the provisions of Section 52-36 (Non-Conforming Commercial Uses in Commercial Districts); or
- (b) in accordance with the provisions of the following table:

From Use Group	To Use Group
11A	11A
16 or 17	11A 16 or 17
18	11A 16 17 or 18

provided that such changed #use# shall conform to all regulations on performance standards applicable in M1 Districts, and that any such changed #use# or any storage of materials or products #accessory# to any changed #use# shall be located within a #completely enclosed building#. Whenever a #use# located within a #completely enclosed building# is changed to another #use#, no activity related to such changed #use#, including the storage of materials or products, shall be located outside of such #building#.

However, in C1, C3, C4 or C5 Districts, a #non-conforming use# listed in Use Group 11A, 16, 17 or 18, which is not subject to the provisions of Section 52-32, may not be changed to a #motel# or #tourist cabin#.

(8/17/90)

52-36

Non-Conforming Commercial Uses in Commercial Districts

In C1, C2, C4, C6, C7 or C8 Districts, any #non-conforming use# listed in Use Group 7, 8, 9, 10, 11B, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or to any #use# listed in Use Group 7, 8 or 9.

In C3 Districts, any such #non-conforming use# may be changed, initially or in any subsequent change, only to a conforming #use# or to a #use# listed in Use Group 6.

However, in C1 or C4 Districts, a #non-conforming use# may not be changed to a #motel# or #tourist cabin#.

(8/15/74)

52-37

Non-Conforming Commercial Uses in Manufacturing Districts

In all #Manufacturing Districts#, any #non-conforming use# listed in Use Group 5, 6, 7, 9, 10, 12 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or to any #use# listed in Use Group 6, 9, 10 or 12.

(10/25/95)

52-38

Special Regulations for Adult Establishments

In all districts, a #non-conforming use# may not be changed, initially or in any subsequent change, to an #adult establishment#, except as provided in Section 32-01 or Section 42-01 (Special Provisions for Adult Establishments).

(12/15/61)

52-40

ENLARGEMENTS OR EXTENSIONS

(5/8/13)

52-41

General Provisions

A #non-conforming use# may be #enlarged# or #extended# within the district in which such #non-conforming use# is located only in accordance with the provisions of this Chapter. However, a #non-conforming single-# or #two-family residence# in an R3, R4, or R5 District may be #enlarged# or #extended# in accordance with the #bulk# regulations specified for the district in which it is located. Furthermore, #enlargements# or #extensions# designed exclusively to permit conformity with the regulations on performance standards or in order to provide required #accessory# off-street parking spaces or off-street loading berths on the same #zoning lot# as the #use# to which such spaces or berths are #accessory# are not subject to the restrictions set forth herein.

For the purposes of this Section and Sections 52-31 (General Provisions), 52-42 (C6, C8 or Manufacturing Districts) and 52-43 (C1 or C4 Districts), the applicable district regulations on #accessory# off-street parking spaces or loading berths shall be determined in accordance with the following tables. The term "required" as used in this Section shall mean some or all of, but not more than, the number of spaces or berths which would be required by such applicable district regulations for #development# for such #use#.

APPLICABLE OFF-STREET PARKING REGULATIONS FOR NON-CONFORMING COMMERCIAL OR MANUFACTURING USES

District in which #Non-conforming Use# is Located	District whose Regulations are Applicable
R1 R2 R3 R4 R5 R6 R7-1	M3-1
C1-1 C1-2 C1-3 C1-4	M3-1
C2-1 C2-2 C2-3 C2-4	M3-1
C3	M3-1
C4-1 C4-2 C4-3 C4-4	M3-1
C7	M3-1
C8-1 C8-2 C8-3	M3-1
M1-1 M1-2 M1-3	M3-1
M2-1 M2-2	M3-1
R7-2 R8 R9 R10	M3-2

C1-5 C1-6 C1-7 C1-8 C1-9	M3-2
C2-5 C2-6 C2-7 C2-8	M3-2
C4-5 C4-6 C4-7	M3-2
C5	M3-2
C6	M3-2
C8-4	M3-2
M1-4 M1-5 M1-6	M3-2
M2-3 M2-4	M3-2

APPLICABLE OFF-STREET PARKING REGULATIONS
FOR NON-CONFORMING
RESIDENTIAL OR COMMUNITY FACILITY USES

District in which #Non- conforming Use# is Located	District whose Regulations are Applicable
C8-1 C8-2 C8-3	R5
M1-1 M1-2 M1-3	R5
M2-1 M2-2	R5
M3-1	R5
C8-4	R10
M1-4 M1-5 M1-6	R10
M2-3 M2-4	R10
M3-2	R10

APPLICABLE OFF-STREET LOADING REGULATIONS

District in which #Non- conforming Use# is Located	District whose Regulations are Applicable
R1 R2 R3 R4 R5 R6	M2-1
C1 mapped within R1 R2 R3 R4 R5 R6	M2-1
C2 mapped within R1 R2 R3 R4 R5 R6	M2-1

C3	M2-1
C4-1 C4-2 C4-3	M2-1
C7	M2-1
C8-1 C8-2	M2-1
M1-1 M1-2 M1-4	M2-1
R7 R8 R9 R10	M2-2
C1 mapped within R7 R8 R9 R10	M2-2
C2 mapped within R7 R8 R9 R10	M2-2
C1-6 C1-7 C1-8 C1-9	M2-2
C2-6 C2-7 C2-8	M2-2
C4-4 C4-5 C4-6 C4-7	M2-2
C5	M2-2
C6	M2-2
C8-3 C8-4	M2-2
M1-3 M1-5 M1-6	M2-2

For #non-conforming use# in #Residence Districts#, #accessory# off-street parking spaces or loading berths shall be subject to the provisions of Sections 25-66 or 25-77 (Screening).

In the #Manhattan Core#, #enlargements# or #extensions# of #non-conforming uses# which involve the provision of off-street parking are subject to the regulations set forth in Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #enlargements# or #extensions# are subject to the regulations set forth in Article I, Chapter 6.

In the case of a conflict between these provisions and retail continuity provisions that apply to the ground floor of #buildings#, a #non-conforming use# on the ground floor in such #building# may be changed only to a #conforming use#.

(9/22/66)

52-42

C6, C8 or Manufacturing Districts

Except for the #use# of #land with minor improvements#, in C6 or C8 Districts, a #non-conforming use# listed in Use Group 17 or 18, or in C8 or #Manufacturing Districts#, a #use# listed in Use Group 11A, 16, 17, or 18 which is #non-conforming# with respect to the applicable district regulations on performance standards, may be #enlarged# or #extended#, provided that:

- (a) such #enlarged# or #extended# portion does not occupy more than 25 percent of the #floor area# or space which such #non-conforming use# occupied or utilized within the #building or other structure# at the time when it became #non-conforming#; provided, however, that in no event shall any such #enlargement# or #extension# create a #non-compliance# or increase the degree of #non-compliance# of a #non-complying building or other structure#; and
- (b) such #enlarged# or #extended# portion conforms to the applicable district regulations on performance standards and on #accessory# off-street parking spaces and loading berths, as set forth in Section 52-41 (General Provisions).

In the specified districts, such #use# may be #extended# into any #floor area# where it would be permitted as a changed #use# under the provisions of Section 52-35 (Manufacturing or Related Uses in Commercial Districts), provided that the applicable district regulations on performance standards and #accessory# off-street loading berths, as set forth in Section 52-41 (General Provisions), shall apply to such #extended floor area#.

(9/22/66)

52-43

C1 or C4 Districts

Except for the #use# of #land with minor improvements#, in C1 Districts, a #non-conforming use# listed in Use Group 7, 8 or 9, or, in C4 Districts, a #non-conforming use# listed in Use Group 7, may be #enlarged# or #extended#, provided that:

- (a) such #enlarged# or #extended# portion does not occupy more than 25 percent of the #floor area# or space which such #non-conforming use# occupied or utilized within the #building or other structure# at the time when it became #non-conforming#; provided, however, that in no event shall any such #enlargement# or #extension# create a #non-compliance# or increase the degree of #non-compliance# of a #non-complying building or other structure#; and

- (b) such #enlarged# or #extended# portion conforms to the applicable district regulations on #accessory# off-street parking spaces and loading berths, as set forth in Section 52-41 (General Provisions).

In the specified districts, such #use# may be #extended# into any #floor area# where it would be permitted as a changed #use# under the provisions of Section 52-36 (Non-Conforming Commercial Uses in Commercial Districts) provided that the applicable district regulations on #accessory# off-street loading berths, as set forth in Section 52-41, shall apply to such #extended floor area#.

In C1 Districts, no #extension# may be made in a #building designed for residential use#.

(2/2/11)

52-44

Residence Districts Except R1 and R2 Districts

In all #Residence Districts#, except R1 and R2 Districts, a fire station may be #enlarged# or #extended#, provided that:

- (a) such #enlarged# or #extended# portion does not occupy more than 25 percent of the #floor area# or space which such #non-conforming use# occupied or utilized within the #building or other structure# at the time when it became #non-conforming#;
- (b) such #enlargement# or #extension# shall not create a #non-compliance# or increase the degree of #non-compliance#; and
- (c) such #enlarged# or #extended# portion conforms to the applicable district regulations on #accessory# off-street parking spaces as set forth in Section 52-41 (General Provisions).

#Community facility bulk# regulations as set forth in Article II, Chapter 4, shall apply to such #enlarged# or #extended# fire stations.

(2/2/11)

52-45

Non-Conforming Residential Uses in M1 Districts

In an M1 District, a #non-conforming residential use# occupying at least 50 percent of the #floor area# of a #building# which was #designed for residential use# and erected prior to December 15, 1961, may be #extended# on the ground floor level provided that no #dwelling unit# or #rooming unit# may be located on or below a #story# occupied by a #commercial# or #manufacturing use#. The total number of #dwelling units# or #rooming units# in the #building# may not be increased by more than one for each 400 square feet of #residential floor area# created by such #extension#.

(9/21/11)

52-46

Conforming and Non-conforming Residential Uses in M1-1D through M1-5D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, a #building# containing conforming or #non-conforming residential uses# may be #enlarged# and the #residential uses extended# thereby, provided that no non-#residential uses# exist above the level of the first #story# ceiling.

Such #enlargement# is subject to all of the following regulations:

- (a) There shall be no increase in the number of #dwelling units# in the #building# beyond the lawful number in existence on December 21, 1989.
- (b) The total amount of #residential floor area# in the #building# shall not exceed 500 square feet additional to the #residential floor area# in existence on December 21, 1989, or a #floor area ratio# of 1.65, whichever is less.
- (c) No #residential enlargement# shall be permitted within 30 feet of the #rear lot line#.
- (d) No #enlarged# portion shall exceed a height of 32 feet above #curb level#.
- (e) No #side yards# shall be required. However, if any open area extending along a #side lot line# is provided at any level it shall have a width of not less than eight feet. However, #enlargements# of #single-family# or #two-family residences# existing as of June 20, 1988 shall be exempt from this requirement, provided such #enlarged building# does not

exceed a height of two #stories#.

#Enlargements# in excess of those permitted in this Section, and #enlargements# that create additional #dwelling units# may be permitted by authorization of the City Planning Commission, pursuant to the regulations of Sections 42-47 (Residential Uses in M1-1D through M1-5D Districts) and 42-48 (Supplemental Use Regulations in M1-6D Districts).

(12/15/61)

52-50

DAMAGE OR DESTRUCTION

(12/5/90)

52-51

General Provisions

Except as set forth in Sections 52-81 to 52-83, inclusive, relating to Regulations Applying to Non-Conforming Signs, if a #non-conforming building or other structure# is damaged, destroyed or demolished, the provisions set forth in Sections 52-52 to 52-56, inclusive, shall apply.

However, if a #non-conforming single-# or #two-family residence# in an R3, R4, or R5 District is damaged, destroyed or demolished, such #building# may be continued in #use# and reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance# with the applicable #bulk# regulations.

(2/2/11)

52-52

Land with Minor Improvements

In all districts, if a #non-conforming building or other structure# or other improvement located on #land with minor improvements# is damaged or destroyed by any means, including but not limited to any demolition ordered or permitted by the Department of Buildings, to the extent of 25 percent or more of the assessed valuation of all #buildings or other structures# or other improvements thereon (as determined from the assessment

rolls effective on the date of damage or destruction), such #non-conforming use# shall terminate, and the #zoning lot# shall thereafter be used only for a conforming #use#.

(12/15/61)

52-53

Buildings or Other Structures in All Districts

(9/21/11)

52-531

Permitted reconstruction or continued use

In all districts, if any #building#, except a #building# subject to the provisions of Section 52-54 (Buildings Designed for Residential Use in Residence Districts), or of Section 52-56 (Multiple Dwellings in M1-1D through M1-5D Districts), which is substantially occupied by a #non-conforming use#, is damaged or destroyed by any means, including any demolition as set forth in Sections 52-50 et seq., to the extent of 50 percent or more of its total #floor area#, such #building# may either:

- (a) be repaired or #incidentally altered#, and the existing #non-conforming use# may be continued; or
- (b) be reconstructed, but only for a conforming #use#; provided, however, that in no event shall any such reconstruction create a #non-compliance# or increase the degree of #non-compliance# of a #non-complying building#.

However, where the damage or destruction is so great that the provisions in Sections 54-41 and 54-42 relating to Damage, Destruction or Demolition in Non-Complying Buildings also apply, the latter Sections shall govern the permitted #bulk# of the reconstructed #building#.

In addition, the alteration of an existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any portion thereof, shall be considered a #development# for the purposes of the provisions set forth in Section 11-23 (Demolition and Replacement).

In applying the provisions of this Section to damaged or destroyed structures, substantially utilized by a #non-conforming

use#, any appropriate measure of the size of such structures shall be substituted for #floor area# in determining the extent of damage or destruction.

In the event that any demolition, damage or destruction of an existing #building# produces an unsafe condition requiring a Department of Buildings order or permit for further demolition of #floor area# to remove or rectify the unsafe condition, and the aggregate #floor area# demolished, damaged or destroyed including that ordered or permitted by the Department of Buildings constitutes 50 percent or more of the total #floor area# of such #building#, then such #building# may be repaired or reconstructed only in accordance with the provisions of paragraph (a) or (b) in this Section.

For the purposes of this Section, any #single-family# or #two-family residence# located within an M1-1D, M1-2D, M1-3D, M1-4D, M1-5D or M1-6D District and existing on June 20, 1988, shall be a conforming #use#.

For the purposes of this Section, #buildings# that #abutted# one another on a single #zoning lot# on the date of such damage or destruction shall be considered a single #building#.

(12/15/61)

52-532

Use of alternative formula

In any case where the applicant alleges that #floor area# is an inappropriate measure of the extent of damage or destruction, and elects to substitute reconstruction costs for #floor area#, an application may be made to the Board of Standards and Appeals to determine the extent of such damage or destruction.

If the Board finds that the costs of reconstructing the damaged or destroyed portion of such #building# to its previous condition exceed 50 percent of the costs of reconstructing the entire #building# to the condition existing on the date of such damage or destruction, the provisions of Section 52-531 (Permitted reconstruction or continued use) shall apply. In determining reconstruction costs, the cost of land shall be excluded.

(3/28/85)

52-54

Buildings Designed for Residential Use in Residence Districts

In all #Residence Districts#, if the #floor area# occupied by #non-conforming uses# within a #building designed for residential use# is damaged or destroyed by any means, including but not limited to any demolition ordered or permitted by the Department of Buildings, to the extent of 25 percent or more of such #floor area#, such #building# may be continued in #use# or reconstructed only in accordance with the provisions of Section 52-53 (Buildings or Other Structures in All Districts) except that the 25 percent ratio set forth in this Section shall apply instead of the 50 percent ratio set forth in Section 52-53.

(2/2/11)

52-55

Lesser Damage or Destruction

In the event that a #building or other structure# substantially occupied or utilized by a #non-conforming use# is damaged or destroyed to a lesser extent than that specified in Sections 52-51 to 52-54, inclusive, relating to Damage, Destruction or Demolition, the #building or other structure# may be restored and the #non-conforming use# of such #building or other structure# or #zoning lot# may be continued, provided that such restoration shall not create a #non-compliance# or increase the degree of #non-compliance#, if any, existing prior to such damage, destruction or demolition.

(9/21/11)

52-56

Multiple Dwellings in M1-1D through M1-5D Districts

In the case of damage or destruction of less than 75 percent of the total #floor area# of a #non-conforming building# containing three or more #dwelling units# in an M1-1D, M1-2D, M1-3D, M1-4D or M1-5D District, such #building# may be repaired or reconstructed, and its #residential use# continued, subject to the following regulations:

- (a) there shall be no increase in the number of #dwelling units# in the #building# beyond the lawful number in existence prior to such damage and destruction; and

(b) there shall be no increase to the pre-existing amount of #floor area# except as expressly provided in Section 52-46 (Conforming and Non-conforming Residential Uses in M1-1D through M1-5D Districts).

#Enlargements# in excess of those permitted, pursuant to paragraph (b) of this Section, and #enlargements# that create additional #dwelling units#, may be permitted by authorization of the City Planning Commission pursuant to the regulations of Section 42-47 (Residential Uses in M1-1D through M1-5D Districts).

(12/15/61)

52-60 DISCONTINUANCE

(10/7/76)

52-61 General Provisions

If, for a continuous period of two years, either the #non-conforming use# of #land with minor improvements# is discontinued, or the active operation of substantially all the #non-conforming uses# in any #building or other structure# is discontinued, such land or #building or other structure# shall thereafter be used only for a conforming #use#. Intent to resume active operations shall not affect the foregoing.

The provisions of this Section shall not apply where such discontinuance of active operations is directly caused by war, strikes or other labor difficulties, a governmental program of materials rationing, or the construction of a duly authorized improvement project by a governmental body or a public utility company.

Except in Historic Districts as designated by the Landmarks Preservation Commission, the provisions of this Section shall not apply to vacant ground floor or #basement# stores in #buildings designed for residential use# located in R5, R6 or R7 Districts where the changed or reactivated #use# is listed in Use Group 6A, 6B, 6C or 6F excluding post offices, veterinary medicine for small animals, automobile supply stores, electrolysis studios and drive-in banks. In addition, the changed or reactivated #use# shall be subject to the provisions of Section 52-34 (Commercial

Uses in Residence Districts).

(9/21/11)

52-62

Buildings Containing Residences in M1-1D through M1-5D Districts

In M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, vacant #floor area# in a #building# originally designed as #dwelling units# or #rooming units# may be occupied by a #residential use# provided that the requirements of either paragraph (a) or (b) are met.

(a) #Residential uses# in such #buildings# may be reactivated as-of-right, provided:

- (1) the #floor area# has been continuously vacant for two years or more;
- (2) the #street line# of the #zoning lot# upon which the discontinued #building# stands does not exceed 60 feet in length (or, in the case of a #corner lot#, the #lot area# does not exceed 6800 square feet); and
- (3) the #zoning lots abutting# on both #side lot lines# and fronting on the same #street# (or #streets#, if a #corner lot#) are occupied by #buildings designed for residential use# and contain no #manufacturing uses#.

(b) #Residential uses# in such #buildings# may be reactivated by authorization of the City Planning Commission, provided:

- (1) the #floor area# has been continuously vacant for two years or more;
- (2) the #street line# of the #zoning lot# upon which the discontinued #building# stands does not form a continuous frontage with vacant land or #land with minor improvements# whose aggregate length exceeds 60 feet (or, in the case of a #corner lot#, the #lot area# does not exceed 6800 square feet);
- (3) the #zoning lot abutting# on one #side lot line# and fronting on the same #street# is occupied by either:
 - (i) a #building designed for residential use# or a #community facility building#; or
 - (ii) a #building# originally designed as #dwelling

units# or #rooming units# for which an application to reactivate #residential use# in such #building# has been combined with the subject application;

- (4) 25 percent or more of the aggregate length of the #block# fronts on both sides of the #street# facing each other is occupied by #zoning lots# containing #community facility buildings# or #buildings# containing #residences#; and
- (5) the Commission finds that:
 - (i) reactivating the #residential use# will not adversely affect #manufacturing# or #commercial uses# in the district; and
 - (ii) such #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, or other adverse impacts from #manufacturing# or #commercial uses#.

In granting such authorization, the Commission may prescribe additional conditions and safeguards as the Commission deems necessary.

The number of #dwelling units# permitted in such reactivated #building# containing #residences# shall not exceed the greater of the number of lawful #dwelling units# last recorded by the Department of Buildings, or one #dwelling unit# for every 675 square feet of total net #residential floor area# as defined in Section 28-02 (Definitions).

No #dwelling unit# shall be permitted on or below a #story# occupied by a #commercial# or #manufacturing use#.

#Residential uses# in M1-D Districts may #enlarge# pursuant to the regulations of Section 52-46 (Conforming and Non-conforming Residential Uses in M1-1D through M1-5D Districts) or 42-47 (Residential Uses in M1-1D through M1-5D Districts) as applicable.

(12/15/61)

52-70

TERMINATION OF CERTAIN NON-CONFORMING USES AFTER AMORTIZATION

(10/25/95)

52-71

General Provisions

In specified districts, specified #non-conforming signs#, specific #non-conforming uses# of #land with minor improvements#, specified #non-conforming# objectionable #uses#, certain specific types of #uses# involving open storage or salvage, #non-conforming adult establishments#, or certain #non-conforming public parking lots# may be continued for a reasonable period of useful life as set forth in this Chapter, provided that after the expiration of that period such #non-conforming uses# shall terminate in accordance with the provisions of this Chapter.

(12/15/61)

52-72

Land with Minor Improvements

In all #Residence Districts#, a #non-conforming use# of #land with minor improvements# listed in Use Group 11A, 16, 17 or 18 may be continued for three years after December 15, 1961, or such later date that the #use# becomes #non-conforming#, provided that after the expiration of that period such #non-conforming use# shall terminate, and thereafter such land shall be used only for a conforming #use#.

(4/8/98)

52-73

Non-Conforming Signs

(8/22/63)

52-731

Advertising signs

In all #Residence Districts#, a #non-conforming advertising sign# may be continued for ten years after December 15, 1961, or such later date that such #sign# becomes #non-conforming#, providing that after the expiration of that period such #non-conforming advertising sign# shall terminate.

(12/15/61)

52-732

Signs on awnings or canopies

In all #Residence# or #Commercial Districts#, a #non-conforming sign# on an awning or canopy may be continued for one year after December 15, 1961, or such later date that such #sign# becomes #non-conforming#, provided that after the expiration of that period such #non-conforming sign# shall terminate.

(4/8/98)

52-733

Advertising signs on waterways

On all waterways adjacent to #Residence#, #Commercial# or #Manufacturing Districts# and within view from an arterial highway, a #non-conforming advertising sign# may be continued for one year after July 23, 1964, if already in operation on April 15, 1964; provided that after the expiration of this period such #non-conforming advertising sign# shall terminate.

For the purposes of this Section, an #advertising sign# is a #sign# that directs attention to a profession, business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises of the vessel and is not #accessory# to a #use# on such vessel.

(4/8/98)

52-734

Non-conforming signs for adult establishments

In all districts, a #non-conforming sign# for an #adult establishment# shall terminate within one year from October 25, 1995, or from such later date that such #sign# becomes #non-conforming#, except that such #sign# may be continued for a limited period of time by the Board of Standards and Appeals, pursuant to Section 72-40 (AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS).

(2/8/68)

52-74

Uses Objectionable in Residence Districts

In all #Residence Districts#, any of the following objectionable #uses# listed in Use Group 18, other than a #use# of #land with minor improvements#:

Coal storage;

Dumps, marine transfer stations for garbage, or slag piles;

Junk or salvage yards, including auto wrecking or similar establishments (whether or not such yard is enclosed);

Lumber yards (whether or not such yard is enclosed);

Manure, peat or topsoil storage;

Scrap metal, junk, paper or rags storage, sorting or baling (whether or not the yard in which such #use# is conducted is enclosed);

that:

(a) involves activities not located within a #completely enclosed building#; and

(b) involves the #use# of #buildings or other structures# or other improvements with a total assessed valuation, excluding land, of less than \$20,000 as determined from the assessment rolls effective on the date established for termination;

may be continued for ten years after December 15, 1961, or such later date that the #use# becomes #non-conforming#, provided that after the expiration of that period such #non-conforming use# shall terminate, and thereafter such land or #building or other structure# shall be used only for a conforming #use#.

(2/8/68)

52-75

Certain Types of Uses Involving Open Storage or Salvage

In all districts, #non-conforming# building materials or contractors' yards, or #non-conforming# junk or salvage yards, including auto wrecking or similar establishments, or #non-conforming# scrap metal, junk, paper or rags storage, sorting or baling may be continued subject to the applicable provisions set forth herein, whichever impose the greater restriction.

- (a) In #Residence Districts#, where such #use# constitutes a #non-conforming use# of #land with minor improvements#, the provisions of Section 52-72 (Land with Minor Improvements) apply.
- (b) In #Residence Districts#, where such #use# constitutes a #use# other than a #use# of #land with minor improvements#, and meets the criteria set forth in Section 52-74 (Uses Objectionable in Residence Districts), the provisions of Section 52-74 apply.
- (c) In all districts where such #use# is #non-conforming# with respect to the required enclosure as set forth in the listing of such #use# in Sections 42-14 (Use Group 17) or 42-15 (Use Group 18), and is either conforming or #non-conforming# in other respects, it may be continued without such enclosure until a date three years from February 8, 1968, or from such later date that the #use# becomes #non-conforming#. Thereafter, any such #use# which does not conform with the enclosure requirements shall be terminated, and the land shall be used only for a conforming #use#.

(11/16/78)

52-76

Adult Physical Culture Establishments

In all districts, any #adult physical culture establishment#, unless subject to an earlier termination requirement contained in this Resolution, shall terminate not later than one year after November 16, 1978, and thereafter the space formerly occupied by such #use# shall be used only for a conforming #use#.

(10/25/95)

52-77

Termination of Adult Establishments

In all districts, a #non-conforming# #adult establishment# shall

terminate within one year from October 25, 1995, or from such later date that the #adult establishment# becomes #non-conforming#, except that such establishment may be continued for a limited period of time by the Board of Standards and Appeals pursuant to Section 72-40 (AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS). However, the provisions of this Section shall not apply to an #adult establishment# subject to the provisions of paragraph (f) of Section 32-01 or 42-01 (Special Provisions for Adult Establishments).

(4/8/98)

52-80

REGULATIONS APPLYING TO NON-CONFORMING SIGNS

(4/8/98)

52-81

General Provisions

A #non-conforming sign# shall be subject to all the provisions of this Chapter relating to #non-conforming uses#, except as modified by the provisions of Sections 52-82 (Non-Conforming Signs other than Advertising Signs) and 52-83 (Non-Conforming Advertising Signs).

A change in the subject matter represented on a #sign# shall not be considered a change of #use#.

(4/8/98)

52-82

Non-Conforming Sign other than Advertising Signs

Any #non-conforming sign#, except a #flashing sign# or a #sign# subject to the provisions of Section 52-734 (Non-conforming signs for adult establishments), and except any #advertising signs# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in:

(a) the creation of a new #non-conformity# or an increase in the

degree of #non-conformity# of such #sign#;

- (b) an increase in the #surface area# of such #sign#; or
- (c) an increase in the degree of illumination of such #sign#.

However, any structural alteration, reconstruction or replacement of a #non-conforming sign accessory# to a #non-conforming use# shall be subject to the provisions of Section 52-31 (General Provisions).

To the extent that such structural alteration, reconstruction or replacement of #non-conforming signs# is permitted under the provisions of this Section, the provisions of the following Sections are modified:

Section 52-22 (Structural Alterations)

Sections 52-51 to 52-55, inclusive, relating to Damage or Destruction.

(7/29/10)

52-83

Non-Conforming Advertising Signs

In all #Manufacturing Districts#, or in C1, C2, C4, C5-4, C6, C7 or C8 Districts, except as otherwise provided in Sections 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) or 42-55, any #non-conforming advertising sign# except a #flashing sign# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in:

- (a) the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#;
- (b) an increase in the #surface area# of such #sign#; or
- (c) an increase in the degree of illumination of such #sign#.

However, in Community District 1 in the Borough of Brooklyn, a #non-conforming advertising sign# may be structurally altered, reconstructed or replaced in a different location, and may create a new #non-conformity# or #non-compliance#, or an increase in the degree of #non-conformity# or non-#compliance#, provided such #sign# is reconstructed pursuant to a Certificate of

Appropriateness from the Landmarks Preservation Commission, is located on a landmark #building# that is part of a #general large scale development#, and there is no increase in the #surface area# or degree of illumination of such #sign#. Furthermore, the discontinuance provisions of Section 52-61 shall not apply to such #sign#, provided such #sign# is reconstructed on the landmark #building# prior to the issuance of a temporary certificate of occupancy for any #use# within such #building#.

No #sign# that exceeds or is otherwise in violation of any illumination standard established by rule of the Department of Buildings shall be #non-conforming# as to such illumination standard one year after such rule becomes effective.

To the extent that such structural alteration, reconstruction or replacement of #non-conforming advertising signs# is permitted under the provisions of this Section, the provisions of the following Sections are modified:

Section 52-22 (Structural Alterations)

Sections 52-51 to 52-55, inclusive, relating to Damage or Destruction.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article V: Non-conforming uses and non-complying buildings

Chapter 3 - Conforming Uses in Violation of Supplementary Use Regulations

Effective date of most recently amended section of Article V Chapter 3: 4/23/64

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(12/15/61)

Chapter 3

Conforming Uses in Violation of Supplementary Use Regulations

(4/23/64)

53-00

GENERAL PROVISIONS

The provisions of this Chapter shall apply to all conforming #uses# which are in violation of the provisions of Sections 32-41 and 32-42, relating to Supplementary Use Regulations, or Sections 32-51 and 32-52, relating to Special Provisions Applying along District Boundaries, or Sections 42-41, 42-42, 42-44 and 42-45, relating to Supplementary Use Regulations and Special Provisions Applying along District Boundaries.

(12/15/61)

53-10

CONTINUATION

All such conforming #uses# in violation of the supplementary #use# regulations, or of the special provisions applying along district boundaries may be continued, subject to the other provisions of this Chapter.

(12/15/61)

53-20

CHANGE OF USE

In all districts, any conforming #use# which is in violation of the supplementary #use# regulations, or of the special provisions applying along district boundaries, may be changed to another #use#, and the changed #use# need not meet such district regulations, except as set forth herein, provided that such changed #use# shall not create new instances of such violation or increase the amount of violation previously existing.

Any such changed #use# and all #accessory# storage of materials and products shall meet the requirements set forth in Sections

32-41 (Enclosure within Buildings), 42-41 (Enclosure of Commercial and Manufacturing Activities) or 42-42 (Enclosure or Screening of Storage).

(12/15/61)

53-30

ENLARGEMENTS OR EXTENSIONS

In all districts, any conforming #use# which is in violation of the supplementary #use# regulations, or of the special provisions applying along district boundaries, may be #enlarged# or #extended#, provided that the #extended# or #enlarged floor area# shall not create new instances of such violation or increase the degree of violation previously existing.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article V: Non-conforming uses and non-complying buildings Chapter 4 - Non-Complying Buildings

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(12/15/61)

Chapter 4

Non-Complying Buildings

(12/15/61)

54-00

GENERAL PROVISIONS

(12/15/61)

54-01

Definitions

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

(12/15/61)

54-10

CONTINUATION OF USE

(12/15/61)

54-11

General Provisions

The #use# of a #non-complying building or other structure# may be continued, except as otherwise provided in this Chapter.

(12/15/61)

54-20

REPAIRS OR ALTERATIONS

(12/15/61)

54-21

General Provisions

Repairs, #incidental alterations#, or structural alterations may be made in a #non-complying building or other structure#, except that such alterations made in the course of an #enlargement# shall be subject to the provisions of Section 54-31 (General Provisions).

(12/15/61)

54-30

ENLARGEMENTS OR CONVERSIONS

(2/2/11)

54-31

General Provisions

Except as otherwise provided in Section 54-313, a #non-complying building or other structure# may be #enlarged# or #converted#, provided that no #enlargement# or #conversion# may be made which would either create a new #non-compliance# or increase the degree of #non-compliance# of a #building or other structure# or any portion thereof.

(2/2/11)

54-311

Buildings non-complying as to density regulations

If a #building# or portion of a #building# has more #rooming units# than are permitted by the applicable district regulations, such #building# may be #converted# to #dwelling units# in accordance with the provisions of Section 15-111 (Number of permitted dwelling units).

(12/15/61)

54-312

Modification of provisions

The Board of Standards and Appeals may modify the above requirements in accordance with the provisions of Section 73-61 (General Provisions) and 73-65 (Enlargement of Public Utility Facilities).

(4/30/12)

54-313

Single- or two-family residences with non-complying front yards or side yards

- (a) In R4 Districts, except R4A, R4-1 and R4B Districts, and in R5 Districts other than R5B Districts, for an existing #single-# or #two-family residence# with a #non-complying front yard#, an #enlargement# involving a vertical extension of existing #building# walls facing such #non-complying front yard# is permitted, provided the following conditions are met:
- (1) the portion of the #building# which is being vertically extended complies with the height and setback regulations specified for the district in which it is located; and
 - (2) the #non-complying front yard# where the #building# wall is being vertically extended is at least 10 feet in depth.

Notwithstanding the above, the provisions of this paragraph, (a), shall also be applicable in R4A Districts in #lower density growth management areas#.

- (b) In all districts, for an existing #single-# or #two-family residence# with a #non-complying side yard#, an #enlargement# involving a vertical extension of existing #building# walls facing such #non-complying side yard# is permitted, provided the following conditions are met:
- (1) the portion of the #building# which is being vertically extended complies with the height and setback regulations applicable to an R3-2 District;
 - (2) the #non-complying side yard# where the #building# wall is being vertically extended is at least three feet in width and the minimum distance between such #building# wall and the nearest #building# wall or vertical prolongation thereof on an adjoining #zoning lot# across the common #side lot line# is eight feet;

- (3) the #enlarged building# does not contain more than two #dwelling units#;
- (4) that there is no encroachment on the existing #non-complying side yard#, except as set forth in this Section; and
- (5) the #enlargement# does not otherwise result in the creation of a new #non-compliance# or in an increase in the degree of #non-compliance#.

Notwithstanding the provisions set forth in paragraphs (a)(1) and (b)(1) of this Section, when an existing #building# has added exterior wall thickness pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), such vertical extensions may align with the location of the finished exterior #building# wall of the existing #building#.

(7/26/01)

54-314

Modification by authorization

In R6, R7 or R8 Districts, for any substantial rehabilitation of one or more #non-complying# multiple dwellings which were in existence prior to December 15, 1961, the City Planning Commission may authorize the existing #open space# on the #zoning lot# to be reduced by not more than five percent and the existing #building floor area# on such #zoning lot# to be increased by not more than five percent, if the Commission finds that such modification of the applicable #bulk# regulations as set forth in Section 54-31 will result in an improved apartment design with adequate access of light and air and an improved circulation system. In the #Special Clinton District#, such authorizations may apply to complying multiple dwellings and may include a five percent increase in #lot coverage# and #floor area#. The Commission, in making the findings above may round out the #floor area# or #lot coverage# increase to the nearest percent.

No increase in the existing density and apartment #floor area# shall be permitted for such #buildings#.

(2/2/11)

54-40

DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS

For the purposes of this Section, #buildings# that #abutted# one another on a single #zoning lot# on the date of such damage or destruction shall be considered a single #building#.

(2/2/11)

54-41

Permitted Reconstruction

If a #non-complying building or other structure# is damaged or destroyed by any means, including any demolition as set forth in this Section, to the extent of 75 percent or more of its total #floor area#, such #building# may be reconstructed only in accordance with the applicable district #bulk# regulations, except in the case of a one- or two-family residence, such #residence# may be reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance# with the applicable #bulk# regulations. If the extent of such damage or destruction is less than 75 percent, a #non-complying building# may be reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance# with the applicable #bulk# regulations.

In addition, the alteration of such existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any portion thereof, shall be considered a #development# for the purposes of the provisions set forth in Section 11-23 (Demolition and Replacement).

In the event that any demolition, damage or destruction of an existing #building# other than one- or #two-family residences# produces an unsafe condition requiring a Department of Buildings order or permit for further demolition of #floor area# to remove or rectify the unsafe condition, and the aggregate #floor area# demolished, damaged or destroyed including that ordered or permitted by the Department of Buildings constitutes 75 percent or more of the total #floor area# of such #building#, then such #building# may be reconstructed only in accordance with the applicable district #bulk# regulations.

(12/15/61)

54-42

Use of Alternative Formula

In any case where the applicant alleges that #floor area# is an inappropriate measure of the extent of damage or destruction, and elects to substitute reconstruction costs for #floor area#, an application may be made to the Board of Standards and Appeals to determine the extent of the damage or destruction. Such a #building# may be reconstructed as provided in Section 54-41 (Permitted Reconstruction), substituting the ratio which the cost of reconstructing the damaged or destroyed portion of such #building# bears to the cost of reconstructing the entire #building#, for the percentage of total #floor area#. In determining reconstruction costs, the cost of land shall be excluded.

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THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VI: Special Regulations Applicable To Certain Areas

Chapter 1 - Special Regulations Applying Around Major Airports

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(10/95/93)

Article VI
Special Regulations Applicable to Certain Areas

Chapter 1
Special Regulations Applying around Major Airports

(10/95/93)

61-00
GENERAL PROVISIONS

The maximum height of buildings or other structures shall be regulated by the special controls set forth in this Chapter established pursuant to the authority conferred under Article 14 of the General Municipal Law, in order to prevent the construction of obstructions to air navigation in the vicinity of major airports, and thus to protect the lives and property of persons residing within such vicinity and of persons in airplanes which are approaching, taking off from, or circling such airports, thereby promoting public health, safety, and general welfare.

The definitions applicable to this Chapter are set forth in Section 61-30.

(12/15/61)

61-10
FLIGHT OBSTRUCTION AREAS FOR MAJOR AIRPORTS

(10/95/93)

61-11
Designation of Major Airports

The major airports are hereby designated to include John F. Kennedy International, LaGuardia, and U.S. Naval Air Station (Floyd Bennett Field). For the purposes of this Chapter, the runways for such airports shall be the runways as shown in the diagrams in Section 61-42 (Runways for Major Airports).

(12/15/61)

61-12

Establishment of Flight Obstruction Area; Division into Districts

A #flight obstruction area# is hereby established in the vicinity of any such major airport.

Each #flight obstruction area# shall be divided into two parts, the Airport Approach District and the Airport Circling District, as described in this Section (and as shown, for convenient reference only, in the #flight obstruction area# maps available on request at the offices of the City Planning Commission).

(12/15/61)

61-121

Airport Approach District

The Airport Approach District comprises those parts of the #flight obstruction area# of any major airport which lie generally below the flight path of aircraft approaching or taking off from the runways of such airport, and, more specifically, below the following #airport referenced imaginary surfaces#: the #approach surfaces#, the #transitional surfaces# and those parts of the #horizontal surface# and the #conical surface# which coincide with such #approach surfaces# and #transitional surfaces#.

(12/15/61)

61-122

Airport Circling District

The Airport Circling District comprises those parts of the #flight obstruction area# of any major airport which lie generally below the flight path of aircraft circling such airport and, more specifically, below the following #airport referenced imaginary surfaces#: those parts of the #horizontal surface# and the #conical surface# which do not coincide with the #approach surfaces# and the #transitional surfaces#.

(12/15/61)

61-20

HEIGHT RESTRICTIONS

(12/15/61)

61-21

Restriction on Highest Projection of Building or Structure

Notwithstanding any other provisions of this Resolution, except as provided in Section 61-22 (Permitted Projection within Any Flight Obstruction Area), the highest projection of any #building or other structure# hereafter constructed or of any existing #building or other structure# hereafter relocated, #enlarged# or reconstructed shall not penetrate:

- (a) the #approach surfaces#, the #transitional surfaces#, the #horizontal surface#, or the #conical surface#, whichever is more restrictive, within the Airport Approach District of the #flight obstruction area#; and
- (b) the #horizontal surface# or the #conical surface# within the Airport Circling District of the #flight obstruction area#.

(12/15/61)

61-22

Permitted Projection within any Flight Obstruction Area

However, within a #flight obstruction area#, the highest projection of any such #building or other structure# may, in any event, extend to a height of 30 feet above #curb level#.

(12/15/61)

61-30

DEFINITIONS

Airport reference point (or points)

The "airport reference point" (or "points") is a point (or

points) within the boundaries of each major airport, as indicated on the #flight obstruction area# maps for each such major airport. The point or points applicable to each major airport are set forth in Section 61-41 (Airport Reference Point, Established Elevation, and Specified Radii).

Airport referenced imaginary surfaces

"Airport referenced imaginary surfaces" include the #horizontal surface#, the #conical surface#, the #approach surfaces# and the #transitional surfaces#.

Approach surfaces

The "approach surfaces" are imaginary inclined planes, trapezoidal in shape and located symmetrically with respect to the extended center line of any runway. Such #approach surfaces#, extending from both ends of any runway, consist of contiguous inner and outer sections whose dimensions are as follows:

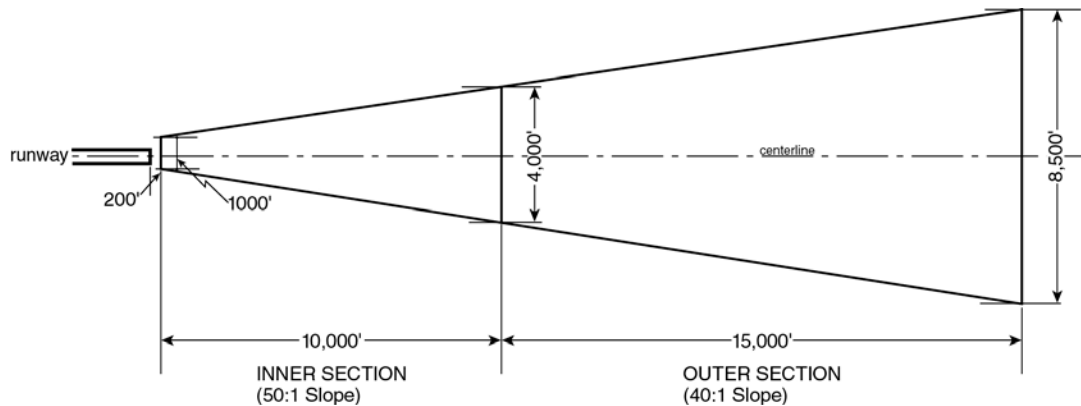
(a) The plane of the inner section:

- (1) begins at a line drawn parallel to, and at the same elevation as, the end of the runway, and at a distance, measured horizontally along the extended runway centerline, of 200 feet from the end of the runway;
- (2) extends for a distance of 10,000 feet, measured horizontally along the extended runway centerline;
- (3) has a width of 1,000 feet measured along the line described in paragraph (a)(1) of this Section, which increases uniformly (with respect to the extended runway centerline) to a width of 4,000 feet at the outer edge of such inner section, as described in paragraph (a)(2) of this Section; and
- (4) rises at a slope of one foot in height for every 50 feet of horizontal distance.

(b) The plane of the outer section:

- (1) begins at the outer edge of the inner section;
- (2) extends for a distance of 15,000 feet, measured horizontally along the extended runway centerline;

- (3) has a width of 4,000 feet commencing at the outer edge of the inner section, which increases uniformly (with respect to the extended runway center line) to a width of 8,500 feet at the outer edge of such outer section; and
- (4) rises at a slope of one foot in height for every 40 feet of horizontal distance.



DESCRIPTION OF APPROACH SURFACE

Conical surface

The "conical surface" is an imaginary inclined surface extending upward and outward from the periphery of the #horizontal surface#, which:

- (a) rises at a slope, measured in an imaginary vertical plane passing through the #airport reference point# (or #points#), of one foot for every 20 feet in horizontal distance; and
- (b) is measured on a horizontal radius from the #airport reference point# (or #points#), and extends for a distance set forth in Section 61-41 (Airport Reference Point, Established Elevation, and Specified Radii).

Established airport elevation

The "established airport elevation" is the elevation above mean sea level of the highest point of the usable airport landing area for any major airport. The elevation applicable to each major airport is set forth in Section 61-41 (Airport Reference Point, Established Elevation, and Specified Radii).

Flight obstruction area

The "flight obstruction area" comprises all areas of land or water below the #airport referenced imaginary surfaces# for each airport.

Horizontal surface

The "horizontal surface" is an imaginary horizontal plane, circular or elliptical in shape, which:

- (a) is located at a height of 150 feet above the #established airport elevation# for any major airport; and
- (b) is measured on a horizontal radius from the #airport reference point# (or #points#), and extends for a distance set forth in Section 61-41 (Airport Reference Point, Established Elevation, and Specified Radii).

Transitional surfaces

The "transitional surfaces" are imaginary inclined planes extending upward and outward from the side edges of all #approach surfaces#, and from lines parallel to, 500 feet from, and at the same level as the center line of each runway, which:

- (a) rise at a slope of one foot in height for every seven feet of horizontal distance measured in a vertical plane at right angles to the center line of the runway; and
- (b) extend to the point of intersection with the #horizontal surface# or the #conical surface#.

(12/15/61)

61-40

TABLES OR DIAGRAMS

(10/95/93)

61-41

Airport Reference Point, Established Elevation and Specified Radii

The #airport reference point# (or #points#), #established airport elevation#, and radii for the #horizontal# and #conical surfaces# for each such major airport shall be established as set forth in the following table:

APPLICATION TO MAJOR AIRPORTS

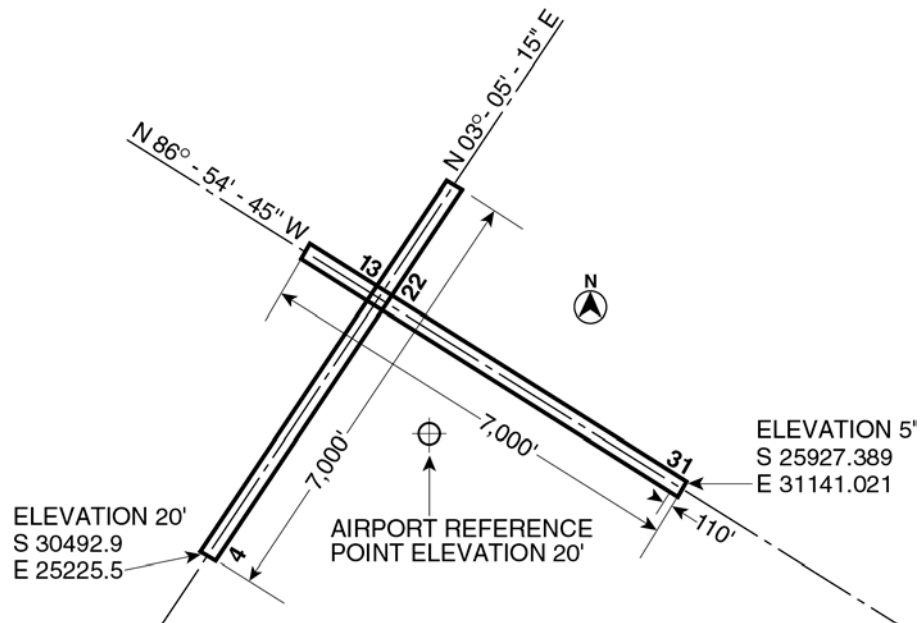
#Airport Reference Points(s)#	LaGuardia	J. F. Kennedy International	U.S. Naval Air Station (Floyd Bennett Field)
Primary point:			
North Latitude	40° 46'29.0"	40° 38'19.4"	40° 35'33.0"
West Longitude	73° 52'20.0"	73° 46'21.8"	73° 53'27.5"
Secondary Point:			
North Latitude	-	40° 38'57.9"	-
West Longitude	-	73° 47'47.9"	-
#Established airport elevation# (feet above mean sea level)	20	12	15
#Horizontal surface# radius, measured in feet from #airport reference point(s)#	10,000	13,000	11,500
#Conical surface# radius, measured in feet from #airport reference point(s)#	15,000	20,000	18,500

(10/95/93)

61-42

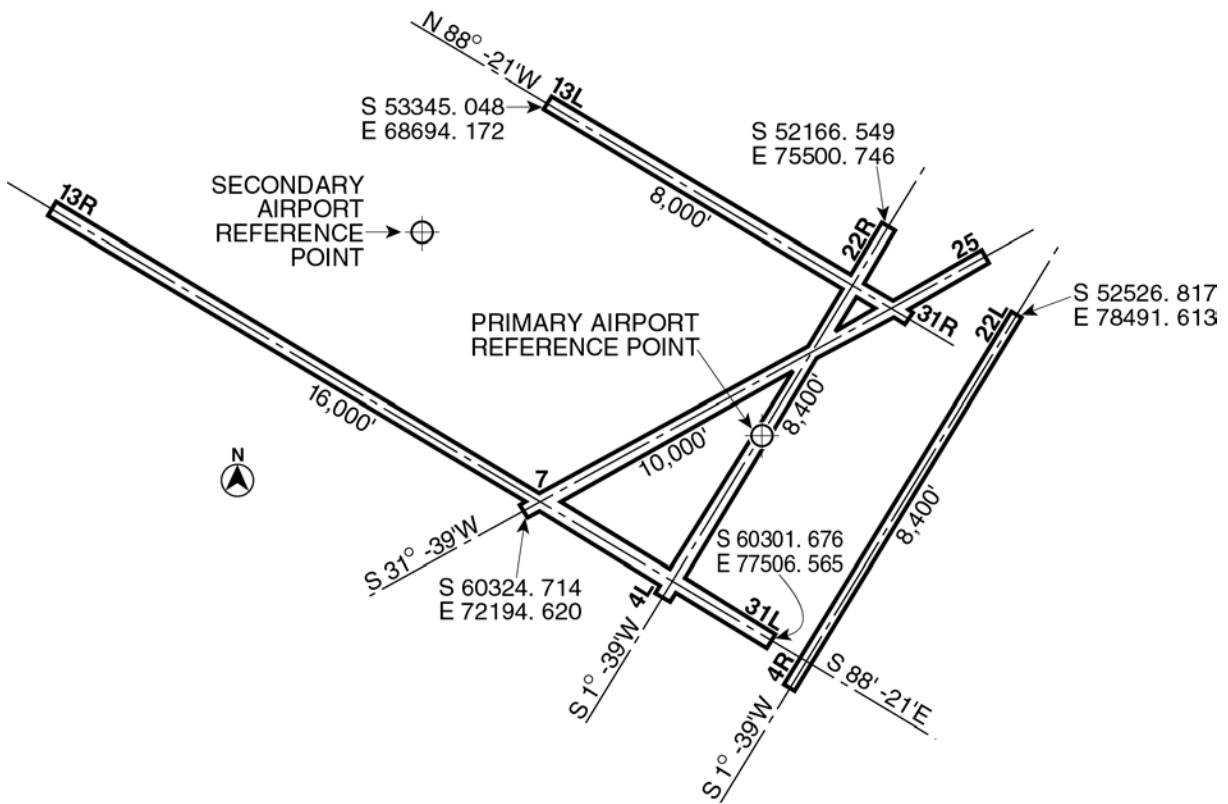
Runways for Major Airports

The runways for each such major airport shall be the runways set forth in the following diagrams:



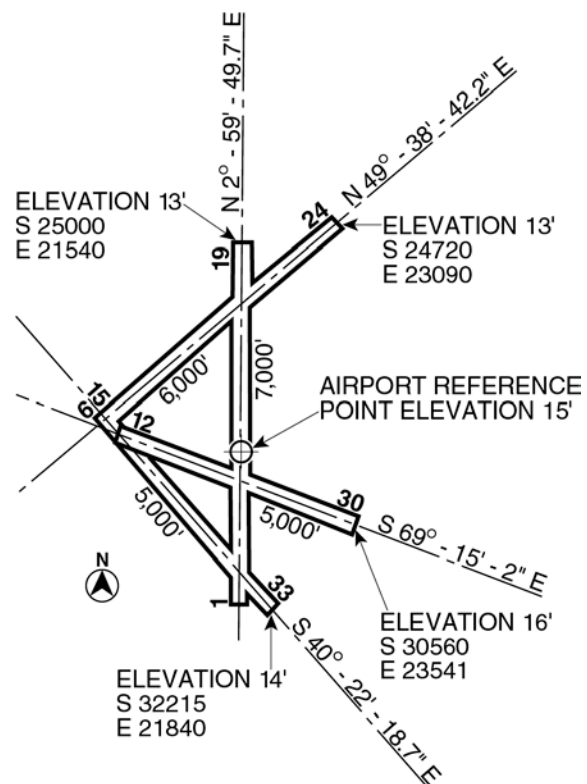
LaGUARDIA AIRPORT

Note: Coordinates shown refer to the U.S. coast and geodetic 10th Avenue base line. Elevations are above mean sea level.



J. F. KENNEDY INTERNATIONAL AIRPORT

Note: Coordinates shown refer to the U.S. coast and geodetic 10th Avenue base line. Elevations are above mean sea level.



U. S. NAVAL AIR STATION
(FLOYD BENNETT FIELD)

Note: Coordinates shown refer to the U.S. coast and geodetic 10th Avenue base line. Elevations are above mean sea level.

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THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article VI: Special Regulations Applicable To Certain Areas

Chapter 2 - Special Regulations Applying in the Waterfront Area

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(4/22/09)

Chapter 2

Special Regulations Applying in the Waterfront Area

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(10/25/93)

Chapter 2

Special Regulations Applying in the Waterfront Area

(10/25/93)

62-00

GENERAL PURPOSES

The provisions of this Chapter establish special regulations which are designed to guide development along the City's waterfront and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to maintain and reestablish physical and visual public access to and along the waterfront;
- (b) to promote a greater mix of uses in waterfront developments in order to attract the public and enliven the waterfront;
- (c) to encourage water dependent uses along the City's waterfront;
- (d) to create a desirable relationship between waterfront development and the water's edge, public access areas and adjoining upland communities;
- (e) to preserve historic resources along the City's waterfront; and
- (f) to protect natural resources in environmentally sensitive areas along the shore.

(10/25/93)

62-10

GENERAL PROVISIONS

(2/2/11)

62-11

Definitions

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

Development

For the purposes of this Chapter, a "development" shall also include:

- (a) an #enlargement#;
- (b) any alteration that increases the height or coverage of an existing #building or other structure#;
- (c) an #extension#; or
- (d) a change of #use# from one Use Group to another, or from one #use# to another in the same Use Group, or from one #use# listed in Section 62-21 (Classification of Uses in the Waterfront Area) to another such #use#.

Floating structure

A "floating structure" is any vessel, barge or other water-supported structure, other than a floating dock #accessory# to a WD #use#, which is bounded by either open water, a dock or the #lot lines# of a #zoning lot#, and that is permanently moored or otherwise attached to a #pier#, wharf, dock, #platform#, bulkhead or flotation system for a period of more than 180 consecutive days. Support by means of a cradle or as a result of natural siltation shall not exempt a normally water-supported structure from this definition.

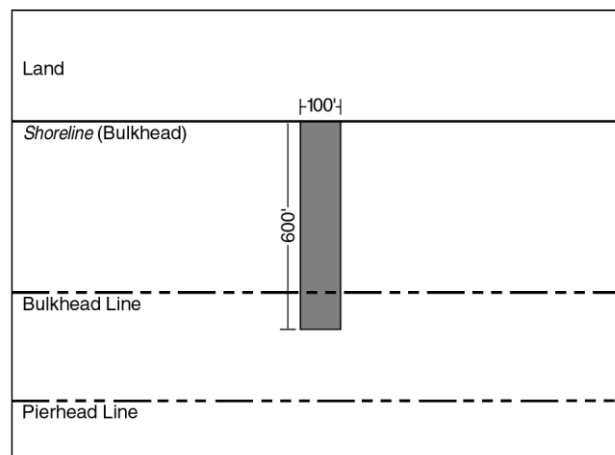
Any water-supported structure, other than a navigational vessel, docked for not more than 180 consecutive days for a purpose other than navigation or #accessory# to a WD #use#, shall be deemed to be a "temporary #floating structure#." Such temporary #floating structures# shall only be permitted subject to the approval of the Commissioner of Buildings or Business Services, as applicable.

Pier


A "pier" is a structure at the water's edge, not otherwise defined as a #platform#, that is:

- (a) a pile-supported overwater structure, or a portion thereof, that projects from a #shoreline#, bulkhead or #platform#; or
- (b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a #platform#.

Projections from #platforms# shall be considered #piers# if their length, measured from the portion of the #platform# from which they project, exceeds 50 percent of their width at such portion. Any further extensions from such projections shall be considered #piers# regardless of their configuration.



Pier

 Pier (or Pier Portion)

 Length - 600 feet
 Width - 100 feet
 Ratio - 6:1 > 1:2 (length to width)

(62-11.1)

Pier, existing

An "existing pier" is a #pier# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

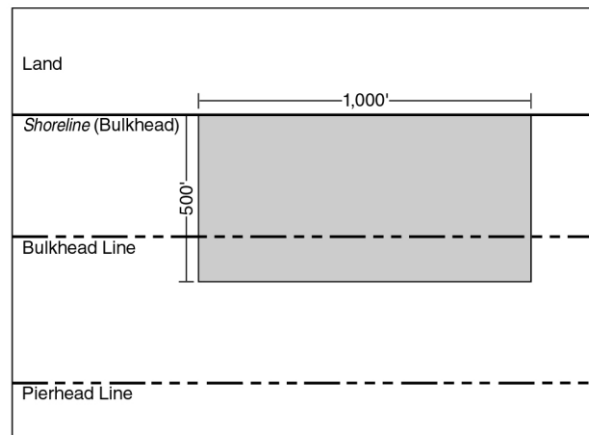
Pier, new

A "new pier" is any #pier# other than an #existing pier#.

Platform

A "platform" is a pile-supported or solid-core structure at the water's edge, or a portion thereof, that:

- (a) is permanently connected to the land; and
- (b) has a seaward dimension that does not exceed 50 percent of its dimension along the land to which it is connected.

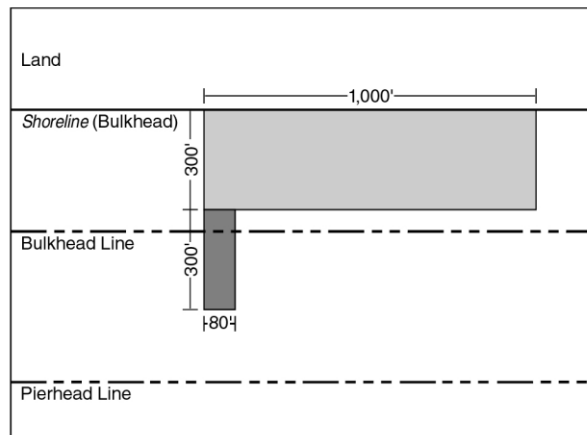


 Platform



Platform

Length - 500 feet
Width - 1,000 feet
Ratio - $0.5:1 \leq 1:2$ (length to width)

(62-11.2)



Platform with Pier Portion

	Pier (or Pier Portion)	Platform: Length - 300 feet
	Platform	Width - 1,000 feet
		Ratio - 0.3:1 < 1:2 (length to width)
		Pier: Length - 300 feet
		Width - 80 feet
		Ratio - 3.75:1 > 1:2 (length to width)

(62-11.3)

Platform, existing

An "existing platform" is a #platform# where at least 75 percent of its surface is visible in the April 1988 Lockwood, Kessler and Bartlett aerial photographs of New York City.

Platform, new

A "new platform" is any #platform# other than an #existing platform#.

Predominant or predominantly

"Predominant" or "predominantly" shall mean that a #use# or a group of #uses# comprises at least 75 percent of the total #floor area# of the #building# or on the #zoning lot# or, in the case of open #uses#, the #lot area# or #pier water coverage#, as applicable.

Seaward lot

A "seaward lot" is the portion of a #waterfront zoning lot# located seaward of the bulkhead line, except for any land above water included as part of the #upland lot#.



SEAWARD/UPLAND LOTS (62-11.4)

Shore public walkway

A #shore public walkway# is a linear public access area running alongside the shore or water edges of a #platform# on a #waterfront zoning lot#.

Supplemental public access area

A "supplemental public access area" is a public access area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the required #waterfront public access area# requirements. A #supplemental public access area# shall not include a #shore public walkway# or an #upland connection#.

Upland connection

An "upland connection" is a pedestrian way which provides a public access route from a #shore public walkway# to a public sidewalk within an open and accessible #street#, #public park# or

other accessible public place.

Upland lot

An "upland lot" is the portion of a #waterfront zoning lot# located landward of the bulkhead line. Where a portion of the #shoreline# projects seaward of the bulkhead line, such land above water shall be included as part of the #upland lot# (see illustration of Seaward/Upland Lots).

Visual corridor

A "visual corridor" is a public #street# or open area within one or more #zoning lots# that provides a direct and unobstructed view to the water from a vantage point within a public #street#, #public park# or other public place.

Water coverage

"Water coverage" is the portion of a #zoning lot# seaward of the #shoreline# that, when viewed directly from above, would be covered by a #pier#, #platform# or #floating structure#, including portions of #buildings or other structures# projecting over the water from such structures. #Water coverage# shall not include docking or navigational appurtenances which may project from the aforementioned structures.

Waterfront block or waterfront zoning lot

A "waterfront block" or "waterfront zoning lot" is a #block# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:

- (a) a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;
- (b) a #block# within the #waterfront area# that #abuts# a #public park# along the waterfront shall be deemed to be part of a #waterfront block#; and
- (c) a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.

However, any #block# or #zoning lot# in the #waterfront area# having a boundary within or coincident with the boundaries of the Gowanus Canal, as shown on the City Map, shall be a #waterfront block# or #waterfront zoning lot#, respectively.

Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not #abut# a #public park# along the waterfront, shall be deemed outside of the #waterfront block#.

Waterfront public access area

A "waterfront public access area" is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or public access area on a #pier# or #floating structure#.

Waterfront yard

A #waterfront yard# is that portion of a #waterfront zoning lot# extending open and unobstructed from the lowest level to the sky along the entire length of the #shoreline#, stabilized natural shore, bulkhead or water edge of a #platform#, as applicable, for a depth or width as set forth in this Chapter.

(2/2/11)

62-12

Applicability to Developments in the Waterfront Area

Within the #waterfront area#, all #developments# on #zoning lots# within #waterfront blocks# shall be subject to all provisions of this Chapter, unless stated otherwise. #Developments# on other #zoning lots# within the #waterfront area# shall be subject to the regulations of this Chapter only when part of a #large-scale development#, any portion of which is within a #waterfront block#, or when on #zoning lots# located in an area designated as part of a Waterfront Access Plan in accordance with Section 62-90 (WATERFRONT ACCESS PLANS). The provisions of this Chapter shall not be deemed to supersede or modify the regulations of any State or Federal agency having jurisdiction on affected properties.

(a) Any #development# approved by special permit or

authorization of the City Planning Commission or any #zoning lot# subject to a restrictive declaration in conjunction with a land use action by the City Planning Commission and City Council, or former Board of Estimate, as applicable, prior to October 25, 1993, may be started or continued pursuant to such special permit, authorization or the terms of such restrictive declaration.

Notwithstanding the provisions of this Chapter except as set forth in paragraphs (a)(1) through (a)(6) of this Section, the Commission may authorize modifications of such special permit or authorization, or the terms of a restrictive declaration may be modified by the City Planning Commission and, if applicable, the City Council, provided such modifications do not:

- (1) increase the height or #lot coverage# of any #building# in a #waterfront block# beyond the maximum set forth in Section 62-30 (SPECIAL BULK REGULATIONS);
 - (2) extend the location of the exterior walls of any #building# within a #waterfront block# above the maximum base height for the district as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks);
 - (3) increase the total #floor area# on any #zoning lot# within a #waterfront block# beyond the amount approved prior to October 25, 1993;
 - (4) result in the obstruction of a required #visual corridor# or increase any existing obstruction of such #visual corridor#;
 - (5) increase the size of a #pier# or #platform# or the size of any #building or other structure# on a #pier# or #platform# approved prior to October 25, 1993; or
 - (6) involve a change that would create a requirement for public access or #visual corridors# without providing such public access or #visual corridors# in accordance with the provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS).
- (b) #Developments# for which an application for certification pursuant to this Chapter was filed prior to April 22, 2009 may be continued pursuant to the regulations of this Chapter in effect at the time of such filing.

- (c) Design changes to a previously certified application, including applications certified pursuant to paragraph (b) of this Section, may be made only upon further certification by the Chairperson of the Commission that such changes would not increase the degree of non-compliance or would result in a greater level of compliance with this Chapter.
- (d) #Developments# for which an application for authorization or special permit pursuant to this Chapter was filed prior to April 22, 2009 may be continued pursuant to the regulations of this Chapter in effect at the time of such filing.
- (e) #Developments# for which an application for an authorization or special permit, other than an authorization or special permit pursuant to this Chapter, was filed prior to April 22, 2009, may be continued pursuant to the terms of such authorization or special permit and, to the extent not modified under the terms of such authorization or special permit, shall be subject to the regulations of this Resolution that were in effect at the time such authorization or special permit was granted.

(10/30/13)

62-13

Applicability of District Regulations

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, the provisions of Article VI, Chapter 4, shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Governors Island District#

#Special Southern Roosevelt Island District#

#Special Stapleton Waterfront District#.

The regulations of this Chapter shall not apply in the #Special Sheepshead Bay District#, except that Section 94-061 (Uses permitted by right) shall be modified to permit all WD #uses# listed in Section 62-211 from Use Groups 6, 7, 9 and 14 in accordance with the underlying district regulations.

The regulations of this Chapter shall apply in the #Special St. George District#, except as specifically modified within the North Waterfront Subdistrict.

(4/22/09)

62-131

Applicability of Article VII, Chapter 3

The following special permits by the Board of Standards and Appeals shall not be applicable within #waterfront blocks#:

Section 73-64 (Modification for Community Facility Uses)

Section 73-68 (Height and Setback and Yard Modifications).

The following special permits by the Board of Standards and Appeals shall be applicable on #waterfront blocks# only as modified in the following Sections:

Section 73-12 (Community Facility Uses in R1 or R2 Districts) shall be applicable, except that:

- (a) all references to #floor area ratio# and #open space ratio# shall be modified in accordance with the provisions of Section 62-32 pertaining to #floor area ratio# and #lot coverage#, which provisions the Board may modify pursuant to Section 73-12; and
- (b) all findings involving the amount and distribution of #open space# shall be made using the open area of the lot resulting from the maximum #lot coverage# set forth in Section 62-32; and

Section 73-45 (Modification of Off-Site Parking Provisions); and

Section 73-49 (Roof Parking) shall be applicable, except for those provisions expressly modified by Section 62-40 (SPECIAL PARKING AND LOADING REGULATIONS).

(10/9/13)

62-132

Applicability of Article VII, Chapters 4, 8 & 9

The following special permits by the City Planning Commission shall not be applicable on #waterfront blocks#:

Section 74-72 (Bulk Modification)

Section 74-75 (Educational Construction Fund Projects)

Section 74-82 (Through Block Arcades)

Section 74-84 (Developments with Existing Buildings)

Section 74-85 (Special Height and Setback Regulations)

Section 74-87 (Covered Pedestrian Space).

The following special permits by the City Planning Commission shall be applicable on #waterfront blocks# only as modified in the following Sections:

Section 74-51 (Public Parking Garages or Public Parking Lots Outside High Density Central Areas); and

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall be applicable, subject to the provisions of Section 62-26 (Special Use Regulations for Public Parking Facilities) and the special permit provisions of Section 62-835 (Public parking facilities on waterfront blocks);

Section 74-53 (Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments) shall be applicable, except that finding (d), relating to roof parking, shall not apply. In lieu thereof, the provisions of Sections 62-411 (Accessory residential roof

parking) and 62-421 (Accessory non-residential roof parking) shall apply;

Section 74-711 (Landmark preservation in all districts) shall be applicable, except that #bulk# modification shall also include modification of public access or #visual corridor# requirements. However, in no event shall modification of paragraph (a) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) be permitted;

Section 74-74 (Large-Scale General Development);

Section 74-79 (Transfer of Development Rights from Landmark Sites) shall be applicable, except that permissible modifications shall also include all #bulk# regulations set forth in Section 62-30 (SPECIAL BULK REGULATIONS), except for paragraph (a) of Section 62-31 and maximum #floor area ratio# for the applicable district set forth in Section 62-32. Modifications may also include public access and #visual corridor# requirements set forth in Sections 62-50 and 62-60;

Section 74-922 (Certain large retail establishments) shall be applicable except that, on #existing piers#, the provisions of Section 62-241 (Uses on existing piers and platforms) shall also be applicable;

Section 78-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE RESIDENTIAL DEVELOPMENTS); and

Section 79-00 (SPECIAL REGULATIONS APPLYING TO LARGE-SCALE COMMUNITY FACILITY DEVELOPMENTS).

The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

- (a) In the event a #large-scale development# consists of a portion within a #waterfront block# and a portion within a non-#waterfront block#, all #zoning lots# within the #development# shall be subject to the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS).
- (b) In the event a #large-scale development# is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the #development# and such #development# shall be deemed to be located entirely within the #waterfront area#.

- (c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-341 (Developments on land and platforms).

For the purposes of modifying the height and setback regulations of Section 62-341, the term "periphery" shall include all portions of a #large-scale development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a #large-scale development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks).

- (d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a #waterfront block# beyond 20 percent of the amount otherwise allowed by Section 62-32. In the event such #zoning lot# to which #bulk# is distributed is a #waterfront zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not apply to #zoning lots# within non-#waterfront blocks#.
- (e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.
- (f) In Community District 1, in the Borough of Queens, where the Commission has approved a #large-scale general development#, and a #lot line# within such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines).

(2/2/11)

62-133

Applicability of the Quality Housing Program

- (a) In R6, R7, R8, R9 and R10 Districts with a letter suffix, and in any C1 or C2 District mapped within such Districts, and in any other #Commercial District# with a letter suffix, any #zoning lot# within a #waterfront block# with #buildings# containing #residences# shall comply with the applicable district #bulk# regulations as set forth in this Chapter, and shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program), except as modified in this Section.
- (b) In R6, R7, R8, R9 and R10 Districts, and in any C1 or C2 District mapped within such Districts, and in #Commercial Districts# with R6 through R10 residential equivalents, any #building# containing #residences# on a #zoning lot# on a #waterfront block# shall comply with the applicable district #bulk# regulations as set forth in this Chapter. The #bulk# regulations in Article II, Chapter 3, applicable to Quality Housing #developments# shall not apply. However, all other requirements of the Quality Housing Program set forth in Article II, Chapter 8, shall apply.

#Developments# that provide a #shore public walkway#, in accordance with the requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), shall be deemed to have met the requirements for recreation space specified in Section 28-30 (RECREATION SPACE AND PLANTING AREAS). Also, for the purposes of Section 28-33 (Planting Areas), the boundary of an #upland connection# located within a private drive shall be considered a #street line#.

(2/2/11)

62-134

Applicability of Article VII, Chapter 7

The provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), shall be applicable on #waterfront blocks#, as modified in the following Section:

Section 77-28 (Height and Setback Regulations) shall be applicable, except that all references to

#street# frontage shall be inapplicable. In lieu thereof, the percentage of the #zoning lot# in each district shall be used to determine the quantitative requirements. The provisions in such Section for #Quality Housing buildings# shall be inapplicable. Furthermore, the height and setback regulations applicable to the district in which more than 50 percent of the #lot area# on the #zoning lot# is located, may apply to the entire #zoning lot# provided that the greatest distance from the mapped district boundary to any #lot line# of the #zoning lot# in the district in which less than 50 percent of the area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

(4/22/09)

62-14

Integration of Waterfront Access Plans

Waterfront Access Plans shall be set forth in Section 62-90 of this Chapter. Such plans shall supersede, supplement or modify certain provisions of this Chapter. Except as expressly stated otherwise in the plan, all provisions of this Chapter remain in effect in the area subject to such plan.

(10/25/93)

62-20

SPECIAL USE REGULATIONS

(4/22/09)

62-21

Classification of Uses in the Waterfront Area

The following #uses# shall be classified in accordance with their relationship to the water: Water-Dependent (WD) or Waterfront-Enhancing (WE). Such #uses# are listed in this Section only in the lowest numbered Use Group in which they appear. Where a WD or

WE #use# appears in more than one Use Group, its additional listing is noted by a cross-reference.

#Uses# listed shall only be permitted in accordance with applicable district #use# regulations, unless expressly stated otherwise in this Chapter.

(4/22/09)

62-211

Water-Dependent (WD) uses

WD #uses# require direct access to a body of water in order to function or use waterways for transport of materials or products. WD #uses# shall be limited to the following:

From Use Group 4:

Non-profit private beach clubs

Non-profit private boat clubs

From Use Group 6:

*Docks for ferries, other than #gambling vessels#, limited as to passenger load (also listed in Use Group 14)

*Docks for water taxis (also listed in Use Group 14)

Docks or mooring facilities for non-commercial pleasure boats (also listed in Use Group 14)

Terminal facilities at river crossings for access to electric, gas or steam lines

From Use Group 7:

#Boatels#, provided that the units are #predominantly# occupied by persons with boats docked at the facility

From Use Group 9:

*Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited as to dock capacity per #zoning lot# (also listed in Use Group 14)

From Use Group 10:

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load

From Use Group 13:

Boat fuel sales establishments, open or enclosed, without restriction as to location

Commercial beaches

From Use Group 14:

Boat fuel sales establishments, open or enclosed, restricted to location within ten feet of a boat dock berth

Boat launching facilities for non-commercial pleasure boats

Boat rental establishments, open or enclosed

*Boat storage, repair or painting establishments with size and location restrictions

From Use Group 16:

Boat sales establishments, open or enclosed

*Public transit yards, *trucking terminals, warehouses and *wholesale establishments, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group 17:

*Boat building or repair establishments, open or enclosed, for boats less than 200 feet in length

Docks for passenger ocean vessels, other than #gambling vessels#

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, with no restriction on vessel or dock capacity

Docks for vessels not otherwise listed, other than docks for #gambling vessels#

All other #uses# in Use Group 17 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

From Use Group 18:

Marine transfer stations for garbage

Sewage disposal plants

Ship or boat building establishments or repair yards, for vessels 200 feet in length or over

All other #uses# in Use Group 18 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Other Uses:

Airports

Heliports

Seaplane bases

#Uses accessory# to the preceding listed #uses#

* Refer to Use Group for detailed description of this #use#

(4/22/09)

62-212

Waterfront-Enhancing (WE) uses

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

From Use Group 3:

Art galleries, non-commercial

*Colleges or universities

Libraries

Museums

#Schools#

From Use Group 4:

Community centers

Houses of worship

*Ice skating rinks, outdoor

*Non-commercial clubs, with restrictions

**Playgrounds or private parks

Recreation centers, non-commercial

*Philanthropic or non-profit institutions without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Golf courses

*Tennis courts, outdoor

From Use Group 5:

#Transient hotels#

From Use Group 6:

All #uses# in Use Groups 6A and 6C, not otherwise listed as WD #uses# (some #uses# also listed in Use Groups 12 and 14)

*Non-commercial clubs, without restrictions (also listed in Use Group 14)

From Use Group 7:

Bicycle rental or repair shops (also listed in Use Group 14)

*#Motels# or #tourist cabins#

Refreshment stands, drive-in (also listed in Use Group 13)

Sailmaking establishments

From Use Group 8:

*Ice vending machines, coin-operated (also listed in Use Group 14)

*Theaters

From Use Group 9:

- *Boat showrooms or sales establishments

Catering establishments (also listed in Use Group 13)

Gymnasiums used exclusively for basketball, handball, paddleball, racketball, squash and tennis

Wedding chapels or banquet halls (also listed in Use Group 13)

From Use Group 10:

Eating or drinking places, without restrictions on entertainment or dancing but limited to location in hotels

From Use Group 12:

Arenas, auditoriums or stadiums, with capacity limited to 2,500 seats

- *Eating or drinking establishments, with entertainment or dancing

- *Historical exhibits

Indoor golf recreation centers

Skating rinks, enclosed

From Use Group 13:

Camps, overnight or outdoor day

- *Children's amusement parks, limited to a 10,000 square foot #zoning lot#

Circuses, carnivals or fairs of a temporary nature

Commercial swimming pools

Golf driving ranges

Miniature golf courses

Outdoor ice or roller skating rinks

- *Outdoor skateboard parks

From Use Group 14:

*Boat showrooms or sales establishments, restricted to boats less than 100 feet in length

Fishing tackle or equipment, rental or sales

*Sporting goods sales or rental establishments

From Use Group 15:

All #uses# listed

From Use Group 16:

Riding academies, open or enclosed

Stables for horses

#Uses accessory# to the preceding listed #uses#

* Refer to Use Group for detailed description of this #use#

** Open to the sky except for seasonal enclosures not more than 30 feet high or greater than 200 feet in any other dimension

(4/22/09)

62-22

Commercial Docking Facilities

Commercial docking facilities are listed in Use Groups 6, 9, 10, 14 and 17 in Sections 32-10 and 42-10. Such #uses# are permitted as-of-right in all districts set forth in the Use Groups and are subject to the #accessory# off-street parking and passenger loading requirements of Sections 62-43 and 62-462 of this Chapter.

(10/25/93)

62-23

Accessory Residential Docking Facilities

The definition of #accessory use# in Section 12-10 (DEFINITIONS)

is modified in accordance with the provisions of this Section.

(4/22/09)

62-231

Rental of accessory berths to non-residents

Berths or moorings for non-commercial pleasure boats provided as an #accessory use# to a #residential use# may be rented to persons who are not occupants of the #residences# to which such berths or moorings are #accessory#, for the accommodation of the non-commercial pleasure boats used by such non-residents, provided that:

- (a) not more than 40 percent of such berths or moorings are so occupied by non-residents;
- (b) except in Manhattan Community Boards 1 through 8, an additional off-street parking space, in a location adjacent to the docking facility, or off-site in accordance with the provisions of Section 62-412 (Accessory residential off-site parking), is provided for each berth or mooring so occupied;
- (c) such off-street parking spaces comply with all other provisions of this Resolution for the district in which they are located; and
- (d) the total number of #accessory# berths or moorings does not exceed the total number of #dwelling units# to which they are #accessory#.

(10/25/93)

62-232

Off-site accessory residential berths

#Accessory# berths or moorings may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such berths or moorings are #accessory#, provided that:

- (a) both #zoning lots# are contiguous or would be contiguous except for their separation by a #street# or #street# intersection; and
- (b) both #zoning lots# are in common ownership (single fee ownership or alternative ownership arrangements of the

#zoning lot# definition in Section 12-10).

(4/22/09)

62-24

Uses on Piers and Platforms

#Uses# on #existing piers# or #existing platforms# shall be subject to the provisions of Section 62-241. #Uses# on #new piers# or #new platforms# shall be subject to the provisions of Section 62-242.

(4/22/09)

62-241

Uses on existing piers and platforms

The #use# of an #existing platform# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district.

The #use# of an #existing pier# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district provided that any #use# within a #building or other structure# on the #pier# meets one of the following requirements:

- (a) such #use# is a WD #use#; or
- (b) the #building or other structure# within which such #use# is located existed on October 25, 1993; or
- (c) the #building or other structure# within which such #use# is located complies with the height and setback regulations of Section 62-342 (Developments on piers).

In addition, the following #use# regulations shall apply on #piers#:

- (d) the following #uses#, not otherwise limited in size by their Use Group listing, shall be limited to 20,000 square feet of #floor area# per establishment:
 - (1) all #uses# in Use Groups 6A and 6C;
 - (2) the following #uses# in Use Group 9A;

- (i) clothing or costume rental establishments;
 - (ii) typewriter or other small business machine sales, rental or repairs;
 - (3) all #uses# in Use Group 10 with parking categories "B" or "B1";
 - (4) the preceding #uses#, when listed in other Use Groups;
 - (5) wholesale establishments or warehouses that provide #accessory# retail sales areas; and
- (e) no #residential use# shall be permitted within a #building# on a #pier# unless 50 percent or more of the #floor area# of the #story# at the level of public access is allocated for occupancy by WE #uses#, subject to the size limitations set forth in paragraph (d) of this Section.

Any #use# on an #existing pier# not permitted by the foregoing provisions of this Section shall only be allowed by special permit of the City Planning Commission pursuant to Section 62-834 (Developments on piers or platforms).

(2/2/11)

62-242

Uses on new piers and platforms

#New piers# and #new platforms# shall be limited to WD #uses# or to the following WE #uses#: playgrounds or publicly accessible private parks. Changes of #use# to any other WE #use# are permitted only by special permit, pursuant to Section 62-834 (Developments on piers or platforms).

(4/22/09)

62-25

Uses on Floating Structures

- (a) WD #uses# shall be permitted on #floating structures# in accordance with the applicable district regulations.

The following WE #uses# shall be permitted on a #floating structure#, in accordance with the applicable district

regulations, only if the #water coverage# of the #floating structure# does not exceed 5,000 square feet:

- (1) eating or drinking establishments as listed in Use Groups 6 or 12;
 - (2) theaters as listed in Use Group 8; and
 - (3) any other WE #use#, provided such #use# is open to the sky except for minor #accessory# structures of less than 150 square feet.
- (b) Other #uses# shall be permitted on #floating structures# only by special permit pursuant to Section 62-833.

The applicable district #sign# regulations are modified as follows:

- (1) no #advertising signs# shall be permitted in any district;
- (2) no #flashing signs# shall be permitted in any district;
- (3) the regulations pertaining to roof #signs# shall be inapplicable;
- (4) the maximum height of a #sign# shall be measured from water level in lieu of #curb level#;
- (5) the maximum dimension of the #floating structure# on each side shall be used in lieu of #street# frontage of the #zoning lot# to determine the permitted area of #signs#; and
- (6) each side of the #floating structure# shall be deemed to be a #street# frontage for the purposes of maximum size of #sign# computations and the maximum area of #signs# for each side shall be as set forth for each #street# frontage of a #corner lot#.

(4/22/09)

62-26

Special Use Regulations for Public Parking Facilities

#Public parking lots# and #public parking garages# shall be permitted within #waterfront blocks# only as provided in this Section.

In C8 Districts and #Manufacturing Districts#, public parking facilities shall be permitted in accordance with the applicable district regulations. In other districts, public parking facilities shall be permitted within #waterfront blocks# only by special permit pursuant to Section 62-835. The requirement for such special permit shall be in addition to any special permit or authorization requirements of the applicable district.

(4/22/09)

62-27

Special Use Regulations for Playgrounds or Private Parks

Playgrounds and private parks shall be a permitted #use# in M2 and M3 Districts within the #waterfront area# in Community Districts 1, 2 and 4 in the Borough of Manhattan.

(2/27/01)

62-28

Special Sign Regulations

Within a #waterfront block#, no #flashing sign# permitted in accordance with the applicable district regulations shall exceed 50 square feet in #surface area# and no more than one such #sign# shall be permitted for each establishment located on a #zoning lot#, except that no #flashing sign# shall be permitted on any #pier# or #platform#.

(4/22/09)

62-29

Special Use Regulations for R6, R7, R8, R9 and R10 Districts

R6 R7 R8 R9 R10

In the districts indicated, any Use Group 6 or 9 #use#, listed in Section 62-212 (Waterfront-enhancing (WE) uses), shall be a permitted #use# anywhere on the #zoning lot#, provided such #zoning lot# is partially located within a #Commercial District#, and further provided that:

(a) such #uses# have a public entrance fronting on a #waterfront

public access area# or a #street# that provides public access to a #shore public walkway#;

- (b) such #uses# are limited to not more than 10,000 square feet of #floor area# per establishment;
- (c) the total amount of #floor area# used for such #uses# does not exceed two percent of the total amount of #floor area# permitted on such #zoning lot#; and
- (d) such #uses# are located below the level of the first #story# ceiling of a #building#, on a #pier# or #platform#, or in a kiosk within a #waterfront public access area# in accordance with the provisions for kiosks set forth in Section 62-611 (Permitted obstructions).

(4/22/09)

62-291

Special Provisions in Waterfront Access Plan BK-1

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats, listed in Section 32-15 (Use Group 6), shall be permitted #uses# on any parcel identified in Waterfront Access Plan BK-1.

(4/22/09)

62-30

SPECIAL BULK REGULATIONS

All #zoning lots# within #waterfront blocks# shall comply with the #bulk# regulations of this Section. For the purposes of this Section, non-#waterfront blocks# included in Waterfront Access Plan BK-1 shall be considered to be #waterfront blocks#. Existing #non-complying buildings or other structures# shall be subject to the provisions of Article V (Non-conforming Uses and Non-complying Buildings).

A change of #use# involving a #building or other structure# lawfully existing on October 25, 1993, shall be permitted in accordance with the applicable district #use# regulations, as modified by the provisions of this Chapter. Any #non-compliances# created with respect to the provisions of this Section due solely to the change of #use# shall be deemed to be existing #non-compliances#. However, no #enlargement# or other alteration of

such #buildings or other structures# may be made which would either create a new #non-compliance# or increase the degree of #non-compliance# with respect to the provisions of this Section.

Modification of the #bulk# regulations of Sections 62-31, 62-32, 62-33 or 62-341 shall only be allowed by authorization or special permit of the City Planning Commission pursuant to Sections 62-836, 74-711, 74-74, 74-79, 78-00 or 79-00.

Provisions for modification of the #bulk# regulations on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343.

In no event shall any #bulk# modification include modification of the provisions of paragraph (a) of Section 62-31 or the maximum #floor area ratio# for the applicable district set forth in Section 62-322.

(4/22/09)

62-31

Bulk Computations on Waterfront Zoning Lots

On #waterfront zoning lots#, the areas of the #upland lot# and the #seaward lot# shall be computed separately.

(a) #Upland lot#

All #bulk# regulations pertaining to the #upland lot# shall be satisfied entirely on such portion of the #zoning lot#. All #floor area, dwelling units# or #rooming units# generated by such portion shall be located within the #upland lot# and all #lot coverage# computations shall be based solely on the area of the #upland lot#.

(b) #Seaward lot#

Within the #seaward lot#, only the #water coverage# of #piers# or #platforms# that are structurally sound and physically accessible directly from the shore, with a surface that is capable of lawful occupancy, shall be deemed to be #lot area# for the purposes of determining allowable #floor area#, #dwelling units# or #rooming units#, or to satisfy any other #bulk# regulations, unless expressly stated otherwise. In no event shall the #water coverage# of a #building or other structure# projecting over the water from a #pier# or #platform# be included in #lot area#. #Lot coverage# provisions shall not apply to the #seaward lot#.

Except where all #piers#, #platforms# or #floating structures# are occupied #predominantly# by WD #uses#, the maximum #water coverage# permitted on a #zoning lot# shall not exceed 50 percent and the #water coverage# of an #existing pier# or #platform# may not be increased by more than ten percent.

(c) Special provisions for #bulk# distribution

#Floor area#, #dwelling units# or #rooming units# generated by #existing piers# or #platforms# within the #seaward lot# may be located anywhere on the #zoning lot# provided the amount on the #upland lot# does not exceed the maximum for the district on such portion of the #zoning lot# by more than 20 percent. No #bulk# distribution from the #seaward lot# shall be permitted for #new piers# or #platforms#, except within Waterfront Access Plan BK-1. Such #bulk# distribution shall be permitted for new portions of #piers# located within Waterfront Access Plan BK-1, provided that such new portion of the #pier# is accessed from a portion of an #existing pier# containing not less than 25 percent of the #water coverage# of such #existing pier# and that the #water coverage# of the new and existing portions of the #pier# does not exceed the #water coverage# of the #existing pier#.

(10/25/93)

62-32

Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks

(2/2/11)

62-321

Residential uses in R3, R4 and R5 Districts

The maximum #floor area ratio# and #lot coverage# for #residential buildings# or #residential# portions of #buildings# in R3, R4 and R5 Districts shall be in accordance with the applicable district regulations, except as provided in Section 62-323 (Non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts).

(2/2/11)

62-322

Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts

For #residential buildings# or #residential# portions of #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), inclusive, shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# on a #zoning lot# shall be as specified in the following table, except as provided for in Sections 23-952 (Floor area compensation in Inclusionary Housing designated areas), 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
OR RESIDENTIAL PORTIONS OF BUILDINGS

District	Maximum #Floor Area Ratio# ¹	Maximum #Lot Coverage# (in percent)
R1 R2	.50	35
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
R7D	4.20	70
R7-3 R7X	5.00	70
R8 R8A R8X	6.02	70
R9 R9A	7.52	70
R9-1 R9X	9.00	70
R10	10.00 ¹	70

¹ In #Inclusionary Housing designated areas#, the #floor

area ratio# has been modified, pursuant to Section 23-952 (Floor area compensation in Inclusionary Housing designated areas) or Section 62-35 (Special Bulk Regulations in Certain Areas within Community District 1, Brooklyn), inclusive

- ² In R10 Districts, the #floor area ratio# may be increased to a maximum of 12.0, pursuant to Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas)

(2/2/11)

62-323

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

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

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 #Lot Coverage# (in percent)
R3	.95	55
R4	1.29	55
R5	1.95	60
R5D R6B	2.00	60
R6 R6A R7B	3.90	65
R7 R7A R7D R7X	5.01	70

Where different maximum percentages of #lot coverage# apply to #residential# and #community facility uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#. Furthermore, the maximum percent of #lot coverage# for #community facility uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.

(2/2/11)

62-324

Community facility and commercial uses in Residence Districts

In #Residence Districts#, for any #community facility building# or #community facility# portion of a #building# on a #zoning lot#, the following regulations shall apply:

- (a) The maximum #floor area ratio# shall be in accordance with the applicable district regulations, except that no #floor area# bonuses shall apply. In R7-3 and R9-1 Districts, the maximum #floor area ratio# shall be the maximum permitted for #residential buildings# pursuant to Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts).
- (b) The maximum percent of #lot coverage# specified in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) shall not apply. In lieu thereof, the following #lot coverage# regulations shall apply to #community facility buildings# or to that portion of a #building# used for a #community facility use#:

MAXIMUM LOT COVERAGE FOR COMMUNITY FACILITIES

District	Maximum #Lot Coverage# (in percent)
R1 R2 R3 R4 R5	60
R6B	65
R6 R6A R7B R7-1	70
R7-2 R7-3 R7A R7D R7X R8 R9A	75
R9 R9-1 R9X R10	80

Any portion of a #building# at any height up to but not exceeding 23 feet above the #base plane# may be excluded in determining the percent of #lot coverage# set forth in the table in this Section.

In #Special Mixed Use Districts#, #lot coverage# requirements shall not apply to #community facility uses#.

In #Residence Districts#, when permitted, #commercial buildings# or #buildings# used partly for #commercial use#, shall comply with the regulations for #residential buildings# as set forth in Sections 62-321 and 62-322.

The maximum #floor area ratio# permitted for a #community facility use# shall be in accordance with the applicable district regulations, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in this Section, 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#.

Where different maximum percentages of #lot coverage# apply to #residential# and #community facility uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#. Furthermore, the maximum percent of #lot coverage# for #community facility uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.

(2/2/11)

62-325

Buildings in Commercial Districts

In #Commercial Districts#, for any #commercial# or #community facility uses# on a #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, except:

- (a) no #floor area# bonuses shall be permitted; and
- (b) the #floor area ratio# on a #zoning lot# shall not exceed 10.0.

For #residential buildings# and #residential# portions of #mixed buildings#, the maximum #floor area ratio# and #lot coverage# applicable to #residential buildings# set forth in Sections 62-321 through 62-323 shall apply as set forth for the applicable #Residence District# and its corresponding #Commercial District# in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts).

(2/2/11)

62-326

Buildings in Manufacturing Districts

In #Manufacturing Districts#, for any #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, except that no #floor area# bonuses shall be permitted.

(2/2/11)

62-327

Maximum floor area ratio for a mixed use building in a Special Mixed Use District

The maximum #floor area ratio# for #zoning lots# containing a #mixed use building# in a #Special Mixed Use District# shall be in accordance with the provisions of Section 123-64 (Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings).

(2/2/11)

62-33

Special Yard Regulations on Waterfront Blocks

#Yard# regulations for #zoning lots# shall be governed by the provisions of this Section. For #developments# containing WD #uses# or, in C8 or #Manufacturing Districts#, #developments# comprised predominantly of #uses# in Use Groups 16, 17 or 18, or for #developments# on #zoning lots# that are not #waterfront zoning lots#, #yards# shall be provided in accordance with the applicable district regulations. For all other #developments#, #yards# shall be provided in accordance with the provisions of Sections 62-331 (Front yards and side yards) and 62-332 (Rear yards and waterfront yards), except that no #yard# regulations shall be applicable on #piers# or #floating structures# nor may #piers# or #floating structures# be used to satisfy any #yard# requirements.

(7/26/01)

62-331

Front yards and side yards

#Front yards# and #side yards# shall be provided on #zoning lots# within #waterfront blocks# in accordance with applicable district regulations, except that:

- (a) any #rear lot line# of a #waterfront zoning lot# that intersects the #shoreline# shall be deemed to be a #side lot line# and be subject to #side yard# regulations; and
- (b) #side yard# regulations shall be inapplicable along #side lot lines# that are coincident with or seaward of the #shoreline#. In lieu thereof, a #waterfront yard# shall be provided in accordance with the provisions of Section 62-332.

(2/2/11)

62-332

Rear yards and waterfront yards

#Rear yard# regulations shall be inapplicable on #waterfront zoning lots#. In lieu thereof, a #waterfront yard# shall be provided along the entire length of the #shoreline#, bulkhead or stabilized natural shore, whichever is furthest landward, with a depth as set forth in the following table. The minimum depth shall be measured from the landward edge of the bulkhead, landward edge of stabilized natural shore or, in the case of natural #shorelines#, the mean high water line.

Where a #platform# projects from the #shoreline#, stabilized natural shore, or bulkhead, such #waterfront yard# shall, in lieu of following the shore at that portion, continue along the water edge of such #platform# until it again intersects the #shoreline#, stabilized natural shore, or bulkhead, at which point it shall resume following the #shoreline#, stabilized natural shore, or bulkhead.

The level of a #waterfront yard# shall not be higher than the elevation of the top of the adjoining existing bulkhead, existing stabilized natural shore or mean high water line, as applicable, except that natural grade level need not be disturbed in order to comply with this requirement. The level of the portion of a #waterfront yard# on a #platform# shall not be higher than the abutting level of the non-platformed portion of the #waterfront yard#, of which it is the continuation, except that the level of a #platform# existing on October 25, 1993 need not be altered in order to comply with this requirement.

No #building or other structure# shall be erected above the lowest level of a #waterfront yard#. Permitted obstructions in #waterfront yards# in all districts shall include permitted obstructions as listed in Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 62-611, except that enclosed #accessory# off-street parking spaces and walls exceeding four feet in height shall not be permitted.

In addition, the following #rear yard# obstructions shall not be permitted except when #accessory# to #single-# or #two-family residences# in #detached#, #semi-detached# or #zero lot line buildings#:

Balconies, unenclosed;

Greenhouses, non-commercial, #accessory#;

Parking spaces, off-street, open or enclosed, #accessory#;

Swimming pools, #accessory#;

Terraces or porches, open;

WATERFRONT YARD DEPTH FOR ALL DISTRICTS

Column A	Column B
Districts with 30 Foot Requirement	Districts with 40 Foot Requirement
R1 R2 R3 R4 R5	R6 R7 R8 R9 R10
C1 C2 mapped in R1 R2 R3 R4 R5	C1 C2 mapped in R6 R7 R8 R9 R10
C3	C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4 C5 C6 C7 C8 M1 M2 M3

The minimum depth set forth in the preceding table may be reduced at the following locations provided no #waterfront yard# is reduced to less than ten feet:

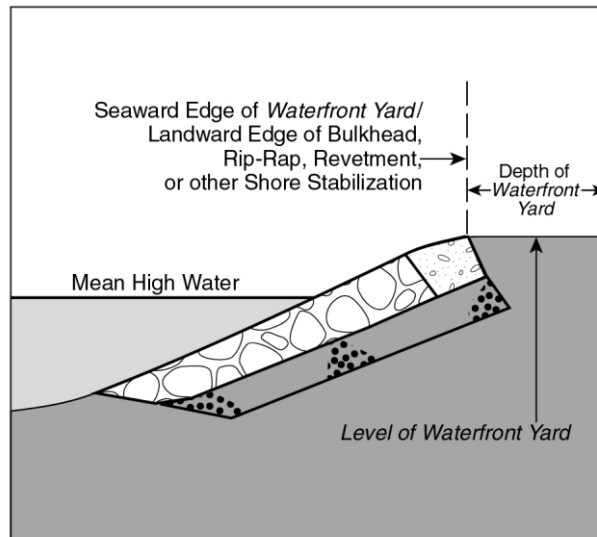
- (a) Along those portions of the landward edge of stabilized shore, bulkhead, natural #shoreline# or along those portions of the water edge of a #platform#, having a lot dimension, measured perpendicular and landward from such edge, that is less than 70 feet in the case of districts in Column A or 80

feet in the case of districts in Column B.

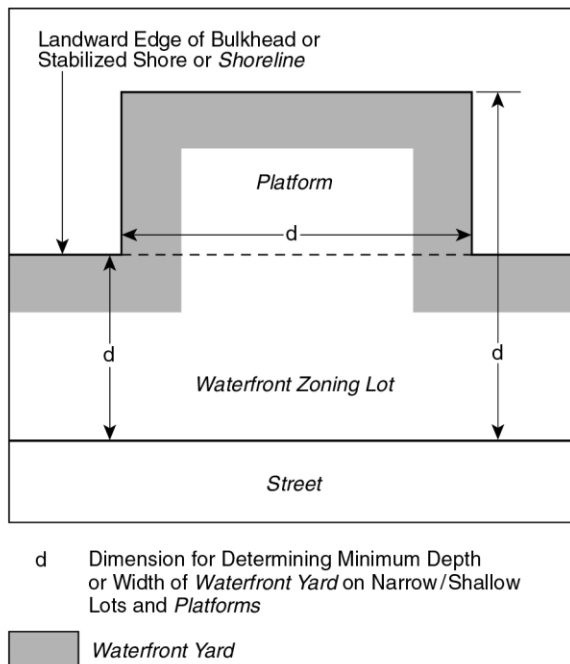
For such shallow portions of lots, the minimum depth may be reduced by one foot for each foot that the lot dimension measured from such edge is less than 70 or 80 feet, as applicable.

- (b) Along those portions of the water edge of a #platform# having a dimension, measured perpendicular from such water edge to an opposite water edge that is less than 100 feet in the case of districts in Column A or 120 feet in the case of districts in Column B.

For such narrow portions of #platforms#, the minimum depth along each opposite edge may be reduced by one-half foot for each foot that the #platform# dimension is less than 100 or 120 feet, as applicable.



WATERFRONT YARD AT STABILIZED SHORELINE
(62-332b.1)



WATERFRONT YARD (62-332b.2)

(7/26/01)

62-34

Height and Setback Regulations On Waterfront Blocks

Height and setback regulations for #zoning lots# within #waterfront blocks# shall be governed by the provisions of this Section. However, airports, heliports, seaplane bases and, in C8 or #Manufacturing Districts#, #developments# comprised #predominantly# of WD #uses# or #uses# in Use Group 16, 17 or 18 shall be exempt from the requirements of this Section.

(10/9/13)

62-341

Developments on land and platforms

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and

setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343.

(a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

(1) #Street lines#

For the purposes of paragraphs (c) and (d) of this Section and of paragraph (h) of Section 62-354, a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

(2) #Initial setback distance#

For the purposes of paragraph (c) of this Section, an #initial setback distance# shall be a horizontal distance measured for a depth of 15 feet from a #narrow street line# and ten feet from a #wide street line#. However, an #initial setback distance# shall have a depth of 30 feet from the boundary of a #shore public walkway#. Wherever a #supplemental public access area# is provided as a widened #shore public walkway#, such widened area shall be included in the #initial setback distance#.

(3) Measurement of height

The height of all #buildings or other structures# on #waterfront blocks# shall be measured from the #base plane#, except where modified by the provisions of Article VI, Chapter 4. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof, except for #buildings# subject to Section 23-631 (Height and setback in R1, R2, R3, R4 or R5 Districts).

(4) Permitted obstructions

The obstructions permitted pursuant to Sections 23-62, 24-

51, 33-42 or 43-42 and, where applicable, Sections 64-331, 64-332 or 64-432 shall apply. In addition, the following regulations regarding permitted obstructions shall apply:

- (i) Within an #initial setback distance#, a dormer may exceed a maximum base height specified in Table A of this Section or penetrate a required setback area above a maximum base height specified in Table C of this Section, provided that on any #street# frontage the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the width of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See Illustration of Dormer)
- (ii) A penthouse portion of a #building# shall be permitted to exceed the applicable maximum #building# height, specified in Table A of this Section, by not more than 40 feet, only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# that is located entirely below the maximum #building# height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least ten percent of the width of such respective face. For the purposes of this paragraph, (a) (4) (ii), the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum #building# height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.
- (iii) Wind energy systems

Regulations governing wind energy systems are modified pursuant to this paragraph, (a) (4) (iii).

In R6 through R10 Districts, #Commercial Districts#, other than C1 or C2 Districts mapped within R1 through R5 Districts and C4-1, C7 and C8-1 Districts, and #Manufacturing Districts#, other than M1-1 Districts,

wind energy systems located on a roof of a #building# shall not exceed a height equivalent to 50 percent of the height of such portion of the #building# or 55 feet, whichever is less, as measured from the roof to the highest point of the wind turbine assembly.

In C4-1, C7, C8-1 and M1-1 Districts, for #buildings# containing #commercial# or #community facility uses#, wind energy systems shall not exceed a height of 55 feet when located above a roof of the #building# as measured to the highest point of the wind turbine assembly.

In all districts, no portion of a wind energy system may be closer than 10 feet to a #waterfront public access area# boundary or a #zoning lot line#.

(b) Lower density districts

R1 R2 R3 R4 R5 C3 C4-1 C7 C8-1 M1-1

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the underlying district height and setback regulations are applicable or modified as follows:

(1) #Buildings# containing #residences#

(i) In R1 and R2 Districts, and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#, the underlying height and setback regulations shall not apply. In lieu thereof, no #building# containing #residences#, except for a #predominantly community facility building#, shall exceed a height of 35 feet.

(ii) In R3, R4 and R5 Districts, and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#, the underlying height and setback regulations for #buildings# containing #residences# shall apply, except for #predominantly community facility buildings#.

(2) #Predominantly community facility buildings#

The underlying height and setback regulations shall not apply. In lieu thereof, any portion of a #predominantly community facility building# that exceeds a height of 35 feet shall be set back at least 25 feet from a #front yard line# or #street line#, where applicable, and no portion of such #building# shall exceed a height of 60 feet. However,

within a #large-scale community facility development#, for portions of a #building# that are located at least 100 feet from a #street line# and, on a #waterfront zoning lot#, 100 feet from a #waterfront yard#, the maximum height shall not exceed 100 feet.

(3) #Buildings# containing #commercial uses#

The underlying height and setback regulations for #commercial uses# are modified as follows: no #building# containing #commercial uses# shall exceed a height of 30 feet, except for #mixed buildings# as set forth in paragraph (b)(1) of this Section or #predominantly community facility buildings# as set forth in paragraph (b)(2) of this Section.

(4) Other structures

All structures other than #buildings# shall be limited to a height of 35 feet, except that in C4-1, C7, C8-1 and M1-1 Districts, freestanding wind energy systems shall be permitted to a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly.

(c) Medium and high density non-contextual districts

R6 R7 R8 R9 R10

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6
C4-7 C5 C6 C7 C8-2 C8-3 C8-4

M1-2 M1-3 M1-4 M1-5 M1-6 M2 M3

Except for medium and high density contextual districts listed in paragraph (d) of this Section, in the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations set forth in this Section shall apply.

(1) Maximum base height

Except for dormers permitted in accordance with paragraph (a)(4)(i) of this Section, the height of a #building or other structure# or portion thereof located within an #initial setback distance# may not exceed the maximum base height specified in Table A of this Section.

(2) Maximum #building# height

Except for penthouses permitted in accordance with paragraph

(a)(4)(ii) of this Section, the height of a #building or other structure# or portion thereof may not exceed the maximum #building# height specified in Table A of this Section.

(3) #Floor area# distribution

#Zoning lots# with #buildings# that exceed the maximum base height listed in Table A of this Section shall have a minimum #floor area# coverage comprising at least 30 percent of the #lot area# at a height of 20 feet. For the purposes of determining this requirement, the #lot area# of #waterfront zoning lots# shall be deemed to be the area of the #zoning lot# landward of the #shoreline#. In the event the site plan involves construction on only a portion of the #zoning lot#, sufficient calculations shall be provided to show that such partial construction does not preclude compliance with the minimum #floor area# coverage requirements of this Section at the time the site is fully developed.

(4) Maximum #residential# tower size

Each #residential story# of a #building# located entirely above the maximum base height specified in Table A of this Section shall not exceed a gross area of 7,000 square feet on #zoning lots# less than 1.5 acres, and 8,100 square feet on larger #zoning lots#. On all #zoning lots#, dormers permitted within an #initial setback distance# in accordance with the provisions of paragraph (a)(4)(i) of this Section shall not be included in such gross area.

(5) Maximum width of walls facing #shoreline#

The maximum width of any #story# of a #building# that faces a #shoreline# and is entirely above the maximum base height specified in Table A of this Section shall not exceed 100 feet. Such width shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above the maximum base height. Any side of such rectangle from which perpendicular lines may be drawn to a #shoreline#, regardless of any intervening structures, properties or #streets#, shall not exceed 100 feet. (See illustration).

(6) Ground floor streetscape provisions

For the purposes of this Section, "ground floor level" shall mean the floor of a #building#, the level of which is located within five feet of the finished level of the

adjacent sidewalk.

For #street walls# that are more than 50 feet in width and within 50 feet of a #waterfront public access area# or #street#, the following rules shall apply:

- (i) at least 50 percent of the width of such #street walls# shall be occupied by #floor area# at the ground floor level; and
- (ii) where such #street walls# do not contain windows with sill levels lower than four feet above the adjacent sidewalk for a continuous distance of at least 30 feet, such #street walls# shall be articulated with rustication or decorative grills, or screened with plant material, to a minimum height of four feet.

Parking garages that occupy the ground floor frontage along any #street# or private drive which is also an #upland connection# shall be screened in accordance with the planting requirements of paragraph (a)(7)(iii) of Section 62-655.

Table A
HEIGHT AND SETBACK FOR ALL BUILDINGS AND OTHER STRUCTURES IN
MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS*

District	Maximum Height (in feet)	
	Maximum Base Height	Maximum Height of #Buildings or other Structures#
R6 C1 or C2 mapped within R6 C7 C8-2 C8-3 M1-2 M1-4 M2-1 M2-3 M3	60	110
R7-1 R7-2 C1 or C2 mapped within R7-1 or R7-2 C1-6 C2-6 C4-2 C4-3 C4-4 C4-5	60	135
R7-3 C1 or C2 mapped within R7-3 C8-4	65	185

M1-3 M1-5 M2-2 M2-4

R8 C1 or C2 mapped within R8 C1-7 C6-1 C6-2	70	210
R9 C1 or C2 mapped within R9 C1-8 C2-7 C6-3	80	225
R9-1 C1 or C2 mapped within R9-1	90	280
R10 C1 or C2 mapped within R10 C1-9 C2-8 C4-6 C4-7 C5-1 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 M1-6	110	350

- * For #predominantly community facility buildings#, the applicable regulations shall be determined from Table B of this Section

TABLE B

APPLICABLE HEIGHT AND SETBACK REGULATIONS
FOR PREDOMINANTLY COMMUNITY FACILITY BUILDINGS

District in which #Predominantly Community Facility Building# is Located	Applicable Regulations from Table A
R6 R7-1 R7-3 C1 or C2 mapped within R6, R7-1 or R7-3 C4-2 C4-3 C8-2 M1-2	R7-3
R7-2 R8 C1 or C2 mapped within R7-2 or R8 C1-6 C1-7 C2-6 C4-4 C4-5 C6-1 C6-2 C8-3 C8-4 M1-3 M1-4 M1-5	R9
R9-1 C1 or C2 mapped within R9-1	R9-1
R9 R10	

C1 or C2 mapped within R9 or R10 R10
C1-8 C1-9 C2-7 C2-8 C4-6 C4-7
C5-1 C5-2 C5-3 C5-4 C5-5
C6-4 C6-5 C6-6 C6-7 C6-8 C6-9
M1-6

(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 C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A 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 height and setback regulations set forth in this Section shall apply:

(1) Maximum #building# height

No #building or other structure# shall exceed the maximum #building# heights specified in Table C of this Section.

(2) Setback provisions

Except for dormers permitted in accordance with paragraph (a)(4)(i) of this Section, setbacks are required for all portions of #buildings or other structures# that exceed the maximum base heights specified in Table C of this Section. Such setbacks shall be provided in accordance with the following provisions:

(i) #Building# walls facing a #wide street# shall provide a setback at least ten feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table C of this Section. #Building# walls facing a #narrow street# shall provide a setback at least 15 feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table C.

(ii) These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be

the #street line#.

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

District	Minimum Base Height	Maximum Base Height	Maximum Height of #Buildings or other Structures#
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 within R7B	40	60	75
R7A C1 or C2 mapped within R7A C1-6A C2-6A C4-4A C4-4L C4-5A	40	65	80
R7D C1 or C2 mapped within R7D C4-5D	60	85	100
R7X C1 or C2 mapped within R7X C4-5X	60	85	125
R8B C1 or C2 mapped within R8B	55	60	75
R8A C1 or C2 mapped within R8A C1-7A C4-4D C6-2A	60	85	120
R8X C1 or C2 mapped within R8X	60	85	150
R9A* C1 or C2 mapped within R9A* C1-8A* C2-7A* C6-3A*	60	95	135
R9A** C1 or C2 mapped within R9A** C1-8A** C2-7A** C6-3A**	60	102	145
R9X* C1 or C2 mapped within R9X*	60	120	160

C1-8X* C2-7X*

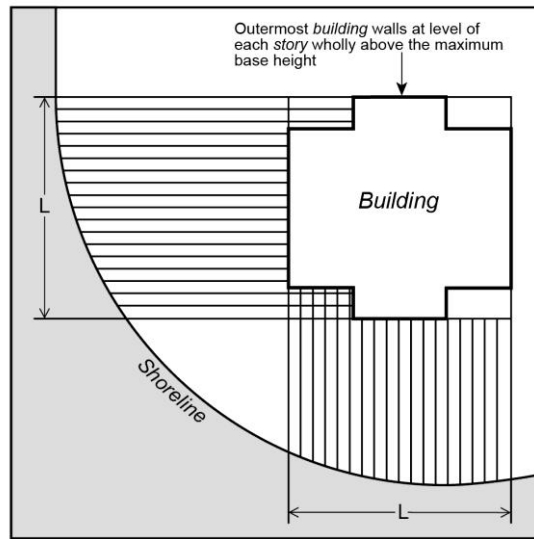
R9X**	105	120	170
C1 or C2 mapped within R9X**			
C1-8X** C2-7X**			

R10A*	60	125	185
C1 or C2 mapped within R10A*			
C1-9A* C2-9A* C4-6A*C4-7A*			
C5-1A* C5-2A* C6-4A*			

R10A**	125	150	210
C1 or C2 mapped within			
R10A**			
C1-9A** C2-8A** C4-6A** C4-			
7A** C5-1A** C5-2A** C6-4A**			

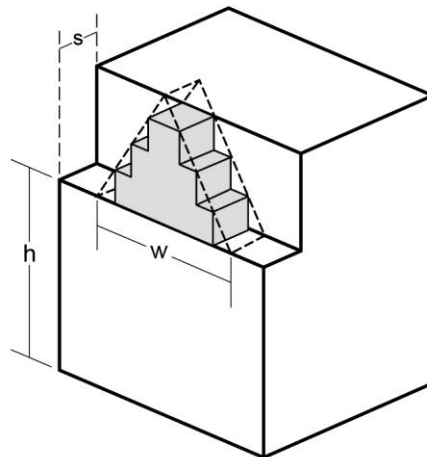
* Denotes district mapped on #narrow street#

** Denotes district mapped on #wide street#



L - Maximum width of *building* wall (100 feet)

MAXIMUM WIDTH OF
BUILDING WALL FACING SHORELINE
(62-341d.1)



h - Maximum base height

s - Required setback or *initial setback distance*

w - Maximum width of dormer at maximum base height (60% of *street wall* width of highest story entirely below maximum base height)

 Dormer

Dormer
(62-341d.2)

(4/30/12)

62-342

Developments on piers

In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #piers#. In lieu thereof, the provisions of this Section shall apply.

The #base plane# of a #pier# shall be the elevation of the finished surface of the #pier#, below which no portion of a #building or other structure# penetrates, except for the supporting structure, plumbing or utility lines. In the event portions of a #pier# have different surface elevations, the surface elevation of at least 50 percent of the #pier# shall be used to establish the #base plane#.

The height of all #buildings or other structures# on #piers# shall be measured from the #base plane#. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof.

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42 shall apply. In addition, a dormer may penetrate a required setback area above a height of 30 feet provided the aggregate width of dormers on any given #building# wall does not exceed 50 percent of the width of such #building# wall.

(a) Height and setback regulations on #piers#

The height of a #building or other structure# on a #pier# shall not exceed 30 feet. However, where a setback at least 15 feet deep is provided, the maximum height of a #building or other structure# shall be 40 feet. Such required setback shall be provided at a minimum height of 25 feet and a maximum height of 30 feet, and may be reduced to ten feet in depth along any portion of the #building or other structure# fronting on an open area of the #pier# having a dimension of at least 40 feet measured perpendicular to such fronting portion. In addition, wind energy systems shall be allowed, provided such a system does not exceed a height of 85 feet, as measured from the base plane to the highest point of the wind turbine assembly or, when located above a roof of the #building#, a height of 55 feet, as measured to the highest point of the wind turbine assembly, whichever is higher.

(b) #Building# width and spacing regulations on #piers#

The maximum length or width of any #building or other structure# on a #pier# shall be 200 feet. The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall be inapplicable on #piers#. In lieu thereof, the minimum distance on a #pier# between any two #buildings or other structures# that do not #abut# shall be 100 feet. However, such limitations shall not apply to any #building or other structure#, no portion of which exceeds 30 feet in height.

Permitted obstructions above the #base plane# within such required open areas between #buildings or other structures# shall be limited to those allowed above the lowest level of a #visual corridor# pursuant to Section 62-513 (Permitted obstructions in visual corridors), except that freestanding #accessory buildings or other structures# shall also be permitted provided they do not exceed a height of 30 feet and a total area, in aggregate, of 900 square feet. A minimum spacing of 15 feet shall be provided between such #accessory buildings or other structures# and any other #building or other structure# on the #pier#.

(c) Modification of #pier bulk# regulations

Modification of the regulations of this Section involving the height and setback or width and spacing of #buildings or other structures# on #piers# shall only be allowed by special permit of the City Planning Commission pursuant to Section 62-834 (Developments on piers and platforms), 74-711 (Landmark preservation in all districts) or 74-79 (Transfer of Development Rights from Landmark Sites).

(2/2/11)

62-343

Developments on floating structures

In all districts, the underlying height and setback regulations shall be inapplicable to #developments# on #floating structures#, except for WD #uses# in C8 and #Manufacturing Districts#. In lieu thereof, the provisions of this Section shall apply.

#Base plane# shall be inapplicable for #floating structures#. Height shall be measured from the water line of the #floating structure# to the highest point of the roof or uppermost open deck. However, the following obstructions are permitted to penetrate a height limit:

Chimneys, flues or stacks;

Flagpoles, aerials or masts;

Parapet walls or safety enclosures, not more than four feet high;
and

Wire, chain link or other transparent fences.

#Developments# permitted as-of-right pursuant to Section 62-25 shall not exceed a height of 23 feet. #Developments# on #floating structures# pursuant to the special permit provisions of Section 62-833 shall not exceed the height limits set forth in Column A of the following table except for navigational vessels being repurposed as #floating structures# in accordance with such special permit provisions. Such repurposed vessels shall be subject to the height limits set forth in Column B of the table in this Section.

HEIGHT LIMITS FOR FLOATING STRUCTURES

#Residential District#	#Commercial District#	#Manu- facturing District#	Column A	Column B
			Maximum Structure Height	Maximum Height of Repurposed Vessels
R1 thru R5	C1 or C2 mapped in R1 thru R5	-	23 ft.	40 ft.
	C3			
R6	C1 or C2 mapped in R6	M1-1 M1-2 M1-4	40 ft.	60 ft.
	C4-1	M2-1 M2-3		
	C7	M3-1 M3-2		
	C8-1 C8-2 C8-3			
R7 R8	C1 or C2 mapped in R7 or R8	M1-3 M1-5 M2-2 M2-4	50 ft.	70 ft.
	C1-6 C1-7			
	C2-6			

	C4-2 C4-3			
	C4-4 C4-5			
	C6-1 C6-2			
	C8-4			
R9 R10	C1 or C2 mapped in R9 or R10	M1-6	60 ft.	150 ft.
	C1-8 C1-9			
	C2-7 C2-8			
	C4-6 C4-7			
	C5			
	C6-3 C6-4			
	C6-5 C6-6			
	C6-7 C6-8			
	C6-9			

(7/29/10)

62-35

Special Bulk Regulations in Certain Areas within Community District 1, Brooklyn

On #waterfront blocks# in #Inclusionary Housing designated areas# in Community District 1, Borough of Brooklyn, the special #bulk# regulations of this Chapter are further modified as set forth in this Section, inclusive.

(12/19/13)

62-351

Special floor area regulations

(a) Maximum permitted #floor area ratio#

In R6 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be 2.43.

In R7-3 Districts, the maximum permitted #floor area ratio# for

any #zoning lot# containing #residences# shall be 3.75.

In R8 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# shall be 4.88.

In R6, R7-3 and R8 Districts, the maximum permitted #floor area ratio# for any #zoning lot# containing #residences# may be increased for #developments# and #enlargements# that provide #affordable housing# pursuant to Section 62-352 (Inclusionary Housing).

- (b) #Buildings# used for #accessory# off-street parking spaces

Within Waterfront Access Plan BK-1, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above the height of the #base plane#.

- (c) Special regulations for Parcels 4 and 5e within Waterfront Access Plan BK-1

On Parcels 4 and 5e within Waterfront Access Plan BK-1, in the event that a property is #developed# as a #public park#, such property shall continue to be considered part of a #zoning lot# for the purposes of generating #residential floor area# based on the #residential floor area ratio# applicable to the property prior to its #development# as a #public park#. In no event shall the #floor area# generated by the property #developed# as a #public park# be utilized within the #public park#, but may be utilized pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations). Floor space within any structure constructed pursuant to an agreement with the Department of Parks and Recreation within such #public park# shall be exempt from the definition of #floor area#.

- (d) Special regulations for Parcel 5d within Waterfront Access Plan BK-1

On Parcel 5d within Waterfront Access Plan BK-1, up to 120,000 square feet of floor space within a public #school#, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempt from the definition of #floor area# and from #lot coverage# requirements for the purposes of calculating the permitted #floor area ratio# and #lot coverage# for #community facility uses# and the maximum #floor area ratio# and total permitted #lot coverage# of the #zoning lot#.

(5/14/14)

62-352

Inclusionary Housing

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall apply in #Inclusionary Housing designated areas# on #waterfront blocks# in Community District 1, Borough of Brooklyn, as modified in this Section.

(a) Definitions

For the purposes of this Section, matter in italics is defined in Sections 12-10 or 23-911 (General definitions).

(b) #Floor area compensation#

- (1) For #zoning lots# located in R8 Districts, or located partially in R8 Districts and partially in R6 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased in R6 Districts from 2.43 to 2.75, and in R8 Districts from 4.88 to 6.5; and for #zoning lots# located in R7-3 Districts, the maximum permitted #floor area ratio# on such #zoning lots# may be increased from 3.75 to 5.0, provided that:
 - (i) the amount of #low income floor area# is equal to at least 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#; or
 - (ii) the amount of #low income floor area# is equal to at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, and the #moderate income floor area# is equal to at least 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.
- (2) For #zoning lots# located entirely within R6 Districts, the maximum permitted #floor area ratio# may be increased from 2.43 to 2.75, provided that:
 - (i) the amount of #low income floor area# is equal to at least 7.5 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#; or
 - (ii) the amount of #low income floor area# is equal to at

least five percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least five percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

- (3) For #zoning lots# containing #residences# in R8 or C6-2 Districts, within a #large-scale general development# that is located in or partially within a C6 District, the #floor area# of a #zoning lot# may not exceed the base #floor area ratio# of 4.88, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.833 square feet for each square foot of #moderate income floor area# provided, up to a maximum #floor area ratio# of 6.5, provided that for each square foot of #floor area compensation# for #moderate income floor area#, there is one square foot of #floor area compensation# for #low income floor area#.

However, to receive such #floor area# increase, the amount of #low income floor area# plus two-thirds of the amount of #moderate income floor area# need not exceed 20 percent of the total #floor area# on all #zoning lots# in R8 or C6-2 Districts within the #large-scale general development#, exclusive of ground floor non-#residential floor area#, #floor area# within a #school#, and #floor area# within a non-#residential building# that is vacant above the ground floor.

For the purposes of the calculations in this paragraph (b)(3), inclusive, an amount of #moderate income floor area# not exceeding 50,000 square feet may be considered #low income floor area#.

For the purposes of this paragraph, (b), inclusive, #low income floor area# may be considered #moderate income floor area#.

Any #zoning lot# located entirely within an R6 District that, in conjunction with a #zoning lot# located partially or entirely within an R8 District, utilizes a distribution of #floor area#, #lot coverage# or #residential# density without regard to #zoning lot lines# or district boundaries pursuant to Section 62-353 (Special floor area, lot coverage and residential density distribution regulations), shall comply with the provisions of paragraph (b)(1) of this Section.

- (c) Permits and certificates of occupancy

The requirements of paragraphs (a) and (b) of Section 23-955 (Additional requirements for compensated developments) shall be modified as follows:

No building permit for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special height and setback regulations) shall be issued until #HPD# has issued a #permit notice# with respect to the #affordable housing# that generates such #floor area compensation#.

No temporary or permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until #HPD# has issued a #completion notice# with respect to the #affordable housing#.

(2/2/11)

62-353

Special floor area, lot coverage and residential density distribution regulations

Within any parcel identified in Section 62-931 (Waterfront Access Plan BK1: Greenpoint-Williamsburg), and with respect to any such parcels that are adjacent to each other and that are under single-fee ownership and with respect to which each party having any interest therein is a party in interest (as defined in paragraph (e) of the definition of a #zoning lot# in Section 12-10) or with respect to which each party in interest (as defined in paragraph (f)(4) of the definition of a #zoning lot# in Section 12-10) has executed a declaration declaring that the properties are to be developed as a single parcel or has waived its right to execute such declaration, the total #lot coverage# permitted pursuant to Section 62-322, the total #floor area# permitted pursuant to Sections 62-351 or 62-352 and the #residential# density permitted pursuant to Section 23-22, may be located anywhere within such parcel or between such parcels without regard to #zoning lot lines# or district boundaries provided that such location of #floor area#, #lot coverage# or #residential# density complies with Sections 62-31 (Bulk Computations on Waterfront Lots) and 62-34 (Height and Setback Regulations on Waterfront Blocks), as modified by Section 62-354 (Special height and setback regulations).

(12/10/13)

62-354

Special height and setback regulations

Within Waterfront Access Plan BK-1, the provisions of Section 62-341 (Developments on land and platforms) are modified, as follows:

- (a) Paragraph (c)(1) (Maximum base height) shall be modified in R6 Districts to permit a maximum base height of 65 feet or six #stories#, whichever is less. However, for #buildings or other structures# located on a #zoning lot# with more than 100 feet of frontage on a #street# in an R6 District, at least 20 percent of such frontage shall not exceed a maximum base height of 55 feet or five #stories#, whichever is less.
- (b) Paragraph (c)(2) (Maximum #building# height) shall not apply. In lieu thereof, the provisions of this paragraph, (b), shall apply:
 - (1) The maximum #building# height in an R6 District shall be 65 feet or six #stories#, whichever is less, within 100 feet of Commercial Street, West Street, Dupont Street, Franklin Street and Kent Avenue. Beyond 100 feet of such #streets# and any other portions of an R6 District, the maximum #building# height shall be 110 feet. In R8 Districts, the maximum #building# height shall be 190 feet, except that for #zoning lots developed# with multiple #buildings# or portions of #buildings# that exceed a height of 180 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 190 feet, to a maximum #building# height of 290 feet. Such maximum #building# heights of 110 feet, 190 feet and 290 feet may be exceeded by a penthouse portion of a #building#, pursuant to the provisions of paragraph (b)(3) of this Section.
 - (2) For #developments# that provide #affordable housing# pursuant to Section 62-352 (Inclusionary Housing), the increased #floor area# permitted for such #developments# may exceed the height limits of an R8 District set forth in paragraph (b) of this Section, provided that the maximum #building# height shall be 260 feet, except that for #zoning lots developed# with multiple #buildings# or portions of #buildings# that exceed a height of 200 feet, not more than half of such #buildings# or portions of #buildings# may exceed a height of 260 feet to a maximum #building# height of 360 feet. Such maximum #building# heights of 260 feet and 360 feet may be exceeded by a penthouse portion of a

#building#, pursuant to the provisions of paragraph (b) (3) of this Section.

- (3) The maximum #building# height may be exceeded by a penthouse portion of a #building# with a height of not more than 40 feet, only if the gross area of any #story# within such portion has a #lot coverage# of at least 50 percent and not more than 85 percent of the highest #story# that is located entirely below the applicable maximum #building# height. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the penthouse portion, where at least one setback on each face has a depth of at least four feet and a width that, individually or in the aggregate, is equal to at least ten percent of the width of such respective face. For the purposes of paragraphs (b) (1) and (b) (2) of this Section, the penthouse portion shall have four faces, with each face being the side of the rectangle within which the outermost walls of the highest #story# located entirely below the maximum #building# height have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each penthouse portion face. Required setback areas may overlap.

- (c) Paragraph (c) (3) (#Floor area# distribution) shall not apply.
- (d) Paragraph (c) (4) (Maximum #residential# tower size) shall not apply. In lieu thereof, each #residential story# of a #building# located entirely above a height of 85 feet shall not exceed a gross area of 8,100 square feet in an R6 District and 11,000 square feet in an R8 District. However, in R8 Districts, for #buildings# where at least 20 percent of the total #floor area# is comprised of #affordable housing# pursuant to Section 62-352, each #residential story# of such #building# located entirely above a height of 100 feet shall not exceed a gross area of 11,000 square feet. If such #residential story# of a #building# is located partially in an R6 District and partially in an R8 District, it shall not exceed a gross area of 11,000 square feet and any portion located in an R6 District shall not exceed a gross area of 8,100 square feet.
- (e) Paragraph (c) (5) (Maximum width of walls facing #shoreline#) shall not apply. In lieu thereof, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to Kent Avenue, West Street or Commercial Street, whichever is closest, shall not exceed 110 feet. The maximum length of any other side of such rectangle shall not exceed 170 feet, except that for #buildings# where at least 20 percent of the total #floor area# is comprised of #affordable housing#

pursuant to Section 62-352, such maximum length of 170 feet shall apply above a height of 100 feet.

- (f) Paragraph (c)(6) (Ground floor streetscape provisions) shall not apply. In lieu thereof, all off-street parking spaces located within 50 feet of a #street#, a #visual corridor# containing a #private road# and a #shore public walkway#, #upland connection# or #supplemental public access area# and which are located on a #story# that is above the #base plane#, shall be within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #streets#, #visual corridors# or publicly accessible open spaces. Such floor space shall have a minimum depth of 25 feet. Up to five percent of such floor space may be used for mechanical equipment provided that no floor space used for mechanical equipment is located within 15 feet of the #street wall# of the #building# below a height of 15 feet above the #base plane#, and that no exhaust vents are located on the #street wall# of the #building# below a height of 15 feet above the #base plane#. The remainder of such floor space shall be used for #commercial#, #community facility# or #residential floor area#. Seventy percent of the surface area of the facade of a facility containing parking spaces, which are not otherwise required to be behind such #floor area#, shall be composed of the same materials as the facade of the #building# in which it is located.
- (g) Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.
- (h) At least 70 percent of the width of the #street wall# of a #building# or #buildings# fronting on a portion of a #street#, #upland connection# or #visual corridor# that is not adjacent to a #shore public walkway# or #supplemental public access area# shall be located within eight feet of such #street line# and extend to a minimum height of 30 feet.
- (i) In addition to the applicable underlying #street# tree planting requirements, all #extensions# which increase the existing #floor area# by more than 10 percent, shall provide #street# trees in accordance with Section 26-41.

(j) On Parcel 5d, the provisions of paragraphs (c)(1) and (c)(2) shall be modified for public #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, as follows:

- (1) the maximum base height provisions of paragraph (c)(1) shall not apply; and
- (2) the maximum #building# height provisions of paragraph (c)(2) shall be modified to permit a maximum #building# height of 100 feet or six #stories#, whichever is less.

(12/10/13)

62-355

Special yard regulations

On Parcel 5d within Waterfront Access Plan BK-1, the #yard# provisions of Section 24-36 (Minimum Required Rear Yards) shall not apply to public #schools# constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education.

(4/22/09)

62-40

SPECIAL PARKING AND LOADING REGULATIONS

(4/22/09)

62-41

Special Regulations for Accessory Residential Parking Facilities

The applicable district regulations pertaining to permitted or required off-street parking facilities #accessory# to #residential uses# shall apply to all #developments# on #waterfront blocks# except as modified in this Section or in Section 62-45 (Supplementary Regulations for All Parking Facilities).

(2/2/11)

62-411

Accessory residential roof parking

On #waterfront blocks#, parking spaces #accessory# to #residential uses# may be located on the roof of a #building#, or portion thereof, that does not contain #dwelling units# or #rooming units#, provided that:

- (a) the roof level is not higher than 23 feet above the #base plane#;
- (b) the perimeter of the roof is enclosed by a four foot high parapet wall or other enclosure at least 50 percent opaque;
- (c) trees are provided in accordance with Section 62-655 (Planting and trees) at the rate of one tree for each ten parking spaces for parking areas at grade;
- (d) if on the roof of a portion of a #building# containing #dwelling units# or #rooming units#, the sill level of any #dwelling unit# or #rooming unit# windows opening onto such roof area is at least ten feet above the roof and no parking spaces or vehicular aisles are located within ten feet of a wall with #dwelling unit# or #rooming unit# windows; and
- (e) no flood lighting shall be permitted and any lighting shall be directed away from any #residential# windows on the same or an adjacent #zoning lot#.

(2/2/11)

62-412

Accessory residential off-site parking

For #developments# on #waterfront blocks#, the provisions of Sections 25-52 and 36-42 (Off-Site Spaces for Residences) shall be modified so as to permit all permitted or required #accessory# spaces to be located on a separate #zoning lot#, provided that:

- (a) such off-site facility is not located in an R1, R2, R2X, R3A, R3X, R3-1, R4A, R4-1 or R4B District;
- (b) if such off-site facility is located in other R3, R4 or R5 Districts, such off-site facility is contiguous or would be contiguous except for its separation by a #street# or #street# intersection to the #zoning lot# occupied by the #residences# to which the spaces are #accessory#;

- (c) if such off-site facility is located in other than a R3, R4 or R5 District, all parking spaces shall not be further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#;
- (d) in R3, R4 and R5 Districts, such off-site facility shall be an open lot not exceeding 12,000 square feet. In other districts, parking structures shall be permitted and the maximum size of the facility shall be governed by the provisions of Sections 25-12 and 36-12 (Maximum Size of Accessory Group Parking Facilities);
- (e) in #Residence Districts#, no parking spaces are located within a required #front yard# or within four feet of any #lot line#. #Front yards# shall be planted and screening shall be provided along any #lot lines# in accordance with Section 62-655 (Planting and trees);
- (f) in all districts, lighting shall be directed away from adjoining #buildings# containing #residences#. In no event shall flood lighting be permitted for off-site facilities in #Residence Districts#; and
- (g) in all districts, trees shall be provided in accordance with Section 62-655 at the rate of one tree for each ten parking spaces for on-site facilities within a #waterfront block#.

(4/22/09)

62-42

Special Regulations for Accessory Non-Residential Parking Facilities

The applicable district regulations pertaining to permitted or required off-street parking facilities #accessory# to non-#residential uses# shall apply to all #developments# on #waterfront blocks# except as modified in this Section or in Section 62-45.

(2/2/11)

62-421

Accessory non-residential roof parking

On #waterfront blocks#, parking spaces #accessory# to non-#residential uses# may be located on the roof of a #non-residential building# or a non-#residential# portion of a #building# containing #residential use#, provided that they comply with Section 62-411 (Accessory

residential roof parking), paragraphs (a) through (e).

(4/22/09)

62-422

Accessory non-residential off-site parking

For #developments# on #waterfront blocks#, the provisions of Sections 36-43 (Off-Site Spaces for Commercial or Community Facility Uses) and 44-32 (Off-Site Spaces for all Permitted Uses) shall be modified to permit such spaces to be within 1,000 feet of the #zoning lot# to which they are #accessory#.

(4/22/09)

62-43

Parking Requirements for Commercial Docking Facilities

#Accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table below for all #developments# involving the commercial docking facilities listed. For the purposes of this Section, the term #development# shall also include, in the case of an existing docking facility, an increase in any unit of measurement used in computing parking requirements.

In addition, passenger drop-off and pick-up areas shall be provided as set forth in Section 62-462.

#Accessory# off-street parking or drop-off and pick-up area requirements for docking facilities serving ferries or sightseeing, excursion or sport fishing vessels may be modified by City Planning Commission authorization pursuant to the provisions of Section 62-821.

REQUIRED PARKING SPACES FOR DOCKING FACILITIES

Docking Facilities Serving	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**	0.30 x p*

	C1-1 C2-1 C3 C4-1	
Sightseeing, excursion or sport fishing vessels	R6** R7-1** R7A** R7B** R7D** C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M2-1 M2-2 M3-1 R7-2** R7-3** R7X** C1-3 C2-3 C4-3 C7 C8-2 M1-3 R8** R9** C1-4 C2-4 C4-4 C8-3	0.20 x p* 0.15 x p* 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
Passenger ocean vessels	C6** M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	0.15 x p* 1 per 2,000 sq. ft. of #lot area# or 1 per 3 employees, whichever is less None required
Vessels not otherwise listed	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	1 per 2,000 sq. ft. of #lot area# or 1 per 3 employees whichever is less None required

- * For sightseeing, excursion, sport fishing or passenger ocean vessels, "p" is the sum of the maximum capacities of all such vessels using a dock. The maximum capacity of each vessel is its U.S. Coast Guard certified capacity

For ferries, "p" is the total ferry passenger load of a dock on weekdays between the hours of 6:00 a.m. and 9:00 a.m., as determined by the N.Y.C. Department of Transportation

For docks serving both above categories of vessels, the number of parking spaces required shall be the sum of the number of spaces required for each category

- ** By City Planning Commission special permit only for ferries or passenger ocean vessels in districts indicated

(4/22/09)

62-44

Parking and Loading Requirements for Floating Structures

#Accessory# off-street parking spaces and loading berths shall be provided for all #developments# on #floating structures# in accordance with applicable district regulations unless specifically modified by this Chapter.

Where #floor area# is the unit of measurement for a #use#, the #floor area# shall be deemed to be the area of all floors or decks, both open and enclosed, on all levels of the #floating structure#. Floor or deck space occupied permanently and exclusively by mechanical equipment or that is normally inaccessible for human occupancy may be excluded.

Where #lot area# is the unit of measurement for a #use#, the #water coverage# of the #floating structure# shall be deemed to be #lot area#.

(2/2/11)

62-45

Supplementary Regulations for All Parking Facilities

The applicable district regulations for #developments# with #accessory# or public parking facilities are further modified by this Section.

(4/22/09)

62-451

Parking spaces on floating structures

No #accessory# parking spaces shall be located on a #floating structure# except in conjunction with a special permit pursuant to Section 62-833 (Uses on floating structures).

(4/22/09)

62-452

Off-site parking in public parking facilities

Notwithstanding the provisions of Section 12-10 (DEFINITIONS), a #public parking garage# or #public parking lot# may include permitted or required #accessory# off-street parking spaces which are #accessory# to #uses# on a separate #zoning lot#, provided that:

- (a) the #uses# to which they are #accessory# are on a #zoning lot# within a #waterfront block#;
- (b) the entrance to the facility is not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #uses# to which it is #accessory#; and
- (c) the ownership requirement for such #accessory# off-street parking spaces is satisfied by an interest commensurate with the interest of the principal #use#.

Whenever #accessory# parking spaces are provided off-site within a public parking facility, the number of spaces and the #use# to which they are #accessory# shall be recorded on the certificates of occupancy for both the principal #use# and the public parking facility.

(4/22/09)

62-453

Screening requirements for parking facilities on waterfront blocks

- (a) Open parking areas on #waterfront blocks# shall be screened from all adjoining #zoning lots# pursuant to Section 62-655 (Planting and trees), paragraph (a)(7)(iii), or from a #street# or an

#upland connection# pursuant to Section 37-921 (Perimeter landscaping). Screening may be interrupted only by vehicular or pedestrian entrances.

- (b) All parking garages that occupy the ground floor frontage along any #street# or #upland connection# shall be screened in accordance with the planting requirements of Section 62-655.
- (c) For parking garages on #piers#, at least 50 percent of the perimeter wall area on all sides fronting on public access areas, up to a height of 15 feet, shall consist of clear or lightly-tinted transparent material or latticework.
- (d) The screening requirements shall not apply to #accessory# parking for WD #uses# or other #uses# in Use Groups 16, 17 or 18, when located in C8 or #Manufacturing Districts#, except as set forth in the applicable district regulations.

(10/9/13)

62-454

Off-street parking in large-scale general developments in Community District 1 in Queens

For #large-scale general developments# within the Halletts Point Peninsula in Community District 1, in the Borough of Queens, #floor area# shall not include floor space used for off-street parking spaces provided in any #story# located not more than 33 feet above the #base plane#, provided that where such facilities front upon #streets# and #waterfront public access areas#, such spaces are within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #street# or #waterfront public access areas#. Such floor space shall have a minimum depth of 18 feet.

(4/22/09)

62-46

Supplementary Regulations for Loading Facilities

The applicable district regulations pertaining to permitted or required #accessory# off-street loading facilities shall apply to all #developments#, except as modified in this Section.

(4/22/09)

62-461

Screening requirements for loading facilities on waterfront blocks

All open off-street loading berths on #waterfront blocks# shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street# and from all public access areas on the #zoning lot# pursuant to Section 62-655 (Planting and trees). Screening may be interrupted only by vehicular or pedestrian entrances.

The screening requirement shall not apply to #accessory# loading berths for WD #uses# or other #uses# in Use Groups 16, 17 or 18, when located in C8 or #Manufacturing Districts#, except as set forth in the applicable district regulations.

(2/2/11)

62-462

Passenger drop-off and pick-up areas for docking facilities

All #developments# providing new docking facilities serving ferries, sightseeing, excursion, sport fishing or passenger ocean vessels, shall provide an area for the drop-off and pick-up of passengers by car, taxi, van and bus as shown in the table in this Section. Such area shall be located on the #zoning lot# or on another #zoning lot# in the same or an adjoining #Commercial# or #Manufacturing District#, which is contiguous to the #zoning lot# occupied by the docking facility, or would be contiguous except for its separation by a #street# or #street# intersection.

Such area shall be accessed by a one-way driveway at least 15 feet wide with separate entranceways and exits located at least 50 feet apart on the same #street# or located on separate #streets#, provided that no entrance or exit is less than 50 feet from a #street# intersection.

Such area, which may include the driveway on the #zoning lot#, shall be large enough to accommodate the number of vehicles required by the following table, based on a dimensional allowance of 10 feet by 20 feet for cars, taxis and vans and 12 feet by 50 feet for buses.

The Commissioners of Buildings or Business Services, as applicable, may accept an equivalent lay-by area on a portion of a #street# adjoining the #zoning lot#, if such #street# treatment and drop-off area is approved by the Department of Transportation.

REQUIRED DROP-OFF AND PICK-UP SPACES FOR VARIOUS DOCKING
FACILITIES

Docks Serving	Maximum Vessel Capacity*	Number of Car Spaces**	Number of Bus Spaces
Ferries	100 or more	1 for each 50 passengers over 100; maximum requirement 10	None Required
Sightseeing, excursion, or sport fishing vessels	Up to 200 Over 200	None Required 1 for each 50 passengers over 200; maximum requirement 15	None Required 1 for each 50 passengers over 200; maximum requirement 2
Any #commercial# vessels	Over 2,500	20	3

* Capacity of the largest vessel using a dock. Capacity of a vessel is its U.S. Coast Guard certified capacity. For ferries, the N.Y.C. Department of Transportation operating permit capacity may be used as the vessel capacity

** Includes cars, taxis and vans

(4/22/09)

62-47

Special Parking and Loading Regulations for Waterfront Access Plan BK-1

Within Waterfront Access Plan BK-1, the special parking and loading regulations of this Section are further modified as follows:

- (a) The provisions of Sections 62-411 and 62-421 shall not be applicable.
- (b) #Accessory# off-street parking spaces for #uses# permitted pursuant to Section 62-29 shall be provided in conformity with

the regulations of Sections 36-21, 36-22 and 36-232 for C2-4 Districts.

- (c) Any required #accessory# off-street parking spaces provided for #uses# located on a parcel identified in Waterfront Access Plan BK-1 may be located anywhere within such parcel.

(2/2/11)

62-50

GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS

All #zoning lots developed# within #waterfront blocks# shall be subject to the provisions of this Section and Section 62-81 (Certifications by the Chairperson of the City Planning Commission).

For the purpose of determining requirements for #waterfront public access areas#, the #lot area# of #waterfront zoning lots# shall be deemed to be the area of the #upland lot# and #water coverage# of structurally sound #piers# and #platforms# within the #seaward lot#.

All #waterfront public access areas#, including those required pursuant to paragraph (b) of Section 62-52 (Applicability of Waterfront Public Access Area Requirements), shall comply with the provisions of 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), except as modified by:

- (a) authorization of the City Planning Commission, pursuant to Section 62-822 (Modification of waterfront public access area and visual corridor requirements);
- (b) special permit of the City Planning Commission, pursuant to Sections 62-833 (Uses on floating structures), 62-834 (Developments on piers and platforms) or 74-79 (Transfer of Development Rights from Landmark Sites); or
- (c) the establishment of a Waterfront Access Plan, pursuant to Section 62-90.

However, the design of portions of #waterfront public access areas# located within New York State-designated wetlands or their adjacent regulated areas, shall be in accordance with an approval from the New York State Department of Environmental Conservation.

In the event of a conflict between the provisions of this Section and a Waterfront Access Plan, the Plan shall control.

(2/2/11)

62-51

Applicability of Visual Corridor Requirements

#Visual corridors# shall be provided for #zoning lots developed# within #waterfront blocks# in accordance with the provisions of this Section.

However, the following shall be exempt from the provisions of this Section:

airports, heliports and seaplane bases

#developments# in C8 or #Manufacturing Districts# comprised #predominantly# of #uses# in Use Groups 16, 17 or 18, except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels

#developments# in R1 or R2 Districts

#developments# comprised of #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# on #zoning lots# less than 10,000 square feet in any district

#extensions#

changes of #use# within existing #buildings or other structures#.

In the event the #visual corridor# requirement imposed on the #zoning lot# exceeds 50 percent of the #lot width# or there is no way to provide a #visual corridor# in compliance with Section 62-511, no #visual corridors# shall be required.

(4/22/09)

62-511

Location of visual corridors

#Visual corridors# shall be provided through the #zoning lot# using the following methodology:

- (a) the #street lines# of a #street# shown on the City Map which extend seaward of the first upland #street# bounding a #waterfront block# and terminate at a #waterfront block# shall be prolonged as a #visual corridor# through all intervening #zoning

lots# to the water if the prolonged #street# would intersect the #shoreline# at an angle of 45 degrees or more and there are no existing obstructions blocking 50 percent or more of the width of the #visual corridor# that would result;

- (b) a #visual corridor# designated in a Waterfront Access Plan that traverses the #zoning lot# shall be maintained through the #zoning lot# in accordance with the provisions of such plan; and
- (c) the #street lines# of a #street# shown on the City Map which terminate at the first upland #street# bounding a #waterfront block#, and which #street# would, if prolonged, traverse the #zoning lot# and intersect the #shoreline# at an angle of 45 degrees or more without traversing an intervening #zoning lot#, shall be prolonged as a #visual corridor# if there are no existing obstructions blocking 50 percent or more of the width of the #visual corridor# that would result.

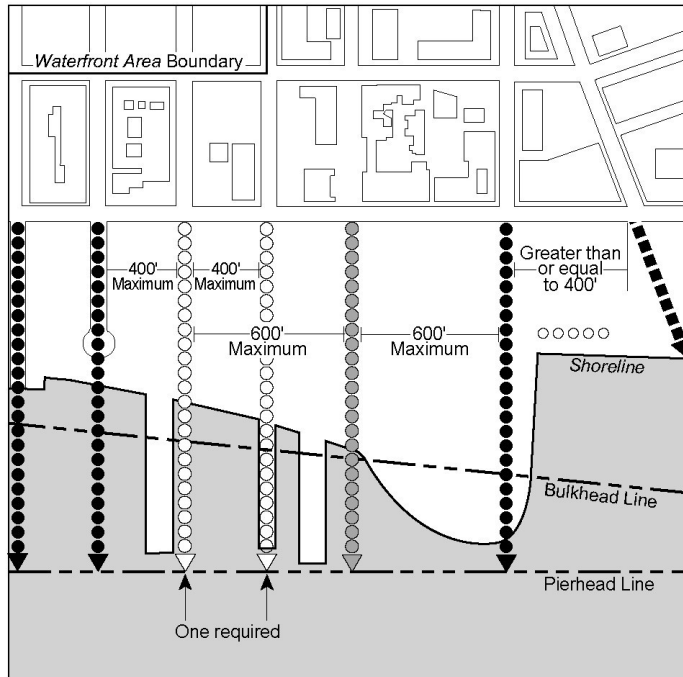
Such #visual corridor# pursuant to paragraph (c) of this Section shall not be required if any of the following conditions exist within 400 feet, as measured along the #street line# of the first upland #street# bounding the #waterfront block#, and its elimination does not result in a condition whereby #visual corridors# through the #zoning lot# or to either side of the #zoning lot# are more than 600 feet apart:

- (1) there is an existing mapped #street# extending to the water that intersects the #shoreline# at an angle of 45 degrees or more;
- (2) there is a required #visual corridor# pursuant to paragraph (a) of this Section;
- (3) there is an existing designated #visual corridor# either previously recorded by another property owner or mandated in a Waterfront Access Plan; or
- (4) the property owner is presently designating another #visual corridor# through the #zoning lot# pursuant to paragraph (c) of this Section which is equal to or greater in width than the #visual corridor# that would be eliminated.

For the purposes of paragraphs (a) and (c) of this Section, the angle of intersection of a #street# with the #shoreline# shall be determined from the intersection of the centerline of the #street#, or its prolongation, with the #shoreline#. The line connecting the two points of intersection of the #street lines#, or their prolongation, with the #shoreline# shall be deemed to be the #shoreline# (see illustration of Visual Corridor).

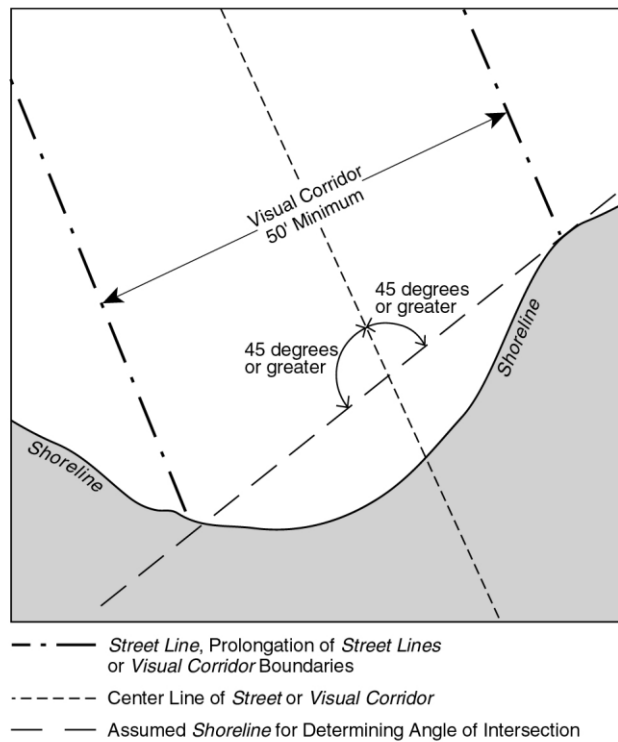
No existing #street#, or its prolongation, shall be considered presently blocked due to the presence of elevated roadways, elevated railways, or pedestrian or vehicular bridges existing on October 25, 1993.

In the event the methodology of this Section results in a condition whereby #visual corridors# through the #zoning lot# or to either side of the #zoning lot# are more than 600 feet apart, as measured along the #street line# of the first upland #street# bounding the #waterfront block#, additional #visual corridors# shall be provided at locations that would maintain a maximum spacing of 600 feet without traversing an intervening #zoning lot#. Such spacing may be increased only where an intervening #zoning lot# or an existing #building or other structure# on the #zoning lot# prevents compliance and only to the minimum dimension necessary to clear the intervening #zoning lot# or existing #building or other structure#. However, no #visual corridor# shall be required where such increased spacing would place it within 200 feet of another #visual corridor#. In order to determine the location of the nearest #visual corridors#, the methodology of paragraphs (a), (b) and (c) of this Section shall be applied to the adjoining portions of the #block# frontage to either side of the #zoning lot#.



- ▶ Designated *Visual Corridor* or Mapped *Street* Seaward of the First Upland *Street* (Mandatory Location for Visual Corridor)
- ▶ Mapped *Street* Terminating at First Upland *Street* (Alternative Location for *Visual Corridors* Mandatory at Maximum Intervals of 400 Feet)
- ▶ No Upland *Street* (*Visual Corridor* Mandatory at Maximum Intervals of 600 Feet)
- ▶ Mapped *Street* Terminating at First Upland *Street* (Distance Greater than or Equal to 400 Feet: Mandatory Location)

VISUAL CORRIDOR LOCATIONS (62-511.1)



VISUAL CORRIDOR
(ANGLE OF SHORELINE INTERSECTION)
(62-511.2)

(4/22/09)

62-512

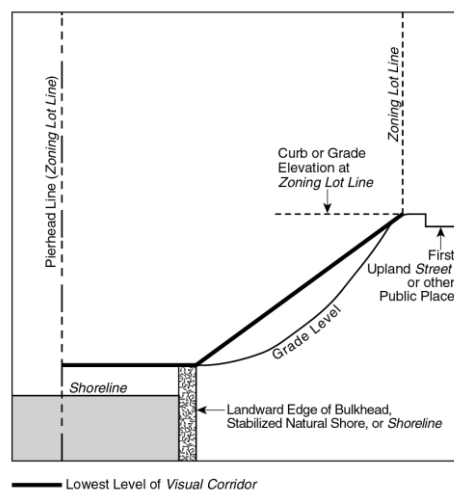
Dimensions of visual corridors

The width of a #visual corridor# shall be determined by the width of the #street# of which it is the prolongation but in no event less than 50 feet. #Visual corridors# that are not the prolongations of #streets# shall be at least 50 feet wide. For the purposes of establishing the width, vehicular turnarounds at the terminations of such #streets#, including curved or flanged treatments at intersections, shall be omitted.

The lowest level of a #visual corridor# shall be determined by establishing a plane connecting the two points along the #street lines# from which the #visual corridor# emanates at curb elevation with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead or the #base plane# of

a #pier# or #platform#, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. #Visual corridors# that are not prolongations of mapped #streets# shall be determined by establishing a plane connecting the curb elevation at the two points along the #lot line# from which the #visual corridor# emanates with the two points of intersection at the #shoreline#, stabilized natural shore, bulkhead or the #base plane# of a #pier# or #platform#, whichever intersection occurs first.

No obstructions are permitted within a #visual corridor#, except as set forth in Sections 62-513 and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, when a #visual corridor# coincides with an #upland connection#.



LEVEL OF VISUAL CORRIDOR
(62-512)

(2/2/11)

62-513

Permitted obstructions in visual corridors

No #building or other structure# shall be erected within the width of a #visual corridor# above its lowest level, as established pursuant to Section 62-512 (Dimensions of visual corridors), except as provided in this Section. Permitted obstructions within #visual corridors# in all districts shall include:

- (a) permitted obstructions listed in 62-611, provided that no shade trees shall be planted within 15 feet of the centerline of a #visual corridor#, except when provided within an open parking lot;

- (b) permitted obstructions listed in 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), as modified for #waterfront yards# in Section 62-332;
- (c) boats, ships or other vessels, and #floating structures# permitted by paragraph (a) of Section 62-25;
- (d) any moving or parked vehicles;
- (e) street furniture, including but not limited to, carts and open display booths; and
- (f) swimming pools, provided no portion projects more than 18 inches above the lowest level of a #visual corridor#.

(3/26/14)

62-52

Applicability of Waterfront Public Access Area Requirements

Waterfront public access shall be provided for all #waterfront zoning lots# with a #lot area# of at least 10,000 square feet and a #shoreline# of at least 100 feet that are #developed#, and for all #developments# on #floating structures#, in accordance with the provisions of the following Sections:

Section 62-53 Requirements for Shore Public Walkways

Section 62-54 Requirements for Public Access on Piers

Section 62-55 Requirements for Public Access on Floating Structures

Section 62-56 Requirements for Upland Connections

Section 62-57 Requirements for Supplemental Public Access Areas.

However, #zoning lots# with #developments# listed in paragraph (a) of this Section shall be exempted from #waterfront public access area# requirements; #zoning lots# with #developments# listed in paragraph (b) of this Section shall provide a #waterfront public access area# only as referenced therein.

- (a) The following shall be exempted from #waterfront public access area# requirements:

airports, heliports, seaplane bases;

#developments# comprised of #predominantly# WD #uses#, except as set forth in paragraph (b)(1) of this Section;

#developments# in C8 or #Manufacturing Districts#, comprised of #predominantly# Use Group 16, 17 or 18 #uses#, as listed in Article III, Chapter 2, and Article IV, Chapter 2, except as set forth in paragraph (b)(2) of this Section;

#developments# in R1 or R2 Districts;

#developments# comprised of #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings# in any district;

#developments# in R3, R4, R5, C3 or C4-1 Districts and in C1 or C2 Districts mapped within R1 through R5 Districts, comprised of #predominantly residential uses#;

#enlargements# which in the aggregate involve an increase in #floor area# (or for open #uses#, #lot area#) of less than 50 percent of the amount existing on the #zoning lot# on October 25, 1993, and not more than 20,000 square feet;

#extensions# which in the aggregate involve an increase in the amount of #floor area# occupied by such existing #uses# of less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

changes of #use#, from exempt #uses#, as listed in this Section, to non-exempt #uses#, where the aggregate amount of #floor area# or #lot area# involved is less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 square feet;

(b) #Waterfront public access areas# required in conjunction with the following #developments# shall be subject to the minimum #waterfront public access area# set forth in the table in Section 62-57 and the requirements of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments):

- (1) #developments# comprised #predominantly# of the following WD #uses#: docks for non-commercial pleasure boats, ferries, sightseeing, excursion or sport fishing vessels, #boatels# or commercial beaches;
- (2) #developments# on #piers# or #platforms# that involve existing #buildings or other structures# that are either New York City-designated landmarks or have been calendared for

consideration, or are listed or eligible to be listed in the National or New York State Registers of Historic Places; or

- (3) changes of #use# or #extensions# within #buildings# existing on October 25, 1993, which involve, in aggregate, an amount of #floor area# that is less than 30 percent of the maximum #floor area# permitted on the #zoning lot# for either #commercial# or #residential use#, whichever is greater.

In Community District 1 in the Borough of Brooklyn, on #zoning lots# with #developments# comprised exclusively of docks for ferries with a vessel capacity of up to 399 passengers, and #accessory# amenities for such docking facilities, such #zoning lots# shall be exempt from the #waterfront public access area# requirements of this Section, provided that such docking facilities are certified by the Chairperson of the City Planning Commission, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas). However, for any subsequent #development# on such #zoning lot# that is not comprised exclusively of docks for ferries, the public access requirements of this Section shall apply, and any public access exemptions for such docks for ferries shall no longer apply.

(2/2/11)

62-53

Requirements for Shore Public Walkways

- (a) All #waterfront zoning lots# meeting the criteria set forth in Section 62-52 (Applicability of Waterfront Public Access Area Requirements), or #floating structures#, shall provide a #shore public walkway#, which shall comply with the following requirements:
 - (1) Such #shore public walkway# shall have a seaward edge contiguous with the seaward edge of the #waterfront yard# as established in Section 62-332 (Rear yards and waterfront yards) with a minimum width measured from such edge as set forth in paragraph (a)(2) of this Section, or for #floating structures#, as set forth in Section 62-55, unless relocation or modification of width is permitted pursuant to this Section;
 - (2) Such #shore public walkway# shall have a minimum width of 30 feet for #zoning lots developed# with #predominantly community facility# or #commercial uses# in R3, R4, R5 and C3 Districts, and such #uses# in C1 and C2 Districts mapped within R1 through R5 Districts. The minimum width for a

#shore public walkway# provided for a #zoning lot developed# with any #use# in all other districts, other than R1 and R2 Districts, shall be 40 feet.

(3) The minimum width of the #shore public walkway# set forth in paragraph (a)(2) of this Section may be reduced at the following locations provided no #shore public walkway# is reduced to less than 10 feet:

(i) on shallow portions of #zoning lots# that are less than 150 feet in depth, the minimum width of a #shore public walkway# may be reduced by one foot for every two feet that the lot dimension, measured from such edge, is less than 150 feet;

(ii) on narrow portions of #platforms# that are less than 150 feet in depth between the water edges located perpendicular to the landward edge of such #platform#, the minimum width of such #shore public walkway# along each opposite edge may be reduced by one foot for every two feet that the #platform# dimension is less than 150 feet.

(b) In the case of a natural #shoreline# within New York State-designated wetlands, the #shore public walkway# shall be permitted to be relocated using either of the following methods:

(1) further landward within the designated wetlands or its adjacent regulated area in accordance with an approval from the New York State Department of Environmental Conservation, in which case its width and design shall be determined by such agency; or

(2) immediately adjacent and contiguous to the landward boundary of the wetlands area and any State-regulated adjacent area at the same elevation, in which case its width shall be measured from the seaward edge, as relocated.

(c) #Shore public walkways# shall be accessible from a public sidewalk within a #street#, #public park# or other accessible open public place, according to the provisions of Section 62-56 (Requirements for Upland Connections). #Shore public walkways# shall connect with #shore public walkways# on adjoining #zoning lots#.

(d) Whenever a #zoning lot# is divided by a boundary between districts, each portion of the #shore public walkway# shall be governed by the width requirement specified for the district in which it is located. However, the total area of required #shore public walkway#, in square feet, may be distributed anywhere in

the #waterfront yard#, provided that the #shore public walkway# is at no point narrower than the lesser of the widths required by each district.

(2/2/11)

62-54

Requirements for Public Access on Piers

- (a) All #developments# on #zoning lots# containing #piers# shall provide #waterfront public access areas# that meet the provisions of this Section.

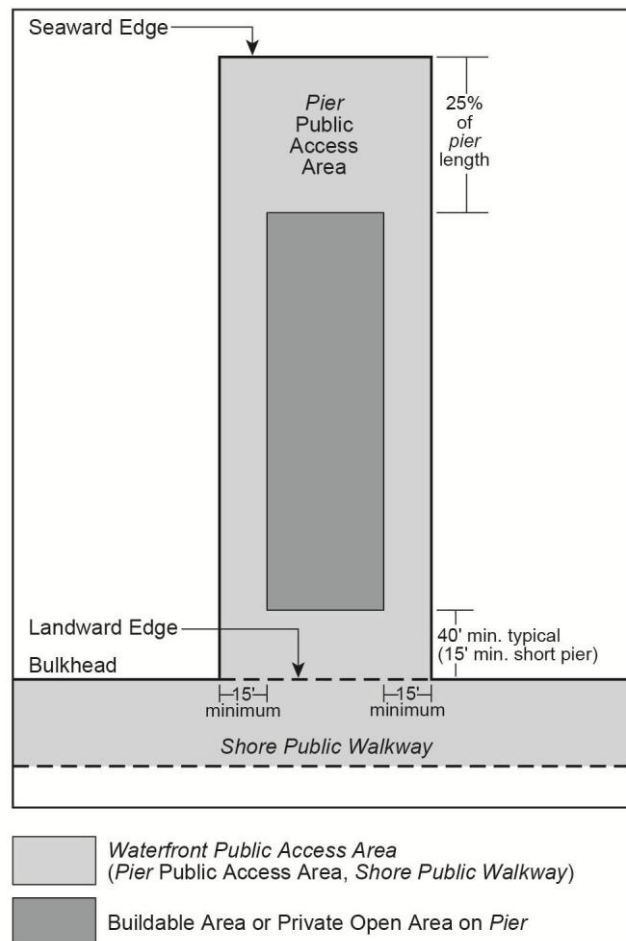
#Waterfront public access areas# on #piers# shall consist of:

- (1) an area along the seaward edge of the #pier# having a depth measured from such seaward edge equal to at least 25 percent of the overall length of the #pier#. Portions of #buildings# may project into the required #waterfront public access area#, provided that the aggregate width of all such projections at the level of any #story# does not exceed 50 percent of the aggregate width of the #building#. For the purposes of this paragraph, #abutting buildings# on a single #zoning lot# shall be considered a single #building#. The depth of the required #waterfront public access area# may be reduced by no more than 20 percent; such projections shall not be included in the computation of #waterfront public access area# provided on the #pier#. In no event shall the depth of the public access area be less than 15 feet;
- (2) an area along the landward portion of the #pier#, having a depth of 40 feet, measured seaward from the bulkhead, stabilized or natural #shoreline#, or #platform# edge from which the #pier# projects. The depth of such area, however, need not exceed 25 percent of the length of the #pier#. In no event shall the depth of such area be reduced to less than 15 feet; or
- (3) an area along all other water edges of the #pier#, having a depth of 15 feet measured from such edges. For portions of #piers# wider than 80 feet, the depth along the edges of such portion shall be increased by three inches for each additional foot of #pier# width over 80 feet, but need not exceed a total of 60 feet, in aggregate, for all other edges. Such areas along water edges which are directly opposite each other may be aggregated so that the entire area is along one edge. Alternatively, the required area may also be allocated to such opposite edges so that the total

aggregate depth is maintained with a minimum 15 foot depth along any edge.

- (b) Notwithstanding the requirements of paragraph (a) of this Section, when a #pier# is #developed predominantly# with a playground or private park, the #waterfront public access area# requirement on the #pier#, pursuant to Sections 62-52 and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed to be satisfied by such #use#.

#Pier# public access areas shall be directly accessible from a #waterfront public access area#, public sidewalk within an open #street#, #public park# or other accessible public place, or other public access area. For #piers developed predominantly# with a playground or private park, the minimum width of such connection shall be equal to at least 50 percent of the width of a #pier# where it projects from the bulkhead, stabilized or natural #shoreline#, or #platform# edge.



PUBLIC ACCESS REQUIREMENTS ON PIERS
(62-54)

(4/22/09)

62-55

Requirements for Public Access on Floating Structures

All #developments# on #floating structures# permitted as-of-right, pursuant to Section 62-25, shall provide #waterfront public access areas# in accordance with the provisions of this Section.

#Developments# subject to a special permit pursuant to Section 62-833 shall provide public access in accordance with a plan established pursuant to such special permit.

- (a) Public access in conjunction with a #development# on a #floating structure# shall consist of a 30 foot wide #shore public walkway# along the entire length of the #shoreline#, including the water edge perimeter of a #platform# projecting from any portion of the #shoreline# in accordance with the provisions of Section 62-53. In the event that there is additional #development# on the #zoning lot# requiring a 40 foot width, the greater width shall be provided.
- (b) When the primary entrance to a #floating structure# is located on a #pier#, and there is no other #development# on the #pier# that would require #pier# public access, a 15 foot wide public access area shall be provided in addition to the #shore public walkway#, along the full length of one of the longer water edges of the #pier#. Such public access area shall be directly connected to the #shore public walkway#.

(4/22/09)

62-56

Requirements for Upland Connections

All #waterfront public access areas# provided pursuant to Sections 62-53 (Requirements for Shore Public Walkways), 62-54 (Requirements for Public Access on Piers) or 62-55 (Requirements for Public Access on Floating Structures) shall be accessible from an open #street#, #public park# or other public place at intervals along the #shore public walkway# not to exceed 600 feet by means of either a direct connection or, where no direct connection exists, an #upland connection# between the #shore public walkway# and an adjoining public sidewalk within an open #street#, #public park# or other public place.

Where there is an intervening #zoning lot# that would prevent

compliance with the maximum interval, such interval may be increased to the minimum necessary to clear the intervening #zoning lot#. In the event there is no way to provide the #upland connection# without encroaching on an intervening #zoning lot#, the #upland connection# shall not be required.

(4/22/09)

62-561

Types of upland connections

#Upland connections# shall be provided as a single pedestrian walkway pursuant to paragraph (a) of this Section or as two pedestrian walkways pursuant to paragraph (b) of this Section.

(a) Single pedestrian walkway (Type 1)

- (1) The minimum width of an #upland connection# provided in the form of a single pedestrian walkway (hereinafter referred to as "Type 1") shall be as set forth in the table in this Section. Such widths shall be increased by 20 feet within 15 feet of a #street#, #public park# or other public place, hereinafter referred to as an "entry area".

Such widths may be reduced on #zoning lots# having a #lot width# less than 150 feet; the minimum width of a single pedestrian walkway may be reduced by an amount equal to one foot for each two feet that the lot is less than 150 feet. However, in no event shall the width be less than the reduced minimum width specified in the table.

MINIMUM WIDTH FOR TYPE 1 UPLAND CONNECTIONS

Districts	Minimum width (in feet)	Reduced minimum width(in feet)
R3 R4 R5 C1 C2 mapped in R1-R5 C3	20	12
R6 R7 R8 R9 R10 C1 C2 C4 C5 C6 C7 C8 M1 M2 M3	30	16

- (2) Where an #upland connection# does not coincide with a #visual corridor#, a 20 foot wide open area shall be required seaward of the entry area, and shall extend along the entire remaining length of the #upland connection# but

need not be publicly accessible. This open area may be located on either side of the #upland connection# or aggregated in any combination, so that the total width of the open area, at any point along the #upland connection#, is 20 feet. Such increased widths may be modified in accordance with the reduced minimum width provisions in paragraph (a)(1) of this Section.

- (3) Where an #upland connection# traverses portions of a #zoning lot# located in districts in which different width requirements apply, the width of the #upland connection# shall be computed as the weighted average based on the length of the #upland connection# in each district.

(b) Two pedestrian walkways (Type 2)

- (1) The minimum width of an #upland connection# provided in the form of two pedestrian walkways, one on each side of the roadbed of a private driveway (hereinafter referred to as "Type 2"), shall be 13 feet for each such walkway. However, where a private driveway terminates in a vehicular turnaround, the minimum width of the #upland connection# abutting such turnaround shall be ten feet.
- (2) In addition, a "transition area" shall be provided which shall have a width equal to the combined width of the Type 2 #upland connection# and the roadbed, and shall extend for a distance of 40 feet measured from the termination of such roadbed in the direction of the #shore public walkway#, as shown in Illustrations 1 and 2 in this Section, for roadbeds that turn and roadbeds that terminate in a turnaround, respectively.

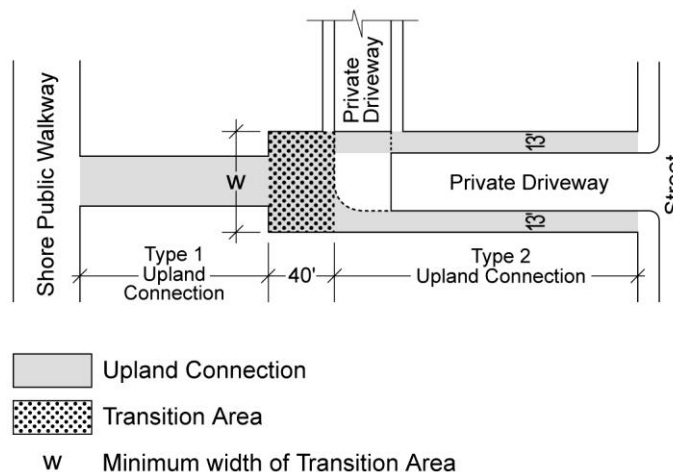


Illustration 1
Upland Connection with Roadbed Turn
(62-561b2.1)

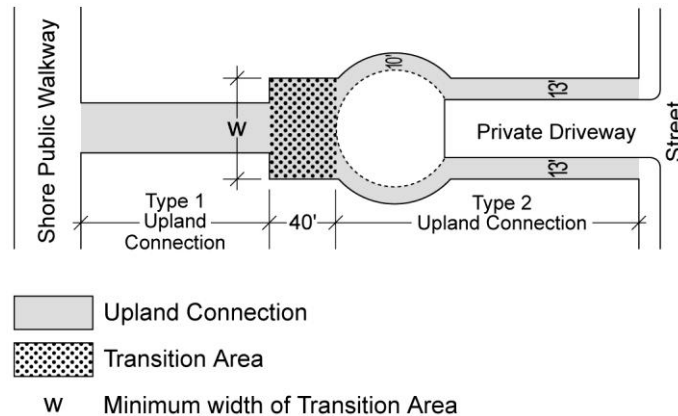


Illustration 2
Upland Connection with Vehicular Turnaround
(62-561b2.2)

- (3) Such transition area is not required for roadbeds that turn and are located within 15 feet of a #shore public walkway#, or for #waterfront zoning lots# that are less than 255 feet in depth and 260 feet in width. However, for #waterfront zoning lots# that are less than 255 feet in depth and 260 feet in width, an area of at least 10 feet in width shall be provided between the edge of the roadbed and the upland boundary of the #shore public walkway#, as shown in illustration 3.

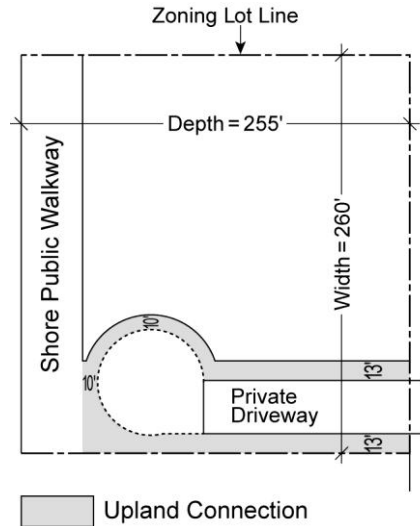


Illustration 3
Maximum Zoning Lot Dimensions to Waive Transition Area
(62-561b3)

(4/22/09)

62-57

Requirements for Supplemental Public Access Areas

- (a) If the aggregate area of the required #shore public walkways#, #upland connections#, public access areas on #piers#, and public access areas in conjunction with #floating structures# on the #zoning lot#, is less by 750 square feet or more than the amount of #waterfront public access area# required by the table in this Section, then #supplemental public access areas# shall be provided in order to meet the total amount of #waterfront public access area# required by the table. However, when a #zoning lot# is #developed predominantly# as a playground or publicly accessible private park, the requirements of this Section shall be deemed to be satisfied by such #use#.
- (b) Where #supplemental public access areas# are required within New York State-designated wetlands or adjacent State-regulated areas, the area requirements and the design standards for such #supplemental public access areas# may be reduced or modified by the New York State Department of Environmental Conservation.

#Supplemental public access areas# shall not be required where the total area of such designated wetlands and adjacent State-regulated areas on the #zoning lot# is equal to or greater than

the total #supplemental public access area# requirement and the Department of Environmental Conservation determines that public access to such areas is not permitted.

- (c) Whenever a #zoning lot# is divided by a boundary between districts in which different thresholds apply pursuant to the table in this Section, the #waterfront public access area# requirement shall be met for the entire #zoning lot#, provided that:
- (1) the #lot area# or length of #shoreline# in either district is less than the minimum threshold for which there is a total #waterfront public access area# requirement; and
 - (2) the total #lot area# or length of #shoreline# for the entire #zoning lot# is greater than the lowest threshold in either district for which there is a total #waterfront public access area# requirement.

Each portion of the #zoning lot# shall generate a total #waterfront public access area# requirement based on the percentage required in the table for the district in which it is located.

WATERFRONT PUBLIC ACCESS AREA REQUIREMENTS

Districts	#Zoning Lot# Threshold	Total #Waterfront Public Access Area# Requirement as a Percentage of #Lot Area#
R3, R4, R5, C1 or C2 in R1-R5 C3, C4-1	#Lot area#: 65,340 sq. ft. #Shoreline# length: 600 ft.	15
R6, R7-1, R7-2, R7A, R7B, R7D, R8B and #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#	#Lot area#: 20,000 sq. ft. #Shoreline# length: 100 ft.	15


```
All other
#Commercial# or
#Manufacturing
Districts# with a
permitted
#commercial# FAR of
4.0 or less
```

Other R7, R8, R9, R10 #Lot area#: 20
Districts and 20,000 sq. ft.
#Commercial
Districts# governed
by the #bulk# #Shoreline#
regulations of such length: 100 ft.
#Residence Districts#

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

A #supplemental public access area# shall also be subject to the provisions of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

(4/22/09)

62-571

Location and area requirements for supplemental public access areas

#Supplemental public access areas# shall adjoin a #shore public walkway# in accordance with the requirements of this Section, except as modified by paragraphs (a) and (b) of Section 62-57, and the provisions of this Section:

- (a) The minimum area of the #supplemental public access area#:
 - (1) when located at the intersection of a #shore public walkway# and an #upland connection# or #street#, shall be 750 square feet, have a minimum width to depth ratio of 1:1 and a maximum width to depth ratio of 3:1. The longest side shall adjoin the #shore public walkway#; or
 - (2) when located adjoining a #shore public walkway# without adjoining an #upland connection# or #street#, shall be 1,875

square feet and have a minimum width to depth ratio of 3:1. The minimum depth perpendicular to the #shore public walkway#, as a weighted average, shall be 25 feet.

The width to depth requirements of paragraphs (a)(1) and (a)(2) of this Section may be satisfied with weighted average dimensions. The minimum angle between the two boundary lines of a #supplemental public access area# coinciding with the private portion of the #zoning lot# shall be 90 degrees.

(b) A #supplemental public access area# may be provided:

- (1) to widen the #shore public walkway#, with a minimum width of 10 feet running continuously along the #shore public walkway# between any two of the following: an #upland connection#, open #street#, #public park# or other public place;
- (2) as a pedestrian sidewalk area abutting a roadbed running along the #shoreline#, provided such sidewalk has a minimum width of 13 feet and complies with the provisions for a Type 2 #upland connection# pursuant to Section 62-64. Any additional #supplemental public access area# shall comply with the requirements of this Section; or
- (3) as a dedicated bicycle path if such path connects at each end to an open #street#. The minimum width of a bicycle path shall be 10 feet, with an additional two foot clearance on each side along the entire length of the path. There shall be a planted area between a bicycle path and a paved area for pedestrian use, pursuant to the requirements of paragraph (c) of Section 62-62.

(2/2/11)

62-58

Requirements for Water-Dependent Uses and Other Developments

#Waterfront zoning lots# that are #developed# with #uses# listed in paragraph (b) of Section 62-52 (Applicability of Waterfront Public Access Area Requirements) shall provide a minimum amount of #waterfront public access area# in accordance with the table in Section 62-57 (Requirements for Supplemental Public Access Areas).

The total #waterfront public access area# requirement in such table shall be provided in any manner that will enable the public to access a waterfront viewing area on the #zoning lot# from a public sidewalk within a #street#, #public park# or other public place. Such viewing

area shall provide an unobstructed view of the water and comprise at least 50 percent of the total #waterfront public access area# required on the #zoning lot#. One linear foot of seating shall be provided for every 100 square feet of viewing area.

#Waterfront public access areas# improved in accordance with this Section shall comply with the provisions of Sections 62-61 (General Provisions Applying to Waterfront Public Access Areas) and 62-65 (Public Access Design Reference Standards).

For #developments# listed in paragraph (b)(1) of Section 62-52, on #zoning lots# containing a public access area established prior to October 25, 1993, by restrictive declaration, lease agreement, maintenance and operation agreement, or other agreement with a public entity, which public access area is required to be provided for the life of the #development#, subject to such agreement, the requirements for the #waterfront public access area# shall have been met if the established public access area is substantially in compliance with the provisions of this Section.

(4/22/09)

62-59

Special Regulations for Zoning Lots that Include Parks

- (a) In M2 and M3 Districts pursuant to Section 62-27 (Special Use Regulations for Playgrounds or Private Parks), where a #zoning lot# or adjoining #zoning lots# are #predominantly developed# as a park, the requirements of Sections 62-50, inclusive, and 62-60, inclusive, shall be deemed satisfied for that portion of the #zoning lots# occupied by such park #use#, provided that:
- (1) such park is comprised of a minimum of nine acres of land above water and the #water coverage# of #piers# or #platforms#, located on the #zoning lot# or the #zoning lot# and adjoining #zoning lots#, having at least 600 feet of #shoreline#;
 - (2) such park provides a continuous paved walkway along the entire portion of the #zoning lots# occupied by such #use# with a minimum clear width of no less than 12 feet, within 40 feet of the #shoreline# for at least 75 percent of those portions of the park that abut the #shoreline#;
 - (3) such walkway connects with all other #shore public walkways# on the #zoning lot# and adjoining #zoning lots# and any adjoining public sidewalks or other pedestrian areas within

#pier# public access areas, a public #street#, #public park#, other public place or park;

- (4) such walkway shall be open and accessible from #pier# public access areas, a public #street#, park or other public place at intervals over the length of the park, not exceeding 1,000 feet with an average of 600 feet, by a continuous paved walkway with a minimum clear width of not less than 10 feet;
- (5) such park is open and accessible to the public from dawn to dusk, except when hazardous conditions are present that would affect public safety;
- (6) a maintenance and operation agreement providing for the maintenance and operation of the park in good condition is entered into with the Department of Parks and Recreation (DPR), except that no such maintenance and operation agreement shall be required for a park developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such a park; and
- (7) #visual corridors# shall be provided in accordance with Section 62-51 (Applicability of Visual Corridor Requirements).

Any maintenance and operation agreement required pursuant to paragraph (a) (6) of this Section shall include a requirement that prior to obtaining any building permit or opening any portion of the park to the public, the property owner or operator of the park shall post with DPR security in the form of a maintenance bond, letter of credit or other security acceptable to DPR, in an amount certified by a registered architect or landscape architect to be sufficient to cover 125 percent of the cost of maintaining the park for a 12 month period following its final completion, and that such security shall be replaced every five years with new security in an amount sufficient to cover 125 percent of the then current annual cost of maintaining the park, as certified by a registered architect or landscape architect, for the life of the park. Any maintenance and operation agreement shall be attached to or included within a duly recorded, signed declaration of restrictions, indexed against the #zoning lot#, binding the owners and any lessees, tenants, successors and assigns to maintain and operate the park in conformance with this Section and with the maintenance and operation agreement for the life of the park. The filing of such declaration, where required, shall be a precondition to certification pursuant to paragraph

(e) of Section 62-811.

Any portion of a #zoning lot# that is not #developed# for a park #use# shall be subject to all of the requirements of Sections 62-50 and 62-60. For purposes of determining obligations pursuant to this Section, such portions of a #zoning lot# not used for park purposes shall be treated as a separate #zoning lot# or separate #zoning lots#, except that the entire #zoning lot#, including the portion used for park purposes, shall be considered in determining #lot area# for purposes of Section 62-53 (Requirements for Shore Public Walkways).

(b) In order to implement the East River Waterfront Esplanade and Piers Project described in the Final Environmental Impact Statement (FEIS) dated May 18, 2007, of the Lower Manhattan Development Corporation and the record of decision (ROD) adopted by such corporation on November 7, 2007 (the ERW Project), in C2-8, C4-6, C6-4 and M1-4 Districts located in Manhattan Community Districts 1 and 3, for #zoning lots predominantly developed# as publicly accessible open space under the ERW Project, the Chairperson of the City Planning Commission shall allow for the phased implementation of such publicly accessible open space, and the requirements of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, shall be deemed satisfied, provided that:

(1) the application for certification pursuant to Section 62-811 for any such phase(s) includes a report demonstrating that:

- (i) a site plan of the design of the publicly accessible open space in such phase(s) has been shown by the applicant to the affected Community Boards and Council Member(s) and such Community Boards and Council Member(s) have had at least 45 days to review such plan;
- (ii) any comments and recommendations of the affected Community Boards and Council Member(s) have been considered by the applicant, and such report includes a response to such comments or recommendations. Where design modifications have been made in response to such recommendations, the report shall address how the design has been modified;
- (iii) the publicly accessible open space in such phase(s) will be open and accessible to the public at a minimum from dawn to dusk, except when hazardous conditions are present that would affect public safety; and

- (iv) a maintenance and operation agreement providing for the maintenance and operation of the publicly accessible open space in such phase(s) in good condition is entered into with the DPR, except that no such maintenance and operation agreement shall be required for a publicly accessible open space developed and maintained by the State or the City of New York, any subdivision or agency of the State or the City, or any public authority or other entity created pursuant to State or local statute for the purpose of operating such publicly accessible open space; and
- (2) the site plan of the design for the publicly accessible open space phase(s) in such application is determined by the Chairperson to be in substantial compliance with the ERW Project as described in the FEIS and ROD.

No excavation or building permit shall be issued for #development# under any phase for publicly accessible open space under the ERW Project certified pursuant to Section 62-811 in accordance with this paragraph, (b), until all applicable Federal, State and local permits and approvals have been received with respect to such phase, including, without limitation, permits and approvals of the New York State Department of Environmental Conservation.

(2/2/11)

62-60

DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS

#Waterfront public access areas# required pursuant to Section 62-52 (Applicability of Waterfront Public Access Area Requirements) shall comply with the provisions of this Section, inclusive.

(4/22/09)

62-61

General Provisions Applying to Waterfront Public Access Areas

- (a) All #waterfront public access areas# shall be unobstructed from their lowest level to the sky, except as set forth in Section 62-611 (Permitted obstructions). The lowest level of any portion of a #waterfront public access area# shall be determined by the elevation of the adjoining portion on the same or an adjoining #zoning lot# or the public sidewalk to which it connects.

Reference elevations shall be established from the public sidewalks, #waterfront yard# levels and the elevations previously established by adjoining #zoning lots# at #lot line# intersections of a waterfront public access network, as applicable.

- (b) The minimum required circulation path shall be connected and continuous through all #waterfront public access areas# on adjacent #zoning lots#.
- (c) #Waterfront public access areas# shall be accessible to persons with physical disabilities in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design guidelines.
- (d) All #waterfront public access areas# improved for public access shall meet the following regulations for site grading:
 - (1) In required circulation paths:
 - (i) for cross-sectional grading regulations (perpendicular to the general direction of pedestrian movement), the minimum slope of a required circulation path shall be one and one-half percent to allow for positive drainage and the maximum slope shall be three percent. Steps and stairways accommodating a cross-sectional grade change are only permitted outside of the required circulation path(s).
 - (ii) for longitudinal grading controls (parallel to the general direction of pedestrian movement), grade changes shall be permitted along the length of a required circulation path by means of steps or ramps in compliance with the requirements for handicapped accessibility.

- (2) In required planting areas, including screening buffers:

Within five feet of the edge of any planting area, the grade level of such planting area shall be no more than 18 inches higher or lower than the adjoining level of the pedestrian circulation path.

- (e) Vehicle and emergency access

Vehicular access is prohibited within #waterfront public access areas# except for emergency and maintenance vehicular access. Parking areas, passenger drop-offs, driveways, loading berths and #building# trash storage facilities are not permitted within, or allowed to be accessed or serviced through, a #waterfront public

access area#, except for vehicular access to drop-offs and other required services #accessory# to docking facilities or to #development# on a #pier# or #floating structure#.

Such vehicular ways shall be used only to provide access across the #shore public walkway#. No single driveway shall exceed a width of 25 feet. Bollards shall be installed in accordance with Section 62-651. A minimum 12 inch paved border shall be installed along the driveway boundaries and shall have a color distinct from the paving of the adjoining paved surface.

Vehicular roadways are permitted as part of an #upland connection# in accordance with the regulations of Section 62-56.

Any vehicular roadway crossing a required #waterfront public access area# shall comply with the requirements for paving in Section 62-656.

(3/26/14)

62-611

Permitted obstructions

#Waterfront public access areas# shall be unobstructed from their lowest level to the sky except that the obstructions listed in this Section shall be permitted, as applicable. However, no obstructions of any kind shall be permitted within a required circulation path.

(a) In all areas

- (1) Trees and other plant materials, including grasses, vines, shrubs and flowers, watering equipment, arbors, trellises, observation decks, retaining walls;
- (2) Seating, litter receptacles, drinking fountains, other outdoor furniture;
- (3) Fountains, reflecting pools, waterfalls, sculptures and other works of art, temporary exhibitions;
- (4) Guardrails, bollards, gates and other protective barriers, in accordance with Section 62-651;
- (5) Lights and lighting stanchions, flag poles, exercise and other recreational equipment;
- (6) Kiosks and open air cafes

Where a kiosk is provided, it shall occupy an area no greater than 150 square feet, including roofed areas. A kiosk may be freestanding or attached on only one side to a #building# wall. Any area occupied by a kiosk shall be excluded from the definition of #floor area#, and may only be occupied by news or magazine stands, food stands, flower stands, bicycle rental stands, information booths or #uses accessory# to permitted WD #uses#, as permitted by the applicable district #use# regulations or as modified by Section 62-29.

Open air cafes shall be permanently unenclosed except that they may have a temporary fabric roof. No kitchen equipment shall be installed within an open air cafe. Kitchen equipment may be contained in a kiosk adjoining the open air cafe.

Notwithstanding the provisions of Section 32-41 (Enclosure within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers on a #waterfront public access area# through open windows.

(b) In screening buffers

- (1) Paved entrances to #buildings# fronting upon a screening buffer, including awnings and canopies over such entrances, seating located within 42 inches of an adjacent paved area, bicycle racks within six feet of the sidewalk of an open accessible #street# or within ten feet of an #upland connection#;
- (2) Service equipment necessary for maintenance of #waterfront public access areas# or the functioning of adjacent structures such as watering equipment, sheds for tool storage, electrical transformers or other mechanical or electrical service devices, provided all such equipment covers no more than 100 square feet in any location and has a maximum height of ten feet. Such obstructions shall be screened in accordance with Section 62-655 (Planting and trees);
- (3) Exhaust vents located on #building# walls fronting on the screening buffer, only if the bottom of such vent is a minimum of ten feet above the adjacent ground level and projects no more than four inches from the #building# wall.

(c) Beyond 20 feet of the #shoreline#

Tot-lots, playgrounds, dog runs, public telephones, toilets, bicycle racks.

(d) In Community District 1 in the Borough of Brooklyn

Any amenity #accessory# to docking facilities for ferries or water taxis shall be considered a permitted obstruction only where such amenity is certified by the Chairperson of the City Planning Commission in conjunction with the docking facility, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).

(2/2/11)

62-62

Design Requirements for Shore Public Walkways and Supplemental Public Access Areas

The design requirements of this Section shall apply to #shore public walkways# and #supplemental public access areas#, except as modified by Section 62-57 (Requirements for Supplemental Public Access Areas).

(a) Circulation and access

- (1) In all districts, a #shore public walkway# shall provide a circulation path with a minimum clear width of 12 feet, except that in R3, R4, R5, C1, C2 and C3 Districts, and in C1 or C2 Districts mapped within R1 through R5 Districts, the minimum clear width shall be 10 feet.

Such path shall be located within 10 feet of the #shoreline# for at least 20 percent of the length of such #shoreline#, and the remainder of the path may be located anywhere within the #shore public walkway# or #supplemental public access area#. Secondary paths, when provided, shall be at least six feet wide. When two circulation paths are parallel to each other, they shall be connected by other paths or accessible lawn at intervals not to exceed 200 feet. In order to facilitate the future connection of pedestrian circulation paths, where a #shore public walkway# is on a #zoning lot# that is adjacent to a #zoning lot# without a #shore public walkway#, the portion of the circulation path that terminates at the common #zoning lot line# shall be located within 30 feet of the #shoreline#.

- (2) A #supplemental public access area# shall provide at least one circulation path with a minimum clear width of six feet that provides access throughout the #supplemental public access area#. This requirement may be met by a circulation path of the #shore public walkway# that traverses the

#supplemental public access area#;

(b) Seating

One linear foot of seating shall be provided for every 75 square feet of #shore public walkway# and #supplemental public access area#. Such seating may be located anywhere within such public access areas and shall comply with the standards of Section 62-652.

In addition, up to 25 percent of required seating may be located seaward of the #shore public walkway# and shall be subject to the provisions of Section 62-652, paragraph (h).

(c) Planting

(1) Planting areas

An area equal to at least 50 percent of the area of the #shore public walkway# and #supplemental public access area# shall be planted, except that in R3, R4, R5, C1, C2 and C3 Districts, and in C1 or C2 Districts mapped within R1 through R5 Districts, for #zoning lots# occupied by #predominantly commercial# or #community facility uses#, such area shall be equal to at least 40 percent.

In addition, the following conditions shall apply:

- (i) Where a #supplemental public access area# is greater than 1,875 square feet, at least 25 percent of the required planting area of the #shore public walkway# and #supplemental public access area#, combined, shall be provided as lawn;
- (ii) Up to 15 percent of the required planting area may be located seaward of a #shore public walkway# and shall be measured inplan view and not along the planted slope; or
- (iii) When a dedicated bicycle path is provided within a #supplemental public access area#, a planting area with a width of at least five feet shall be provided between the bicycle path and any paved area for pedestrian use. For the purpose of calculating planting requirements, the area of the bicycle path may be deducted from the combined area of the #shore public walkway# or #supplemental public access area#.

Such planting areas in this paragraph, (c), may be located anywhere within the #shore public walkway# or #supplemental

public access area# and shall comply with the standards of Section 62-655.

(2) Screening buffer

- (i) A screening buffer shall be provided within the #shore public walkway# or the #supplemental public access area#, running along the entire upland boundary of such area where it abuts non-publicly accessible areas of the #zoning lot#, except as waived pursuant to paragraph (c)(2)(iii) of this Section. Any screening buffer provided pursuant to this Section may be used to meet the planting requirements of paragraph (c)(1) of this Section.
- (ii) The minimum width of the screening buffer shall be 10 feet. On shallow lots where the width of the #shore public walkway# may be reduced pursuant to Section 62-53, the width of the screening buffer may be reduced proportionally but shall not be less than four feet.
- (iii) No screening buffer shall be required:
 - (a) adjacent to a private drive, a #street# or at the entrances to #buildings#; or
 - (b) for a #commercial# or #community facility use# where at least 70 percent of the area of the #building# facade, within a height of 10 feet, located within a distance of 15 feet from the sidewalk or #waterfront public access area#, is glazed with windows, transoms or glazed portions of doors. Not less than 50 percent of the entire area of such #commercial# or #community facility use# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

(3) Trees and additional planting

- (i) A minimum of one canopy tree shall be provided for every 2,000 square feet of #shore public walkway# and #supplemental public access area#. In no event may a #shore public walkway# have less than two canopy trees for every 100 feet of #shoreline#.
- (ii) In addition to the trees required pursuant to paragraph (c)(3)(i) of this Section, for every 1,250 square feet of #shore public walkway# and #supplemental public access area#, one of the following must be provided: a

canopy tree, an ornamental tree or a multi-stemmed equivalent, 60 square feet of planting beds or 110 square feet of accessible lawn.

Trees and additional planting areas may be located anywhere within the #shore public walkway# or #supplemental public access area# and shall comply with the standards of Section 62-655.

(4) Reduction in minimum required planting area

The minimum planting area, required by paragraph (c)(1) of this Section, may be reduced by 10 square feet for every linear foot of:

- (i) #shoreline# improved for boat launching or mooring or designed with architectural features to facilitate direct access to the water, such as steps or other forms of "get-downs," except that rip-rap used as stabilized shore shall not qualify for a planting reduction; or
- (ii) WE #uses# with frontage adjoining, and having a public entrance on, the #shore public walkway# or #supplemental public access area#, provided that the screening buffer for such #shore public walkway# or #supplemental public access area# is waived pursuant to the conditions of paragraph (c)(2)(iii) of this Section.

However, where a #supplemental public access area# having an area of least 7,500 square feet containing a playground of at least 3,500 square feet in area and improved in accordance with the standards of the Department of Parks and Recreation is provided, the required minimum planting area may be reduced by one square foot for every five square feet of playground area. The playground area may be located anywhere within the #waterfront public access area# that is beyond 20 feet of the #shoreline#.

In no event shall the reduced planting area be less than 25 percent of the combined area of the #shore public walkway# and #supplemental public access area#.

(d) Bicycle parking

Bicycle racks sufficient to provide at least four bicycle parking spaces shall be provided within a #waterfront public access area#.

Furthermore, when the combined area of the #shore public walkway# and #supplemental public access area# is greater than 8,000 square feet, two additional bicycle parking spaces shall be provided for every additional 2,000 square feet of #shore public walkway# or #supplemental public access area#.

Bicycle racks shall be adjacent to a circulation path and at least 20 feet from the #shoreline#. Such bicycle racks may be located in public sidewalks adjacent to the #zoning lot#. All bicycle racks shall comply with the standards of Section 62-657.

(e) Trash receptacles

One trash receptacle shall be provided for every 4,000 square feet of #shore public walkway# and #supplemental public access area#, and all trash receptacles shall be located in visible and convenient locations. All trash receptacles shall comply with the standards of Section 62-658.

(4/22/09)

62-63

Design Requirements for Public Access on Piers and Floating Structures

(3/26/14)

62-631

Design requirements for public access on piers

The design requirements of this Section shall apply to #waterfront public access areas# on #piers#, pursuant to Section 62-54.

(a) Circulation and access

At least one circulation path having a minimum clear width of ten feet shall be provided throughout the public access area required on the #pier#.

(b) Permitted obstructions

In addition to permitted obstructions pursuant to Section 62-611, #pier# public access areas may include one freestanding open or enclosed public pavilion, provided such structure does not exceed one #story#, is no taller than 30 feet and has an area no larger than 1,600 square feet. At least 50 percent of the perimeter wall area on all sides, up to a height of 15 feet, shall consist of

clear or glazed materials which may include #show windows#, glazed transoms, glazed portions of doors or latticework. Such structures shall be exempt from #building# spacing requirements on #piers# provided they maintain a spacing of at least 12 feet from other #buildings# and from any water edge of the #pier#, except that when a #pier# is 30 feet or less in width, a pavilion may abut one water edge.

In Community District 1 in the Borough of Brooklyn, any amenity #accessory# to docking facilities for ferries or water taxis shall be considered a permitted obstruction only where such amenity is certified by the Chairperson of the City Planning Commission in conjunction with the docking facility, pursuant to Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas).

(c) Seating

At least one linear foot of seating is required for every 100 square feet of #pier# public access area, subject to the provisions of paragraphs (a) through (d) of Section 62-652.

(4/22/09)

62-632

Design requirements for public access on floating structures

The design requirements of this Section shall apply to #shore public walkways# provided in conjunction with as-of-right #development# on #floating structures#, pursuant to Section 62-55.

(a) Circulation and access

A circulation path shall be provided with a minimum clear width of ten feet. On shallow portions of #zoning lots# where the width of the #shore public walkway# may be reduced in accordance with Section 62-53, the minimum clear width of the path may be reduced to a minimum of six feet when the #shore public walkway# is less than 16 feet.

(b) Seating

At least one linear foot of seating is required for every 100 square feet of public access area, subject to the provisions of paragraphs (a) through (d) of Section 62-652.

(c) Screening

Any service areas, such as that used for equipment storage or similar purposes, shall be screened from the circulation path in accordance with the standards for screening in Section 62-655 (Planting and trees).

(4/22/09)

62-64

Design Requirements for Upland Connections

#Upland connections# shall be improved in accordance with the provisions of this Section.

(a) Circulation and access

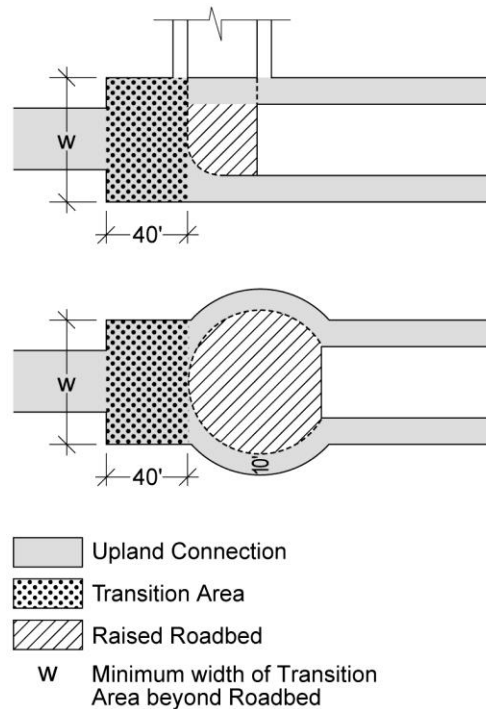
- (1) For Type 1 #upland connections# provided in accordance with the provisions of paragraph (a) of Section 62-561, there shall be at least one circulation path linking an open #street#, #public park# or other public place with a #shore public walkway#. Such path shall have a minimum clear width of twelve feet. Any secondary paths shall have a minimum clear width of six feet.
- (2) For Type 2 #upland connections# provided in accordance with the provisions of paragraph (b) of Section 62-561, each pedestrian walkway shall have a circulation path with a minimum clear width of eight feet linking an open #street#, #public park# or other public place with a #shore public walkway#. However, when a turnaround is provided, the entire required area shall be provided as a circulation path.
- (3) For transition areas, a circulation path with a width of at least twelve feet shall connect each circulation path of the Type 2 #upland connection# with a circulation path of a #shore public walkway#, #supplemental public access area# or Type 1 #upland connection#, whichever is applicable.

(b) Paving

- (1) For Type 1 #upland connections#, at least 40 percent but not more than 65 percent of the entry area shall be paved. Such paving shall include a five foot wide area along at least 70 percent of the frontage adjoining a public sidewalk.
- (2) Where any #upland connection# is interrupted by a private driveway, the full width of the required #upland connection# shall traverse the roadbed without a drop in level, and be paved with materials distinct from the roadbed. Such portion

of the #upland connection# shall not count towards fulfilling a minimum required amount of #waterfront public access area#.

In addition, for Type 2 #upland connections#, the area of the roadbed between both circulation paths, within which lines perpendicular to the #upland connection# traversing the roadbed can be drawn or the portion of the roadbed within a vehicular turnaround, shall be raised to be flush with the level of such adjoining #upland connections#.



Type 2 Upland Connection
(62-64)

- (3) The roadbed paving material of a private driveway leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush with the level of adjoining circulation paths.

(c) Planting

- (1) For Type 1 #upland connections#, at least forty percent of

the area of the #upland connection# shall be planted in accordance with the provisions set forth in Section 62-655 (Planting and trees).

In addition, the following rules shall apply:

- (i) where such #upland connections# do not abut open parking lots or private driveways, six caliper inches of ornamental trees or their equivalent in multi-stemmed plants shall be required for every 100 linear feet of #upland connection#.
 - (ii) where such #upland connections# abut an open parking lot, screening shall be provided within the #upland connection# along the curb of such parking lot in accordance with Section 37-921 (Perimeter landscaping).
 - (iii) where such #upland connections# abut a private driveway, a continuous tree pit shall be provided within the #upland connection# along the curb of the driveway. Such tree pit shall meet the minimum planting requirements set forth in Section 62-655, and in addition, shall be planted with one tree for every 25 feet of private driveway frontage.
 - (iv) where such #upland connections# do not coincide with a #visual corridor#, at least 30 percent of the required open area along the length of the #upland connection# shall be planted, and the requirements of Section 62-513 (Permitted obstructions in visual corridors) shall apply within such open areas.
- (2) For Type 2 #upland connections#, a continuous tree pit shall be provided within the #upland connection# along the curb of the private driveway. Such tree pit shall meet the minimum planting requirements set forth in Section 62-655, and in addition, shall be planted with one tree for every 25 feet of private driveway frontage. Portions of the continuous tree pit may be paved with permeable paving such as Belgian block or similar unit pavers in order to accommodate any required amenities, such as benches or bicycle racks, or other permitted obstructions in accordance with the provisions of Section 62-611. However, no continuous tree pit shall be required where an #upland connection# abuts a portion of a roadbed that is required to be raised pursuant to paragraphs (b)(2) or (b)(3) of this Section.
- (3) For transition areas, at least forty percent of such area shall be planted. In addition, a minimum of two canopy trees or their equivalent in caliper inches of ornamental trees or

multi-stemmed plants are required.

(d) Seating

At least 12 linear feet of seating shall be provided for every 100 linear feet of #upland connection#, excluding the length of any entry or transition areas and the first 50 feet of a Type 2 #upland connection#. Such excluded areas shall have at least 24 linear feet of seating.

(e) Trash receptacles

One trash receptacle shall be provided within 15 feet of a #street#, #public park# or other public place and one receptacle shall be provided where the #upland connection# adjoins a #shore public walkway# or #supplemental public access area#, pursuant to Section 62-658.

(4/22/09)

62-65

Public Access Design Reference Standards

The standards of this Section, inclusive, shall be applicable to all #waterfront public access areas# and #visual corridors#.

No hollow plastic material, such as PVC (polyvinyl chloride) or similar material shall be permitted in guardrails, fences, seating, trash receptacles or other similar furniture within a #waterfront public access area#. However, high-density polyethylene shall be permitted.

(4/22/09)

62-651

Guardrails, gates and other protective barriers

(a) Guardrails

For the purposes of this paragraph, (a), the term "guardrail" shall refer only to fencing or similar structures provided along a bulkhead, stabilized shore or the water edges of a #pier# or #platform#.

When a guardrail is provided, it shall have a maximum height of 42 inches measured from the adjoining grade level, and shall be

at least 70 percent open. Guardrails may be mounted on a solid curb not higher than six inches.

A guardrail may be substituted for a wall, pursuant to paragraph (c)(3) of this Section.

(b) Bollards

- (1) Bollards shall be limited to the following locations:
 - (i) along the bulkhead, stabilized shore or the water edges of a #pier# or #platform#;
 - (ii) along a #zoning lot line# adjacent to, and limiting access from an upland #street#; and
 - (iii) along the boundaries of a roadway within an #upland connection#.
- (2) Bollards shall not exceed 30 inches in height and shall be between six and fifteen inches in width. The top of bollards shall not consist of any sharp edges. The minimum clearance between two bollards shall be five feet.

(c) Fences and walls

- (1) Fences and walls, when provided, shall be limited to the following locations:
 - (i) along the boundary of a #waterfront public access area# and an adjoining private area on the #zoning lot#;
 - (ii) around the perimeter of a playground, tot-lot or dog-run;
 - (iii) adjoining WD #uses#;
 - (iv) within a #visual corridor#; and
 - (v) along any grade level change of 30 inches or greater.
- (2) Fences shall have a maximum height of 36 inches measured from the adjoining grade level, and be at least 70 percent open. Fences may be mounted on a solid curb not higher than six inches.
- (3) Walls shall not exceed a height of 21 inches, and may be fully opaque.
- (4) Chain link fencing or barbed or razor wire shall not be

permitted.

(d) Gates

Gates attached to fences and walls that limit physical access to #waterfront public access areas# from #streets#, #public parks# or other public ways, or from adjacent #waterfront public access areas# on adjoining #zoning lots#, shall comply with the provisions of this paragraph, (d). Such gates shall be permitted only at the boundaries of #waterfront public access areas# and such adjacent publicly accessible areas, except that in Type 1 #upland connections# gates may be located at the seaward boundary of the entry area. Gates shall not intrude into any planting area. Gates may be closed only pursuant to Section 62-71 (Operational Requirements).

The maximum height of a gate shall be four feet above the adjoining grade level. Gates shall be no more than 30 percent opaque.

When opened for access, 70 percent of the total width, in aggregate, of the #waterfront public access area# shall be free of obstructions associated with the gate, and there shall be a minimum clear distance of at least 16 feet between any two obstructions of the gate.

In addition, in its open position, the gate and its support structures shall not obstruct:

- (1) any circulation path;
- (2) 25 percent of the width of the entry area of an #upland connection# along each side of the centerline of such entry area; and
- (3) at least 50 percent of the width of the #shore public walkway# closest to the #shoreline#.

(4/22/09)

62-652
Seating

All required seating shall comply with the following standards:

(a) Seating with backs

At least 50 percent of the required seating shall have backs, and

at least 50 percent of such seating shall face in the general direction of the water. Seat backs shall be 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 the vertical between 10 to 15 degrees.

(b) Depth

Seating with or without backs shall have a depth of not less than 18 inches, and for seating with backs, such depth shall not be greater than 20 inches. Seating with a depth of at least 36 inches, and accessible from both sides, may be credited as double seating. When seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.

(c) Height

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 grade. Seating higher than 36 inches or lower than 12 inches shall not qualify toward the seating requirements. Seating may be mounted on a solid curb not higher than six inches.

(d) Clearance

Seating shall be located a minimum of 22 inches from any circulation path or permitted obstruction along the accessible side of such seating, except that seating without backs may be as close to a guardrail as 12 inches.

(e) Types of seating

In #shore public walkways# and #supplemental public access areas#, at least two of the following types of seating are required: moveable seating, fixed individual seats, fixed benches with backs, fixed benches without backs, lounging chairs and design feature seating.

(1) Design feature seating

Planter ledges, seating walls, and seating steps may be provided, and shall be limited to 25 percent of the required seating. Walls and planter ledges shall be flat and smooth with at least one inch radius rounded edges.

(2) Moveable seating

Moveable chairs, excluding those in open air cafes, may be

credited as 18 inches of linear seating per chair; however, not more than 50 percent of required linear seating may be in moveable chairs. Moveable chairs may be placed in storage outside of the required hours of operation, pursuant to Section 62-71, paragraph (a). All moveable chairs must have backs. Moveable chairs shall not be chained, fixed, or otherwise secured while the #waterfront public access area# is open to the public.

(3) Seating steps

Seating steps shall not include any steps intended for circulation and must have a height not less than 12 inches nor greater than 30 inches and a depth not less than 18 inches.

(4) Lounge chairs

Lounge chairs shall allow for a reclined position supporting the back as well as the legs. Lounge chairs may be credited as 36 inches of linear seating per chair.

(f) Social seating and tables

At least 25 percent of required seating shall be social seating, consisting of seats that are placed in close proximity and at angles to one another or in facing configurations that facilitate social interaction. A minimum of two square feet of tables shall be required for every three linear feet of social seating. However, any requirement for tables that, in total, is less than 10 square feet shall be waived, and no more than 150 square feet of tables shall be required in any site.

(g) Shaded seating

At least 20 percent of required seating shall be shaded. Seating shall be considered shaded if it is located under a canopy tree or shade structure, or on the eastern side and within 45 feet of the trunk of a canopy tree or of a shade structure.

(h) Seaward seating

Up to 25 percent of required seating may be located seaward of the #shore public walkway# provided it is designed as:

- (1) a generally smooth and flat surface within a stabilized natural #shoreline#, in the form of rock, stone, wood or other solid material that measures at least 15 inches in width and depth and is between 12 and 30 inches high measured from the adjoining accessible surface; or

- (2) steps, with a depth and height between 12 and 30 inches, that facilitate access to the water.

Seaward seating shall not be subject to the provisions of paragraphs (a) through (g) of this Section.

Seating in open air cafes or stairs shall not qualify towards seating requirements. All seating located within a planting area shall be on permeable pavement and secured for stability.

(2/2/11)

62-653

Lighting

All #waterfront public access areas# shall provide lighting in accordance with the following requirements:

An average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas, and a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas, shall be required. Such level of illumination shall be maintained from one-half hour before sunset to one-half hour after sunrise.

The average illumination to minimum foot candle uniformity ratio shall be no greater than 10:1 within a #waterfront public access area#.

Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak foot candle intensity radiating above 90 degrees and 20 percent of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with a color temperature range of 3000 K to 4100 K with a minimum color rendering index of 65.

All lenses and globes shall be polycarbonate or equivalent.

All lighting sources that illuminate a #waterfront public access area# and are mounted on or located within #buildings# adjacent to the #waterfront public access area# shall be shielded from direct view. In addition, all lighting within the #waterfront public access area# shall be shielded to minimize any adverse effect on surrounding #buildings# containing #residences#.

(4/22/09)

62-654
Signage

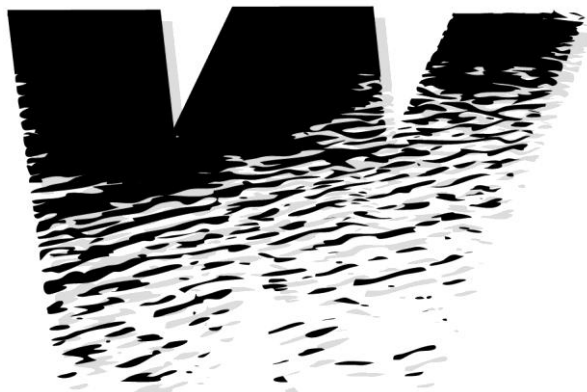
The provisions of this Section shall apply to signs required in #waterfront public access areas#. All such signs shall be located in directly visible locations, without any obstruction at any time. Such signs shall be fully opaque, non-reflective and constructed of permanent, highly durable materials, such as metal or stone. All lettering shall be in a clear, sans-serif, non-narrow font such as Arial, Helvetica, or Verdana, solid in color with a minimum height of one-quarter inch, unless otherwise specified in this Section, and shall highly contrast with the background color.

Drawings documenting the size, format, and orientation of all required signs shall be included in the application for certification, pursuant to Section 62-80. Such drawings shall include detailed information about dimensions of the sign, lettering size, color and materials.

(a) Entry signage

All #waterfront public access areas# shall contain an entry sign mounted on a permanent structure. Such sign shall be located within five feet of the boundary of the entrance from a #street#, #public park# or other public way. Required signage shall contain:

- (1) the New York City waterfront symbol, 12 inches square in dimension, as provided in the [Required Signage Symbols](#) file at the Department of City Planning website and the "The New York Waterfront Symbol Standards and Specifications" (published by the Department of City Planning, April 1989, and as modified from time to time);



(62-654)

- (2) lettering at least one-and one-half inches in height, stating "OPEN TO PUBLIC" in bold type;

- (3) lettering at least one-half inch in height stating the approved hours of operation as required pursuant to Section 62-71 (Operational Requirements), paragraph (a);
- (4) lettering at least one-half inch in height stating "Do not enter outside of hours of operation";
- (5) the International Symbol of Access for persons with physical disabilities, at least three inches square, or the statement: "This public access area is accessible to persons with physical disabilities";
- (6) the address of the property where the #waterfront public access area# is located;
- (7) the name of the current owner and the name, phone number and email address of the person designated to maintain the #waterfront public access area#;
- (8) the statement: "For complaints or questions: call 311";
- (9) the statement: "For more information go to <http://nyc.gov/planning>"; and
- (10) rules of conduct as specified in Section 62-71, paragraph (b).

Information in paragraphs (a)(1) and (a)(2) may be inscribed in pavement or on any permitted appropriate amenity, such as a seating wall or sculpture.

All information required in this paragraph, (a), shall be included on signs with a maximum dimension in one direction of 16 inches. The maximum height of a sign above the adjoining grade shall be three feet for a horizontal sign and five feet for a vertical sign. The bottom of all signs shall be at least eighteen inches above adjoining grade, except for signs angled 45 degrees or less as measured from adjacent grade. However, the waterfront symbol required pursuant to paragraph (a)(1) need not be included in such signage if such symbol is inscribed nearby in pavement or any appropriate amenity.

(b) Signage at #zoning lot# line

A sign shall be required to be located within five feet of any #zoning lot line# adjacent to another #zoning lot# within a #shore public walkway# and at a distance no greater than five feet from the required circulation path. All information required in paragraph (a) of this Section shall be included on signs with

a maximum dimension in one direction of 16 inches. The maximum height of a sign above adjoining grade shall be three feet. The bottom of all signs shall be at least 18 inches above adjoining grade, except for signs angled 45 degrees or less, as measured from adjacent grade. However, the waterfront symbol required pursuant to paragraph (a)(1) of this Section need not be included in such signage if such symbol is inscribed nearby in pavement or any appropriate amenity, such as a seating wall or sculpture.

However, the waterfront symbol required pursuant to paragraph (a)(1) shall be no larger than four inches square, or 12 inches square if inscribed in pavement or any appropriate amenity, and the information required in paragraph (a)(2) of this Section shall be one inch high.

The information required in paragraphs (a)(1) and (a)(2) may be inscribed in pavement or on any permitted appropriate amenity.

(c) Other signage

Seating areas within #waterfront public access areas# allowed pursuant to paragraph (c)(2)(iii) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall be identified by a sign with the words "SEATING OPEN TO PUBLIC" in lettering at least one inch high. Such sign shall be clearly visible from the #waterfront public access area#. In addition, such sign shall be no greater than 60 square inches, no higher than 18 inches above adjacent grade, and angled for visibility. The required sign may be freestanding or attached to a permitted amenity within the #waterfront public access area#.

No #advertising signs# may be located within a #waterfront public access area#.

(4/22/09)

62-655

Planting and trees

Within #waterfront public access areas# and parking areas where planting or screening is required, the design standards of this Section shall apply.

A detailed landscape plan prepared by a registered landscape architect shall be submitted to the Department of Parks and Recreation prior to seeking certification by the Chairperson of the City Planning Commission, pursuant to the requirements of Section 62-80. Such plans

shall include plants suited for waterfront conditions and include a diversity of species with emphasis on native plants, salt tolerance and the facilitation of sustainable wildlife habitats, where appropriate. No species listed on quarantine or as a host species for any disease listed by the Department of Parks and Recreation at the time of application shall be included.

All landscaped areas shall contain a built-in irrigation system or contain hose bibs within 100 feet of all planting areas.

(a) Planting areas

Wherever a minimum percentage of planting area is specified for a #waterfront public access area#, such requirements shall be met only through the provisions of the types of planting areas listed in paragraphs (a)(1) through (a)(7) of this Section. A curb with a maximum height of six inches is permitted along the perimeter of any planting area. Any edging higher than six inches above adjacent grade shall be considered a retaining wall. Retaining walls shall not exceed 60 percent of the perimeter of a planting area or a maximum height of 18 inches measured from the adjacent grade. At least one continuous length, equal to 40 percent of the planting area's perimeter, shall have a grade level within six inches of the adjacent grade level. Where not specifically indicated, the minimum planting standard for required planting areas shall be turf grass, other natural grasses or groundcover. All planting areas shall be located on undisturbed subsoil or clean fill.

(1) Single tree pits

A single tree pit shall have a minimum dimension of five feet with a minimum area of 30 square feet and a minimum depth of three feet, six inches. Only tree pits planted with ground cover shall count towards meeting a minimum planting area requirement.

(2) Continuous tree pits

A continuous tree pit is a planting area containing two or more trees. Continuous tree pits shall have a minimum width of five feet and a minimum depth of 3 feet, 6 inches, and a length as required to meet a minimum of five feet from the trunk of the tree to the end of the tree pit.

(3) Planting beds

Planting beds for turf grass or groundcovers shall have minimum dimensions of two feet in any direction and a minimum depth of two feet. Planting beds for shrubs shall

have minimum dimensions of three feet by three feet for each shrub and a minimum depth of 2 feet, 6 inches. Planting beds containing trees shall have a minimum dimension of five feet and a minimum area of 30 square feet for each tree, with a minimum depth of 3 feet, 6 inches. Trees, shrubs or groundcovers may be combined in a single planting bed only if such bed meets the minimum depth required for the largest plant.

Retaining walls are permitted along the perimeter of a planting bed in accordance with the regulations for planting areas in paragraph (a) of this Section.

(4) Raised planting beds

A "raised planting bed" is a planting area with retaining walls along more than 60 percent of its perimeter or a height along any portion greater than 18 inches. A raised planting bed shall comply with the dimensional standards for a planting bed except that the height from the adjacent grade to the top of the retaining wall of a raised planting bed shall be a maximum of 36 inches.

(5) Berms

A "berm" is a planting area with sloped grade stabilized primarily by plant materials rather than retaining walls or other similar built structures. A berm shall comply with the dimensional standards for a planting bed except that the height from the adjacent grade to the top of the berm shall not exceed 60 inches.

(6) Lawns

A "lawn" is an area planted with turf grass having a minimum soil depth of 2 feet, 6 inches. Along at least 60 percent of the perimeter, a lawn shall have a grade level within six inches of the adjacent grade providing unobstructed pedestrian access. Any required lawn shall have a minimum area of 500 square feet and no dimension less than 18 feet.

(7) Screening

Screening is intended to create a landscaped buffer between the #waterfront public access areas# and adjoining non-public #uses# to protect the privacy or minimize the visual impact of blank walls, equipment, loading and parking areas or similar conditions.

(i) Screening buffers

Screening buffers required pursuant to paragraph (c)(2) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting. The requirements of this paragraph, (a)(7)(i), may also be satisfied by the requirements of paragraph (a)(7)(ii) of this Section.

(ii) Blank walls and service areas

Blank walls higher than four feet measured from an adjacent grade level and service areas anywhere within a #waterfront public access area# shall be screened with any combination of evergreen trees, vines or espaliered trees or shrubs, and an architectural treatment such as a pergola, stone rustication, grills or sculptural features.

(iii) Parking garage screening

Open parking areas on any #zoning lot# fronting on an #upland connection# or #street# on any #waterfront block#, notwithstanding the #use# on such lot, shall require screening pursuant to Section 37-921 (Perimeter landscaping). Screening required pursuant to Section 62-453 shall consist of a planting strip at least four feet wide. Plants shall be at least four feet high at the time of planting and 50 percent of them shall be evergreen shrubs.

All required screening may be interrupted by vehicular or pedestrian entrances.

(b) Trees

(1) Tree caliper

At time of planting, canopy trees shall be a minimum of three inches caliper and ornamental trees shall be a minimum of two inches caliper.

(2) Trees in single tree pits

One of the procedures in this paragraph, (b)(2), shall be employed to protect trees planted at grade:

- (i) granite or cast concrete block pavers with a minimum four inch depth shall be installed in accordance with New York City Department of Parks and Recreation (DPR) standards for #street# trees;
- (ii) a grate shall be installed over the root zone, supported at its edges and set flush with the adjacent pavement for pedestrian safety, in accordance with DPR standards for #street# trees for grate size; or
- (iii) the root zone shall be surrounded with barrier hedge planting.

(4/22/09)

62-656

Paving

Paving in #waterfront public access areas# shall comply with the following:

(a) Locational requirements

(1) Within required circulation paths

All paving material for a required circulation path shall be permanent, durable, accessible to persons with physical disabilities, and shall consist of one or a combination of the following:

- (i) Unit pavers constituted of stone, concrete, granite, asphalt or a mix of these materials with other aggregates;
- (ii) Concrete, prefabricated, poured or permeable;
- (iii) Wood planks for boardwalk or decking, except that tropical hardwood shall not be permitted;
- (iv) Solid plastic, such as "plastic lumber," high density polyethylene, wood composite plastic or fiber-reinforced plastic.

(2) Other than within required circulation paths

In addition to the permitted paving materials of paragraph

(a)(1) of this Section, the following materials shall be permitted anywhere in a #waterfront public access area#:

- (i) Blocks such as Belgian blocks, cobble stones, concrete cobbles, or Eurocobble;
- (ii) Gravel, loose, installed over a solid surface or glued with resin;
- (iii) Wood chips or other similar material;
- (iv) Metal grating, limited to locations that require drainage and for #platforms#;
- (v) Asphalt, impermeable or porous, which may be imprinted with thermoplastic patterns.

(3) Special regulations for Type 2 #upland connections#

Paving for driveways and pedestrian paths shall be subject to the standards of the New York City Department of Transportation for roadbeds and sidewalks.

(b) Dimensional requirements

- (1) All unit pavers shall have a minimum thickness dimension of two inches for pedestrian use and three inches for vehicular use and shall not exceed a maximum of four square feet in area.
- (2) Wood planks or plastic lumber for boardwalk or decking shall be a minimum of three inches thick (nominal dimension). The direction of planks shall not be parallel to the direction of traffic.
- (3) Concrete slabs, other than in #upland connections#, shall be a maximum of two feet in any one dimension.

All the above materials may be installed to facilitate storm water management appropriate for specific site conditions.

(4/22/09)

62-657

Bicycle racks

Each bicycle rack shall allow for the bicycle frame and one wheel to be locked to the rack. If bicycles can be locked to each side of the

rack, each side may be counted as a required space. Thirty inches of maneuverable space shall be provided between parallel bicycle racks and an eight foot wide aisle shall be provided between bicycle rack areas.

(4/22/09)

62-658

Trash receptacles

Trash receptacles shall be placed within 50 feet of a seating area, have a minimum capacity of 25 gallons and have either top openings that measure at least 12 inches wide or side openings that inscribe a rectangle measuring at least 12 inches wide and six inches high. Trash receptacles shall be able to use standard bags used to collect trash.

(4/22/09)

62-70

MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS

(2/2/11)

62-71

Operational Requirements

(a) Hours of operation

All #waterfront public access areas# shall be open to the public at the times indicated in the table in this Section, except when required to be closed for repairs, and for no more than one day each year in order to preserve the private ownership of such area, as set forth in the maintenance and operation agreement required pursuant to Section 62-74.

HOURS OF OPERATION FOR WATERFRONT PUBLIC ACCESS AREAS

Districts	April 15 to October 31	November 1 to April 14
#Zoning lots# containing predominantly #community	Dawn to dusk*	Dawn to dusk*

facility uses# in:

R3 R4 R5

C1 or C2 in R3 thru R5

C3 C4-1 C8

M1 M2 M3

#Zoning lots# containing predominantly #commercial #uses# in all districts	Dawn to dusk or business closing, whichever is later**	Dawn to dusk or business closing, whichever is later**
--	--	--

All other #zoning lots# providing #waterfront public access areas#	6:00 A.M. to 10:00 P.M.	7:00 A.M. to 8:00 P.M.
--	----------------------------	---------------------------

* Dawn shall be defined as one half hour before sunrise, and
dusk shall be defined as one half hour after sunset

** #Waterfront public access areas# on #zoning lots# containing
predominantly #commercial uses# shall not be required to be
open to the public beyond 10 P.M. from April 15th to October
31st and 8 P.M. from November 1st to April 14th

(b) Rules of conduct

Rules of conduct for the #waterfront public access area# shall be
established with the Department of Parks and Recreation and set
forth in the maintenance and operation agreement as required
pursuant to Section 62-74 (Requirements for Recordation). Such
rules of conduct shall not prohibit typical promenade activities
consistent with public enjoyment of the waterfront, such as
walking, jogging, sitting or reclining, gathering in small
groups, or consumption of food or non-alcoholic beverages.

(4/22/09)

62-72

Performance and Maintenance Requirements

(a) Performance and maintenance

- (1) The property owner shall be responsible for the completion
and maintenance of all required #waterfront public access
areas# on the #zoning lot#. No certificate of occupancy

shall be issued until all required #waterfront public access area# improvements are completed except as otherwise provided in a phasing plan pursuant to Sections 62-811 (Waterfront public access and visual corridors) or 62-822 (Modification of waterfront public access area and visual corridor requirements).

- (2) To ensure the maintenance of the #waterfront public access areas#, prior to obtaining any certificate of occupancy, the property owner shall post security in the form of a maintenance bond, letter of credit or other security acceptable to the Department of Parks and Recreation (DPR), with the DPR in an amount certified by a registered architect or landscape architect to be sufficient to cover one hundred and twenty-five percent of the cost of maintaining the #waterfront public access areas# for a twelve month period following final completion of such #waterfront public access areas#. The security shall be replaced every five years with a new security in an amount sufficient to cover one hundred and twenty five percent of the current annual cost of maintaining the #waterfront public access areas#, as certified by a registered architect or landscape architect. The security shall be in effect for the life of the #development#.

(b) Maintenance and liability

Any declaration by the owner, its successor or assigns, or agreement between the owner, its successor or assigns, and the City of New York, provided in accordance with 62-74 (Requirements for Recordation) regarding the maintenance and operation of a required #waterfront public access area# as established in Section 62-52 (Applicability of Waterfront Public Access Area Requirements), shall provide that:

- (1) the owner, its successor or assigns, will construct and be responsible for ordinary maintenance and repair of all such areas;
- (2) the City will indemnify and defend the owner, its successor or assigns, for judgments resulting from litigation of claims of personal injury on such areas in accordance with reasonable provisions and procedures in the declaration and the maintenance and operation agreement, provided that the owner, its successor or assigns, has fully complied with the design and maintenance requirements set forth in this Resolution and the maintenance and operation agreement; and
- (3) in the event such areas are destroyed or substantially damaged as a result of flood, storm, fire or other acts of

God, reconstruction shall be the responsibility of the City, provided that such destruction or damage is not the result of the negligence of the owner, or of the owner's failure to construct or maintain such areas in accordance with the provisions of this Resolution and the maintenance and operation agreement.

(4/22/09)

62-73

Request to Transfer Title to Certain Waterfront Public Access Areas

- (a) The owner of a #zoning lot# on a #waterfront block# may, at the owner's option, and prior to commencement of design and construction of #waterfront public access areas#, make a request directed to the Office of the Mayor (Request) to transfer to the City of New York its fee simple absolute interest, free and clear of any encumbrances that are not deemed acceptable by the City, in the #waterfront public access area# on such #zoning lot#.
- (1) The City may accept the Request, provided that transfer will be made in a manner acceptable to the Chairperson of the City Planning Commission and the Commissioner of Parks and Recreation, who may specify conditions for transfer including, without limitation, establishment by the owner of an account for the funding of ordinary maintenance of the #waterfront public access area# and a capital reserve or funding mechanism for future capital repair, and adequate guarantees of access to the #waterfront public access area# and, provided further, that transfer is made pursuant to such instruments, which shall be a condition of certification pursuant to Section 62-811 (Waterfront public access and visual corridors), paragraphs (b) and (c), as are necessary for implementation. Where the Request is for transfer of a phase of the #waterfront public access area# pursuant to a phased implementation of required public access areas certified by the Chairperson pursuant to Section 62-811 or authorized by the City Planning Commission pursuant to Section 62-822, the City shall consider, in determining whether to accept such Request, such factors as the size, location and access for purposes of maintenance, repair and reconstruction, of the phase which is the subject of the Request, and may require as a condition of acceptance that the owner make binding commitments to the transfer of subsequent phases.
- (2) The Department of Parks and Recreation (DPR) shall review and approve the design and construction specifications for

the #waterfront public access areas# proposed for transfer, and transfer of such areas shall be made prior to the issuance of any temporary or permanent certificate of occupancy for any part of the #development# for which such areas are required to be constructed, upon determination by the DPR that construction of such areas is complete, as required pursuant to Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), and is in accordance with the previously approved design and construction specifications, except that signage required pursuant to Section 62-654 may be replaced by DPR signage.

- (3) The provisions of 62-72 (Performance and Maintenance Requirements), paragraphs (a)(2) and (b), shall not apply to any #waterfront public access area# transferred pursuant to this Section.

In the event of a transfer under this paragraph, (a), the #bulk# and parking computations for the #zoning lot# shall include the transferred property. Such transfer shall not be deemed to have created a #non-compliance#.

- (b) For parcels identified in Waterfront Access Plan BK-1, the owners of two or more parcels may, either for purposes of certification pursuant to Section 62-811 or at any time thereafter, submit an alternate plan to the Chairperson for the joint maintenance and operation of #waterfront public access areas# on such parcels, through an association or other entity established for this purpose or by other method. Such plan may include, in addition to provisions for maintenance and operation, alternate provisions with respect to security, liability and any other matters set forth in Section 62-72 (Performance and Maintenance Requirements), as well as special provisions for reporting and monitoring of compliance with obligations for maintenance and operation of the #waterfront public access areas#. Such plan and any instruments as are necessary for its implementation may be approved by the Chairperson and the Commissioner of Parks and Recreation upon a determination that:
 - (1) implementation of the plan would enhance maintenance and operation of the #waterfront public access areas# consistent with the purposes of this Chapter; and
 - (2) participation in the plan is available to owners of contiguous parcels identified in Waterfront Access Plan BK-1 on an equal basis.

(4/22/09)

62-74

Requirements for Recordation

All required #visual corridors# and #waterfront public access areas# other than those provided in parks #developed# pursuant to Section 62-59 (Special Regulations for Zoning Lots that Include Parks), once certified in accordance with the provisions of Section 62-811 (Waterfront public access and visual corridors), paragraphs (b) or (c), shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance and operation agreement with the Department of Parks and Recreation when a #waterfront public access area# is provided, indexed against the property, binding the owners, successors and assigns to provide #visual corridors# and to construct and maintain the #waterfront public access areas#, except as provided in the provisions of Section 62-70, inclusive, and provide public access thereto in accordance with the plans certified by the Chairperson of the City Planning Commission. Such declaration or maintenance and operation agreement shall require that a bond be posted that would ensure that the #waterfront public access areas# are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times, and shall set forth rules of conduct consistent with the provisions of paragraph (b) of Section 62-71. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the preceding #waterfront public access areas# elements shall be recorded on the certificate of occupancy by the Departments of Buildings or Business Services, as applicable, and shall be a condition of issuance of such certificate of occupancy.

For parcels identified in Waterfront Access Plan BK-1 for which an alternate plan for joint maintenance and operation has been approved, or for parcels for which a transfer to the City is proposed pursuant to paragraph (b) of Section 62-73, the provisions of such instruments as are necessary to effectuate such paragraph shall supersede those of the maintenance and operation agreement described in this Section.

(4/22/09)

62-80

SPECIAL REVIEW PROVISIONS

An application to the Department of Buildings, Department of City Planning or Department of Business Services, involving a #zoning lot#

subject to the provisions of this Chapter, shall include a survey of the #zoning lot# showing the following elements, as applicable, and documentation showing compliance with all requirements for #waterfront public access areas#:

- (a) pierhead line;
- (b) bulkhead line;
- (c) #shoreline#, including its length;
- (d) #upland lot#, including its area;
- (e) #seaward lot#, including its area;
- (f) area of the portion of the #zoning lot# seaward of the #shoreline#;
- (g) #existing piers#, #platforms# or #floating structures#, including #water coverage# and surface elevation or height, as applicable;
- (h) previously established and recorded #visual corridors# and #waterfront public access areas# or any other public access area on the #zoning lot# or on adjoining #zoning lots#;
- (i) #visual corridors# or #waterfront public access areas# required on the #zoning lot# by a Waterfront Access Plan set forth in Section 62-90; and
- (j) existing bulkheads and stabilized portions of natural shore showing seaward and landward edges, as well as their top elevations.

(2/2/11)

62-81

Certifications by the Chairperson of the City Planning Commission

The provisions of Sections 62-811 and 62-812, relating to certifications for #waterfront public access areas#, #visual corridors# and #zoning lot# subdivisions, shall apply to all #zoning lots# within #waterfront blocks# and any other #blocks# included within a Waterfront Access Plan, except that the following shall not be subject to the provisions of Section 62-811:

airports, heliports and seaplane bases;

in any district, existing #zoning lots# of less than 10,000

square feet #developed predominantly# with #single-# or #two-family residences# within #detached#, #semi-detached# or #zero lot line buildings#, provided such #zoning lots# are not included within an area subject to a Waterfront Access Plan pursuant to Section 62-90;

#zoning lots# in R1 and R2 Districts; and

#zoning lots# in C8 and #Manufacturing Districts#, containing #predominantly# Use Group 16, 17 or 18 #uses#, except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels.

(2/2/11)

62-811

Waterfront public access and visual corridors

No excavation or building permit shall be issued for any #development# on a #waterfront block#, or any other #block# included within a Waterfront Access Plan, until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that:

- (a) there is no #waterfront public access area# or #visual corridor# requirement for the #zoning lot# containing such #development# due to the following:
 - (1) the #development# is exempt pursuant to Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) or 62-51 (Applicability of Visual Corridor Requirements); or
 - (2) the #waterfront public access area# or #visual corridor# requirement has been waived pursuant to Section 62-90 (WATERFRONT ACCESS PLANS);
- (b) a site plan has been submitted showing compliance with the provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);
- (c) a site plan has been submitted showing compliance with the provisions of Section 62-90;
- (d) for #developments# listed in Section 62-52, paragraph (b), on a #zoning lot# containing a public access area established prior to October 25, 1993, meeting the terms of Section 62-58

(Requirements for Water-Dependent Uses and Other Developments), by restrictive declaration, lease agreement, maintenance and operation agreement or other agreement with a public entity, which public access area is required to be provided for the life of the #development# subject to such agreement, a copy of such restrictive declaration or agreement and a site plan indicating the location, area and design of the required public access area and showing substantial compliance with the provisions of Section 62-58 have been submitted; or

- (e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section 62-59 (Special Regulations for Zoning Lots that Include Parks).

For any parcel identified in Waterfront Access Plan BK-1, the Chairperson shall allow for the phased implementation of all required #waterfront public access areas# upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of #waterfront public access area# proportionate to the amount of #floor area# being #developed# in each phase. Additionally, for any #development# located within 240 feet of a #shoreline#, the initial phase and each subsequent phase shall provide a minimum of 200 linear feet of #shore public walkway# and any adjacent #supplemental public access area# located between such #development# and such #shore public walkway#, one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#, and at least one other connection from the #shore public walkway# to an adjacent #shore public walkway#, #street# or other #upland connection#. For any #development# located entirely beyond 240 feet of a #shoreline#, the initial phase and each subsequent phase shall also provide a minimum of 100 linear feet of #shore public walkway# and one #upland connection# through or adjacent to the entire parcel leading to the #shore public walkway#. However, no #waterfront public access area# need be provided for a phase consisting of a #development# in which all #residences# in such phase are affordable #residences# for #lower income households# as defined in Section 23-93, or #moderate income households# as defined in Section 62-352, provided that such exemption shall only apply where 25 percent or less of the total #residential floor area#, including any applicable #floor area# bonuses, on the parcel has been #developed#.

A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (Requirements for Recordation).

Within 45 days of receipt of a complete application, the Chairperson shall either certify that the proposed #development# complies with the requirements of this Section or disapprove such application, citing

the nature of any failure to comply. Failure to certify or disapprove such application within the 45 day period will release the Department of Buildings or the Department of Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

(4/22/09)

62-812

Zoning lot subdivision

An existing #zoning lot# within a #waterfront block#, or within any other #block# included in a Waterfront Access Plan, may be subdivided into two or more #zoning lots#, or reconfigured in a manner that would reduce its area or any dimension, only in accordance with the provisions of this Section or as modified pursuant to Section 62-822 (Modification of waterfront public access area and visual corridor requirements).

Such #zoning lot# may be subdivided or reconfigured provided that the Chairperson of the City Planning Commission certifies that:

- (a) there are no requirements in this Chapter for a #waterfront public access area# or #visual corridors# on such #zoning lot# for any #use# permitted on such #zoning lot#; or
- (b) a restrictive declaration shall be recorded against each subdivided or reconfigured #zoning lot#, binding all such #zoning lots# to provide #waterfront public access areas# or #visual corridors# at the time of a #development#, other than an exempt #development#, as set forth in Section 62-52. Such restrictive declaration shall include a site plan that sets forth the amount and location of the required #waterfront public access areas# and #visual corridors# on all resulting #zoning lots#. Such #waterfront public access area# or #visual corridor# shall be provided as required for the original #zoning lot# at the time of #development# of a non-exempt #use#; or
- (c) there are existing publicly accessible waterfront open areas on the #zoning lot# constructed as part of a previously approved site plan providing physical and visual access to and along the waterfront, and such open areas are no smaller in square footage than that required under the provisions of this Chapter for #waterfront public access areas# and #visual corridors#, and restrictions have been recorded against the property requiring such existing open area to remain accessible to the public for the life of the #development#.

(3/26/14)

62-813

Docking facilities for ferries or water taxis in certain waterfront areas

In Community District 1 in the Borough of Brooklyn, docking facilities for ferries or water taxis set forth in paragraph (a) of this Section shall be permitted, provided that the Chairperson of the City Planning Commission certifies to the Commissioner of the Department of Buildings that such docking facilities comply with the standards for required amenities set forth in paragraph (b) of this Section and, where provided, the standards for permitted amenities set forth in paragraph (c) of this Section. In conjunction with such certification, parking and drop-off and pick-up area requirements for docking facilities with a vessel capacity of up to 399 passengers shall be waived, as applicable. Where such docking facilities are proposed within a #waterfront public access area#, such docking facilities shall also comply with the provisions of paragraph (d) of this Section. Where modifications to a docking facility certified pursuant this Section are made, including the amount or configuration of docking facility amenities, establishment of, or modification to, #waterfront public access areas# on the same #waterfront zoning lot#, or the cessation of ferry or water taxi service to such docking facility, the provisions of paragraph (e) of this Section shall apply.

The amount of amenities permitted or required pursuant to paragraphs (b) and (c) of this Section shall be calculated for each docking facility on the #waterfront zoning lot# and not according to the number of vessels a single docking facility can accommodate.

(a) Docking facilities

The following docking facilities are subject to the certification provisions of this Section:

- (1) docks for water taxis, with a vessel capacity of up to 99 passengers, as listed in Use Group 6C, when located within R6 through R10 Districts, or C1, C2, C4, C5, C6 or C8 Districts, and as listed in Use Group 14A, when located in C2, C3, C7 or C8 Districts and #Manufacturing Districts#;
- (2) docks for ferries, other than #gambling vessels#, with a vessel capacity of up to 399 passengers, as listed in Use Group 6C, when located within R6 through R10 Districts or C1, C2, C4, C5, C6 or C8 Districts, and as listed in Use Group 14A, when located in C2, C3, C7 or C8 Districts and

#Manufacturing Districts#; and

- (3) docks for ferries with an unlimited capacity, as listed in Use Group 10A, in C4, C5, C6, C8 Districts and #Manufacturing Districts#.

(b) Required amenities

Passenger queuing space, bicycle parking and a trash receptacle shall be provided in accordance with the applicable provisions of this paragraph, (b), inclusive. All applications shall include a site plan denoting the location of each required amenity, dimensioned plans and elevations of individual amenities, as applicable, as well as any other material required to demonstrate compliance with such provisions.

(1) Passenger queuing space

Passenger queuing space shall be provided in accordance with the provisions of this paragraph, (b)(1), inclusive.

(i) Amount

A minimum of four square feet of queuing space per passenger shall be provided on the #waterfront zoning lot# for 40 percent of the U. S. Coast Guard certified passenger capacity of the largest vessel proposed to dock at such facility. Queuing space may be either standing space or seating space, and may be either open to the sky or provided within a sheltered space for passengers in accordance with the provisions of paragraph (c)(1), inclusive, of this Section.

(ii) Standing space

All standing queuing space shall be contiguous and clear of obstructions, except for any interruption by circulation paths required for access to docking facilities through a gangway, or pier access thereto. However, such standing queuing space may be non-contiguous and temporary dividers may be permitted as obstructions within such queuing space where the applicant signs an affidavit, or provides materials demonstrating in a manner that is satisfactory to the Chairperson, that an attendant will manage queues whenever such measures are implemented.

(iii) Seating space

A minimum of ten percent of required queuing space

shall be provided as seating, and up to 50 percent of required queuing space may be provided as seating. However, no seating shall be required within a previously approved #waterfront public access area#. For the purpose of applying seating towards the queuing requirement, one linear foot of seating shall equal one square foot of queuing space.

All seating provided for queuing space shall comply with the applicable dimensional criteria of Section 62-652 (Seating), but need not comply with the percentage requirements for different types of seating required pursuant to such Section. However, moveable chairs shall not constitute seating for queuing.

Any seating space provided pursuant to this Section within an existing or proposed #waterfront public access area# shall not count towards the maximum amount of seating permitted to be located seaward of the #shore public walkway# pursuant to paragraph (b) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

(iv) Location

Queuing space shall be provided on the #waterfront zoning lot# within 150 feet of the landward terminus of the gangway leading to the docking facility.

(2) Bicycle parking

Bicycle racks sufficient to provide at least four bicycle parking spaces shall be provided on the #waterfront zoning lot#. Such bicycle racks shall comply with the standards of Section 62-657.

(3) Trash receptacle

One trash receptacle shall be provided on the #waterfront zoning lot# within 25 feet of the landward terminus of the gangway leading to the docking facility. Such trash receptacle shall comply with the standards of Section 62-658.

(c) Permitted amenities

Passenger queuing shelters and ticketing machines may be provided only in accordance with the applicable standards of this paragraph, (c), or, where applicable, the authorization provisions set forth in Section 62-824 (Modifications to

passenger queuing shelters for ferry or water taxi docking facilities).

All applications shall include a site plan denoting the location of such amenities, dimensioned plans and elevations of individual amenities, as well as any other material required to demonstrate compliance with the following standards:

(1) Passenger queuing shelter

Where provided, passenger queuing shelters shall comply with the provisions of this paragraph, (c)(1), inclusive. All heights are measured from adjoining grade.

(i) Maximum dimensions and permitted enclosing walls

The maximum height of a shelter shall be ten feet. Below a height of seven feet, the maximum width shall be four feet, and above a height of seven feet, the maximum width shall be eight feet. The maximum length of a shelter shall not exceed 16 feet, except that where a ticketing machine provided pursuant to paragraph (c)(2) of this Section is located within such shelter, such maximum length may be increased to 20 feet.

Shelters shall be permitted a total of three enclosing walls, one along the long dimension of the shelter, and one along each narrow end.

(ii) Support structures below the roof

A maximum of two vertical columns may support the enclosing walls and the roof of a shelter, except that where a ticketing machine provided pursuant to paragraph (c)(2) of this Section is located within such shelter, an additional column shall be permitted. The maximum width and depth of such columns shall not exceed twelve inches. All such columns shall be aligned so that when viewed in elevation view along the narrow end of the shelter, only one column shall be visible.

Below a height of 30 inches, one horizontal structural element shall be permitted along the long dimension of the shelter. The maximum depth and height of such structural element shall not exceed twelve inches. Between a height of 30 inches and seven feet no horizontal structural elements shall be permitted, and above a height of seven feet, horizontal structural elements shall be considered part of the roof

structure.

Additional support structures needed to support glazing in the enclosing walls are permitted, provided that such structures are to the minimum amount necessary.

(iii) Roof structure

The roof of the shelter, including all associated structural elements and materials, shall be located above a height of seven feet.

The maximum depth of the roof, including all associated structural elements and materials, shall not exceed twelve inches, as measured perpendicular to the roof surface. In addition, within six inches of the edge of any portion of the roof that cantilevers over passenger queuing space, as viewed in elevation along the narrow end of the shelter, the depth of the roof shall be limited to three inches.

No slopes or curves shall be permitted in the roof along the long dimension of the shelter. Along the narrow end of the shelter, slopes not to exceed fifteen degrees and curves with a radius of at least ten feet shall be permitted. Where two slopes are provided, in no event shall both portions of the roof angle downward from the same point.

(iv) Materials, lighting and permitted signage

On each narrow end of the shelter, the enclosing wall or associated vertical support column may accommodate up to six square feet of way-finding ferry #signs#, with a width not to exceed twelve inches. In addition, the enclosing wall on the long end of the shelter or a face of a ticketing machine provided in accordance with paragraph (c)(2) of this Section may accommodate up to six square feet of materials related to ferry operations, including maps and schedules of ferry service. No #advertising signs# shall be permitted.

All structural elements shall be composed of unpainted, metallic materials. The entire surface area of all enclosing walls shall be composed of untinted, transparent materials, except for transparency distraction markers and any support structures or signage permitted pursuant to this paragraph, (c)(1). A minimum of 50 percent of the surface area of the roof shall be composed of translucent materials, except that

any portion occupied by solar panels shall be excluded from such calculation. Benches provided within a shelter shall either match or complement such shelter materials.

Where lighting is provided within a shelter, the luminaire shall be shielded so the light source is not visible.

(v) Location and orientation

Shelters shall be provided on the #waterfront zoning lot# within 100 feet of the landward terminus of the gangway leading to the docking facility.

The long dimension of the shelter shall be oriented so as to be within 15 degrees of being perpendicular to the shoreline or, where located on a pier, within 15 degrees of being parallel to such pier.

Where a shelter is provided within a previously approved #waterfront public access area#, the Chairperson may modify the location and orientation provisions of this Section, to the minimum extent necessary, where site limitations would make compliance with such provisions infeasible.

(2) Ticketing machines

Ticketing machines provided in conjunction with a docking facility shall comply with the provisions of this paragraph, (c) (2).

(i) Maximum square footage

The maximum area of all ticket machines, as measured in plan around the furthest extent of such machines, shall not exceed 12 square feet.

(ii) Location

Ticketing machines shall be provided on the #waterfront zoning lot# within 100 feet of the landward terminus of the gangway leading to the docking facility.

Where a passenger queuing shelter is provided in conjunction with the ferry or water taxi docking facility pursuant to paragraph (c) (1) of this Section, ticketing machines shall be located either within, or immediately adjacent to the upland portion of such

shelter.

Any ticketing machine not placed within a passenger queuing shelter shall be placed in a location open to the sky.

Ticketing machines shall either front directly upon a required circulation path or shall be connected thereto by a walkway with an unobstructed minimum clear width of at least five feet.

Where a ticketing machine is provided within a previously approved #waterfront public access area#, the Chairperson may modify the location provisions of this Section, to the minimum extent necessary, where site limitations would make compliance with such provisions infeasible.

- (d) Provisions for adding amenities for docking facilities to a #waterfront public access area#

Docking facilities proposed within a previously approved #waterfront public access area# or in conjunction with a certification for such approval, pursuant to Section 62-811 (Waterfront public access areas and visual corridors), shall comply with the applicable provisions of this paragraph, (d).

- (1) Permitted obstructions

In no event shall amenities provided pursuant to paragraphs (b) or (c) of this Section be permitted to encroach upon the minimum circulation paths required pursuant to the applicable provisions of Sections 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), 62-63 (Design Requirements for Public Access on Piers and Floating Structures) and 62-64 (Design Requirements for Upland Connections).

- (2) Providing amenities in previously approved #waterfront public access areas#

All seating, bicycle parking and trash receptacles provided for docking facilities in accordance with the provisions of paragraph (b) of this Section, within a previously approved #waterfront public access area#, shall be provided in addition to the amount of seating, bicycle parking, or trash receptacles required for such #waterfront public access area# pursuant to the applicable provisions of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS). Where excess seating, bicycle parking or trash receptacles

have been provided within such previously approved #waterfront public access areas#, such additional amenities may be applied towards compliance with the provisions for docking facilities of this Section, provided that such amenities comply with the applicable provisions of paragraph (b) of this Section. Where previously approved #waterfront public access areas# are #non-complying# as to the provision of required amenities, in no event shall the minimum amount of amenity provided for docking facilities pursuant to paragraph (b) reduce the degree of #non-compliance# of such #waterfront public access area#.

All seating, bicycle parking and trash receptacles provided in accordance with the provisions of paragraph (b) of this Section in an existing #waterfront public access area# shall either match or shall be comparable with such existing amenities, with regard to quality, materials, finishes, and form.

Modifications to a previously approved #waterfront public access area# in order to accommodate amenities to be provided for a docking facility in accordance with paragraphs (b) or (c) of this Section shall not constitute a design change to such #waterfront public access area#, and shall not necessitate a new certification pursuant to Section 62-811, provided that the applicant demonstrates to the Chairperson of the City Planning Commission that such modifications are to the minimum extent necessary in order to accommodate the amenities being provided for such docking facility.

- (3) Providing amenities in conjunction with a new #waterfront public access area#

All amenities provided for docking facilities in accordance with the provisions of paragraph (b) of this Section shall be provided in addition to all required seating, bicycle parking, or trash receptacles for a #waterfront public access area# being #developed# in conjunction with the provision of a docking facility. All such proposed amenities for the docking facility shall complement the proposed amenities for such #waterfront public access area#.

- (e) Modifications of certified docking facilities

Any modification to a docking facility certified pursuant to this Section, shall comply with the applicable provisions of this paragraph, (e).

- (1) Modification of amenities

Any modification of the required or permitted amenities for a docking facility certified pursuant to this Section, including the configuration of such amenities, shall be subject to a new certification pursuant to this Section.

Any ferry or water taxi service modification resulting in a reduction of passenger capacity of the largest vessel docking at such facility shall not be subject to a new certification provided that the amount of queuing space required at the time of approval, pursuant to paragraph (b) of this Section, is not diminished.

- (2) Establishment of or modifications to #waterfront public access areas#

Any establishment of a #waterfront public access area# or modification to a previously approved #waterfront public access area# where a docking facility certified pursuant to this Section is located, shall require a new certification, pursuant to this Section, in conjunction with the certification set forth in Section 62-811 (Waterfront public access areas and visual corridors).

- (3) Cessation of ferry or water taxi service

Where ferry or water taxi service ceases operations to a docking facility certified pursuant to this Section, and ferry docking infrastructure is removed from the #waterfront zoning lot# which would preclude further service, the following shall apply:

- (i) Passenger queuing shelters and ticketing machines provided pursuant to paragraph (c) of this Section shall be removed from the #waterfront public access area#;
- (ii) Seating, bicycle racks, and litter receptacles provided pursuant to paragraph (b) of this Section need not be removed; and
- (iii) any breach in a guardrail along a #pier# or along the #shore public walkway# to accommodate a gangway to a docking facility shall be repaired and shall match the adjacent guardrail.

62-82

Authorizations by the City Planning Commission

(3/26/14)

62-821

Modification of requirements for ferries and sightseeing, excursion or sport fishing vessels

- (a) In C1, C2, C3 and C7 Districts, the City Planning Commission may authorize modification of the #use# regulations of Section 32-10 (USES PERMITTED AS-OF-RIGHT) in order to allow docks for ferries with an operational passenger load greater than 150 passengers per half hour, or in Community District 1 in the Borough of Brooklyn, a vessel capacity larger than 399 passengers, provided the Commission finds that:
 - (1) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect the surrounding area;
 - (2) the #streets# providing access to such facility will be adequate to handle the traffic generated thereby; and
 - (3) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in adjoining residential areas.
- (b) In all districts, the City Planning Commission may authorize a reduction or waiver of the parking requirements of Section 62-43 for docks serving ferries, or sightseeing, excursion or sport fishing vessels, provided the applicant submits a report that enables the Commission to make one or more of the following findings:
 - (1) that there is or would be adequate public or private transit in close proximity to the facility and that there is or would be a consistent pattern of usage by a significant percentage of passengers;
 - (2) that there is or would be a consistent pattern of passenger drop-off and pick-up by private cars, taxis or vans by a significant percentage of passengers;
 - (3) that there is or would be a consistent pattern of arrivals and departures on foot or by bicycle by a significant percentage of passengers;

- (4) that there is a consistent pattern of underutilization of existing #accessory# parking spaces; or
 - (5) that the dock serves or would serve vessels operating at different times during the day or week and that there is or would be shared usage of common parking spaces at mutually exclusive time periods.
- (c) In all districts, the Commission may authorize modification of the passenger drop-off and pick-up area requirements of Section 62-462, including a reduction in the number of required spaces, for docks serving ferries, or sightseeing, excursion or sport fishing vessels, provided the Commission finds that:
- (1) due to the configuration of the #zoning lot#, strict adherence to the regulations would not be possible to achieve;
 - (2) there is no practical possibility of locating such area on another #zoning lot# that would be contiguous, except for its separation by a #street# or #street# intersection, because appropriate sites are occupied by substantial improvements;
 - (3) there is no practical possibility of providing a lay-by area on an adjoining #street# that would be acceptable to the New York City Department of Transportation; and
 - (4) such modifications would not create serious vehicular traffic congestion that would adversely affect the surrounding area.

The Commission may impose appropriate conditions and safeguards to assure that such modifications will not adversely affect the surrounding area.

(2/2/11)

62-822

Modification of waterfront public access area and visual corridor requirements

- (a) Authorization to modify requirements for location, area and minimum dimensions of #waterfront public access areas# and #visual corridors#

The City Planning Commission may modify the requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND

WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards). The Commission may also authorize a portion or all of the required #waterfront public access area# to be provided off-site on an adjoining public property.

The Commission shall file any such authorization, pursuant to this paragraph, (a), 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 such authorization in whole or in part, with additional or modified restrictions or conditions, 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.

- (1) In order to modify the location of #waterfront public access areas# and #visual corridors#, the Commission shall find that such areas, provided either on the #zoning lot# or off-site adjacent to the #zoning lot#, shall:
 - (i) comply with the required minimum dimensions and equal the required total area, in aggregate; and
 - (ii) due to their alternative location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas; or
 - (2) In the event the Commission determines that there is no feasible way to provide equal alternative #waterfront public access areas# either on the #zoning lot# or off-site on an adjoining public property or to provide equal alternative #visual corridors#, the Commission may authorize a reduction in minimum dimensions or area, or may waive such requirements, provided that:
 - (i) such #development# would be impracticable, physically or programmatically, due to site planning constraints such as the presence of existing #buildings or other structures# or elements having environmental, historic or aesthetic value to the public; and
 - (ii) that the reduction or waiver of requirements is the minimum necessary.
- (b) Authorization to modify requirements within #waterfront public access areas#

The City Planning Commission may modify the requirements within the #waterfront public access area# provisions of Sections 62-513 (Permitted obstructions in visual corridors), 62-58 (Requirements for Water-Dependant Uses and Other Developments), 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-90 (WATERFRONT ACCESS PLANS), inclusive.

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

- (1) are necessary to accommodate modifications pursuant to paragraph (a) of this Section; or
 - (2) would result in a design of #waterfront public access areas# that is functionally equivalent or superior to the design prescribed by strict adherence to the applicable provisions.
- (c) Authorization for phased #development# of #waterfront public access areas#

The City Planning Commission may authorize a phasing plan to implement #waterfront public access area# improvements on #zoning lots# undergoing partial development or #zoning lots# subdivided or reconfigured, pursuant to Section 62-812.

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

- (1) the amount of #waterfront public access area developed# in any phase is proportionate to the #lot area# being #developed# in such phase; or
- (2) physical or programmatic constraints make it infeasible to provide the #waterfront public access area# on a proportional basis as the #zoning lot# is improved, and the maximum feasible amount of #waterfront public access area# is #developed# in each phase.

A phasing plan shall be submitted that sets forth the amount and location of #waterfront public access area# that will be provided at the time each phase is #developed#.

- (d) Authorization to modify minimum hours of operation and to install gates

The City Planning Commission may authorize, for a period not to exceed ten years, modifications of the requirements for hours of operation set forth in Section 62-71, paragraph (a), or the installation of gates in #predominantly residential developments#

in accordance with the provisions of Section 62-651, paragraph (c) (2).

The Commission shall find that any modification of the hours of operation and the installation of gates in #predominantly residential developments# are warranted due to the remote location of the #waterfront public access areas#, and that such modified hours of operation or gates will not thereby unduly restrict public access to the waterfront.

As a condition of granting such authorization, the Commission shall find that all gates comply with the design requirements set forth in Section 62-651.

Public access to the #waterfront public access areas# shall be assured by appropriate legal instruments. Signage setting forth hours of operation shall be affixed to the gate which shall indicate the hours of public access authorized pursuant to this paragraph, (d).

The Commission may impose appropriate conditions and safeguards to assure that such modifications will achieve comparable physical and visual access to the waterfront or to assure that an approved phasing plan will be properly implemented. Such conditions may include, but are not limited to, deed restrictions, easements or performance bonds.

(2/2/11)

62-823

Modification of use regulations in C3 Districts

In C3 Districts, the City Planning Commission may authorize modification of #use# regulations to allow a WE #use# not otherwise allowed as-of-right or by special permit. In conjunction with such authorization, the Commission may also allow the #sign# regulations of a C1 District to apply to the #zoning lot#.

As a condition to the granting of such authorization the Commission shall find:

- (a) that such WE #use# is a #use# listed in Use Groups 5, 6, 7, 8, 9, 10, 12 or 13;
- (b) that the #zoning lot# also includes a WD #use# that is either permitted in the district as-of-right or has been permitted by special permit;
- (c) that such WE #use# will not create serious pedestrian or

vehicular traffic congestion that would adversely affect surrounding residential #streets#;

- (d) that the entrances and exits for #accessory# parking or loading facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and
- (e) that such WE #use# will not impair the character or future use or development of the surrounding area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include limitations on the size of the establishment, limitations on lighting and signage or screening requirements.

(3/26/14)

62-824

Modifications to passenger queuing shelters for ferry or water taxi docking facilities

In Community District 1 in the Borough of Brooklyn, the City Planning Commission may authorize a ferry passenger queuing shelter exceeding the dimensions set forth in paragraph (c)(1) of Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas), provided that the Commission finds that:

- (a) the public benefit derived from the proposed shelter merits the larger dimensions authorized;
- (b) the proposed shelter utilizes the design standards set forth in paragraph (c)(1) of Section 62-813 regarding permitted support structures, materials, signage and roof construction to the greatest extent feasible;
- (c) any modification to such provisions of Section 62-813 will not unduly limit views from the #waterfront public access area#; and
- (d) the design of the proposed shelter will result in a quality structure that complements the #waterfront public access area# or the publicly accessible area of a #waterfront zoning lot# accommodating the ferry or water taxi docking facility.

(4/22/09)

62-83

Special Permits by the City Planning Commission

(4/22/09)

62-831

Docks for passenger ocean vessels in C6 Districts

In C6 Districts, the City Planning Commission may permit docks for passenger ocean vessels, other than #gambling vessels#.

As a condition for granting a special permit, the Commission shall find that:

- (a) such facility will not create serious pedestrian or vehicular traffic congestion that would unduly inhibit surface traffic and pedestrian flow in the surrounding area;
- (b) the #streets# providing access to such facility will be adequate to handle the traffic generated thereby;
- (c) an area will be provided for the drop-off and pick-up of passengers by private car, taxi, van and bus that, at a minimum, meets the requirements of Section 62-462 (Passenger drop-off and pick-up areas for docking facilities), and which is so designed as to avoid traffic or pedestrian conflict on the #streets# providing access to the facility; and
- (d) such #use# will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including the provision of #accessory# off-street parking spaces, #accessory# off-street loading berths or additional area for the temporary parking of vehicles or buses for drop-off and pick-up of passengers.

(3/26/14)

62-832

Docks for ferries or water taxis in Residence Districts

In all #Residence Districts#, except R1 and R2 Districts, and except within Community District 1 in the Borough of Brooklyn, where the

certification provisions of Section 62-813 (Docking facilities for ferries or water taxis in certain waterfront areas) shall apply, the City Planning Commission may permit docks for ferries or water taxis as listed in Use Group 6, provided that:

- (a) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;
- (b) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in the adjoining residential area;
- (c) there is appropriate landscaping along #lot lines# to enable such #use# to blend harmoniously with the adjoining residential area;
- (d) #accessory# off-street parking spaces are provided in accordance with Section 62-43 (Parking Requirements for Commercial Docking Facilities) and the entrances and exits for such #accessory# parking facilities are so located as to not adversely affect #residential# properties fronting on the same #street#; and
- (e) such #use# will not impair the character or the future use or development of the surrounding residential area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and to protect #residential# properties which are adjoining or across the #street# from the facility. Such additional conditions and safeguards may include provisions for temporary parking of vehicles for passenger drop-off and pick-up, additional #accessory# off-street parking spaces and limitations on lighting and signage.

(4/22/09)

62-833

Uses on floating structures

In all districts, the City Planning Commission may permit a #use# not otherwise allowed as-of-right by Section 62-25 to be located on a #floating structure# provided the #use# is permitted by the applicable district regulations and the #floating structure# complies with the height and setback regulations of Section 62-343.

An application for a #use# on a #floating structure# pursuant to this Section shall be made jointly by the property owner and the owner of the #floating structure#, if they are separate entities. In addition, the application shall include copies of all Federal and State permit

applications that are required to be filed in conjunction with the proposed #use#.

As a condition for granting a special permit, the Commission shall find that:

- (a) the proposed #use# is a WE #use# or is either a power plant or government-owned and operated facility that requires such a location due to the absence of a reasonable way to site the facility without use of a #floating structure#;
- (b) a plan for public access on the #floating structure#, elsewhere on the #zoning lot#, or off-site on public property adjacent to the #zoning lot#, is provided that is appropriate to the size and intensity of #use# on the #floating structure#;
- (c) except for power plants or government-owned and operated facilities, the location of such #use# on a #floating structure# will enhance public access to and use of the waterfront; and
- (d) the location of such #use# on a #floating structure# will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

However, the Commission may waive the public access requirement for a power plant or government-owned and operated facility either where such access would conflict with the operation of the facility or be detrimental to the public welfare.

The Commission may also permit modification of the #visual corridor# requirements of Section 62-51, inclusive, provided it makes the additional finding that the location and configuration of the #floating structure# minimizes any adverse effects on significant views to the water from upland public #streets# or other public places.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #floating structures# on the same or adjoining #zoning lots# and limitations on lighting or signage.

(4/22/09)

62-834

Developments on piers or platforms

In all districts, the City Planning Commission may permit:

- (a) a change of #use# on a #new pier# or #new platform# from a WD #use# or playground or publicly accessible private park, to any other WE #use# permitted by the applicable district regulations and, in conjunction with such change of #use#, modification of the #bulk# regulations of Section 62-30 for an existing #building#, except for Section 62-31, paragraph (a), or the maximum #floor area ratio#, provided the Commission finds that:
 - (1) existing permitted WD #uses# and open WE #uses# on the #pier# or #platform# have been discontinued for a continuous period of at least two years immediately prior to the date of application;
 - (2) the proposed WE #use# will significantly enhance public use and enjoyment of the waterfront;
 - (3) there is no increase in #water coverage#; and
 - (4) in the case of modification of #bulk# regulations for an existing #building#, findings (b)(3) through (b)(6) of this Section are also met. Finding (b)(4) shall also include #platforms# within the #seaward lot#.
- (b) for an #existing pier#, any #use# permitted by the applicable district regulations and modifications of the provisions of Sections 62-332 (Rear yards and waterfront yards) and 62-342 (Developments on piers), provided the Commission finds that:
 - (1) the facility is so designed as to significantly enhance public use and enjoyment of the waterfront;
 - (2) #accessory# parking or loading facilities provided in conjunction with such #uses# are arranged and designed so as to not adversely impact public access areas anywhere on the #zoning lot#;
 - (3) the proposed #development# does not violate the #bulk# provisions of Section 62-341 (Developments on land and platforms);
 - (4) within the #seaward lot#, the ratio of #floor area# on the #pier# to #water coverage# of the #pier# does not exceed the maximum #floor area ratio# for the #use# as set forth in the district regulations;
 - (5) such #bulk# modifications would not unduly obstruct the light and air or waterfront views of neighboring properties; and

- (6) such modifications will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.
- (c) for #piers#, modification of the #waterfront public access area# and #visual corridor# requirements of Sections 62-50 and 62-60, provided the Commission finds that:
 - (1) the proposed #development# would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60, inclusive; and
 - (2) an alternative #waterfront public access area# and #visual corridors# on the #zoning lot#, or off-site on a public property adjacent to the #zoning lot#, are provided that are substantially equal in area to that required and, by virtue of their location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas.

In the event that the Commission determines there is no feasible way to provide substantially equal alternative public access areas, either on the #zoning lot# or off-site on an adjoining public property or to provide substantially equal alternative #visual corridors#, the Commission may authorize a reduction or waiver of the requirements.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #buildings# on the same or adjoining #zoning lots#, limitations on lighting and signage and limitations on size of individual establishments.

(4/22/09)

62-835

Public parking facilities on waterfront blocks

In C1, C2, C4, C5, C6 and C7 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# on #waterfront blocks# in accordance with applicable district regulations and Sections 74-51 and 74-52, provided the parking facility is an interim #use# limited to a term of not more than five years, or the Commission finds that:

- (a) the facility is needed to serve primarily waterfront #developments# containing WD or WE #uses#; and
- (b) there is no practical possibility of locating such facility on a non-#waterfront block# because appropriate sites on such #blocks# are occupied by substantial improvements.

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

(2/2/11)

62-836

Bulk modifications on waterfront blocks

In all districts, the City Planning Commission may permit modification of any applicable #yard#, #lot coverage#, height and setback, and distance between #buildings# regulations, for a #development# on a #zoning lot# within a #waterfront block#, excluding any portion on a #pier# or #new platform#, provided the Commission finds that such modifications will not adversely affect access to light and air on surrounding #waterfront public access areas#, #streets# and properties; and

- (a) will result in a better site plan and a better relationship between the #zoning lot# and the adjacent #streets#, surrounding neighborhood, adjacent open areas and #shoreline# than would be possible through strict adherence to the regulations; or
- (b) are necessary to protect unique natural features such as rock outcroppings, significant grade changes or wetlands, or to accommodate existing #buildings or other structures#.

(4/22/09)

62-837

Docks for gambling vessels

In all #Commercial Districts#, except C1 Districts, and in all #Manufacturing Districts#, the City Planning Commission may permit docks for #gambling vessels#, provided that, in #Commercial Districts#, the maximum aggregate dock capacity per #zoning lot# shall be determined by the zoning district, as indicated in the applicable provisions of Sections 32-18 (Use Group 9) and 32-23 (Use Group 14).

As a condition for permitting such #use#, the Commission shall find that:

- (a) the #streets# providing access to such docking facility will be adequate to ensure that the traffic generated will not unduly impede surface traffic and pedestrian flow in the surrounding area;
- (b) any noise and activity related to the docking facility, including vessel operations, will not have a detrimental impact on the waterfront and surrounding area; and
- (c) such #use# will not be incompatible with the essential character, #use# or future growth of the waterfront and surrounding area.

Docks for #gambling vessels# shall comply with all provisions of the Resolution, including the provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), applicable to the type of vessel on which the shipboard gambling business is operated.

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

This text amendment shall take effect on April 27, 1998.

(4/22/09)

62-90

WATERFRONT ACCESS PLANS

(4/22/09)

62-91

General Provisions

(4/22/09)

62-911

Establishment of Waterfront Access Plans

The City Planning Commission and City Council may adopt a Waterfront Access Plan as an amendment to this Resolution pursuant to Section 200 or 201 of the City Charter and in accordance with the provisions of Sections 62-912 (Elements of a Waterfront Access Plan), 62-913

(Conditions for the adoption of a Waterfront Access Plan) and this Section in order to adjust the #waterfront public access area# and #visual corridor# requirements of Sections 62-50 and 62-60, inclusive, retain the #waterfront block bulk# regulations of Section 62-30 on newly-created non-#waterfront blocks# within a specifically defined portion of the #waterfront area#, or establish #waterfront yard# requirements for #developments# otherwise exempt from the requirements of Section 62-33 (Special Yard Regulations on Waterfront Blocks).

To be considered for a Waterfront Access Plan, an area shall:

- (a) be entirely in the #waterfront area#;
- (b) not include any portions within R1 or R2 Districts;
- (c) comprise either entire #blocks# or a minimum of four acres, all portions of which are contiguous tracts of land except for intervening #streets#; and
- (d) have at least 600 feet of #shoreline#.

(4/22/09)

62-912

Elements of a Waterfront Access Plan

A Waterfront Access Plan may:

- (a) on #zoning lots# where a #waterfront public access area# or #visual corridors# are required pursuant to the provisions of Sections 62-50 and 62-60, inclusive, modify the size, configuration, location or design of required #waterfront public access areas# or #visual corridors# within certain designated areas in order to address local conditions, provided such plan does not impose a #waterfront public access area# or #visual corridor# requirement on any #zoning lot# greater than would otherwise be required pursuant to the provisions of Sections 62-50 or 62-60. For the purpose of determining the amount of public access, the highest standard applicable to a #zoning lot# may be applied regardless of any specific #use# permitted or proposed for such #zoning lot#. Within Waterfront Access Plan BK-1, the #waterfront public access area# and #visual corridor# requirements for any parcel located within the Waterfront Access Plan may be determined by aggregating the #waterfront public access area# and #visual corridor# requirements of each #zoning lot# within the parcel and such aggregated requirements may be modified within such parcel without regard to #zoning lot lines#;

- (b) on #zoning lots# where #waterfront public access area# or #visual corridors# are not required pursuant to the provisions of Sections 62-50 and 62-60, inclusive, establish requirements for a #waterfront public access area# or #visual corridors#, except for those #zoning lots# predominantly developed# for airports, heliports, seaplane bases or, in C8 or #Manufacturing Districts#, #uses# in Use Groups 16, 17 or 18, provided that such #zoning lots#, when improved would result in a community need for such physical or visual access to the waterfront or a waterfront linkage of #public parks# or other public areas. The plan may incorporate one or more of the #waterfront public access areas# or #visual corridors# listed in Section 62-50, inclusive, consistent with the standards of Sections 62-50 and 62-60, inclusive. Such standards may be modified as necessary to address local conditions provided such plan does not impose a requirement for any component greater than would otherwise be required pursuant to the provisions of Sections 62-50 or 62-60;
- (c) modify or waive specific requirements for a #waterfront public access area# or #visual corridors# in certain designated areas where such requirements would not be compatible with local conditions and therefore not serve to further public enjoyment of the waterfront;
- (d) identify shore terminations of mapped #streets# or #existing piers# or #platforms# within seaward prolongations of such #streets# and establish public access treatments for such areas after referral to the Department of Transportation or other City agency having jurisdiction over such property for its review and concurrence;
- (e) apply the #bulk# regulations of Section 62-30 to a non-#waterfront block# when such #block# results from a subdivision of a #waterfront block# as the result of a #street# mapping; and
- (f) for #developments# where a #waterfront yard# is not otherwise required by Section 62-33, establish requirements for a #waterfront yard# provided such plan does not impose a requirement greater than would be required by the provisions of Sections 62-331 or 62-332, as modified by the further provisions of this paragraph, (f), for such other #developments#. #Enlargements# of #buildings or other structures# existing on the effective date of the Waterfront Access Plan shall be permitted within such #waterfront yard# provided that the #enlargement# is for WD #uses# or Use Group 16, 17 or 18 #uses# and no portion of the #enlargement#, other than permitted obstructions, is within 20 feet of the seaward edge of the #waterfront yard#. In addition, obstructions shall be permitted within such #waterfront yard# pursuant to applicable district #yard# regulations, except that no #building# or portion of a #building# shall be permitted

within 10 feet of the seaward edge of such #waterfront yard#.

A Waterfront Access Plan shall include the following elements:

- (1) identification of the plan by Borough and plan number or area name;
- (2) a #zoning map#, or portion thereof, showing the boundaries of the geographical area included within the plan, which shall constitute the plan map;
- (3) delineation on the plan map of any physical or visual waterfront access features mandated by the plan to be at specific locations; and
- (4) a description in the plan text of all features established or modified by the plan, with reference to affected #blocks# and lots.

(4/22/09)

62-913

Conditions for adoption of a Waterfront Access Plan

As a condition precedent to its approval of a Waterfront Access Plan, the City Planning Commission shall find, in its report to the City Council for adoption, that such plan:

- (a) would improve public use and enjoyment of the waterfront, thereby serving to implement the goals set forth in Section 62-00; and
- (b) meets any of the following:
 - (1) is necessary to link #public parks# or other public areas along the waterfront or to the waterfront, and such linkage would not necessarily be achieved solely by the provisions of Sections 62-34, 62-50 and 62-60;
 - (2) is necessary to accommodate unique shore conditions or the retention of existing #buildings or other structures#, including bridges, viaducts or railways that would not be adequately accommodated by the provisions of Sections 62-50 and 62-60;
 - (3) is necessary to accommodate unique topography or natural features, such as wetlands conditions, significant grade changes, geologic formations, natural vegetation or wildlife habitats, which natural features or topography would not be

adequately accommodated by the provisions of Sections 62-34, 62-50 and 62-60;

- (4) is necessary to create a better physical or visual relationship of the waterfront to significant upland #streets# or preserves significant views of the water or historic structures from such #streets#, which would not necessarily be achieved by the provisions of Sections 62-34, 62-50 and 62-60;
- (5) is necessary to achieve public access to the waterfront in an area characterized by large undeveloped tracts of land with a limited number of public #streets# leading to the shore;
- (6) is necessary to maintain #visual corridors# that would be extinguished by a #street# de-mapping after October 25, 1993, or maintains #visual corridors# from certain upland #streets# that would be exempted from such requirements as the result of an intervening #street# mapping after October 25, 1993; or
- (7) is necessary to retain the #bulk# regulations of Section 62-30 on certain #blocks# that would be exempted from such requirements as the result of an intervening #street# mapping after October 25, 1993.

(6/30/09)

62-92

Borough of The Bronx

The following Waterfront Access Plans are hereby established within the Borough of The Bronx. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BX-1: Harlem River, in the #Special Harlem River Waterfront District#, as set forth in Section 87-60 (HARLEM RIVER WATERFRONT ACCESS PLAN).

(4/22/09)

62-93

Borough of Brooklyn

The following Waterfront Access Plans are hereby established within

the Borough of Brooklyn. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BK-1: Greenpoint-Williamsburg, as set forth in Section 62-931.

(3/26/14)

62-931

Waterfront Access Plan BK-1: Greenpoint-Williamsburg

Maps BK-1a through BK-1c in paragraph (f) of this Section show the boundaries of the area comprising the Greenpoint-Williamsburg Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on May 11, 2005, as follows:

Parcel 1:	Block 2472, Lot 350
Parcel 2:	Block 2472, Lot 400
Parcel 3:	Block 2472, Lot 410
Parcel 4:	Block 2472, Lot 425
Parcel 5a:	Block 2472, Lot 100
Parcel 5b:	Block 2472, Lot 32, south of the prolongation of the northern #street line# of DuPont Street Block 2494, Lot 6
Parcel 5c:	Block 2472, Lot 2 Block 2502, Lot 1 Block 2510, Lot 1 Block 2520, Lot 57
Parcel 5d:	Block 2494, Lot 1
Parcel 5e:	Block 2472, Lot 32, north of the prolongation of the northern #street line# of DuPont Street
Parcel 6:	Block 2472, Lot 75
Parcel 7:	Block 2520, Lot 1
Parcel 8:	Block 2530, Lots 55, 56

Parcel 9: Block 2530, Lot 1

Parcel 10: Block 2538, Lot 1

Parcel 11: Block 2543, Lot 1

Parcel 12a: Block 2556, Lot 41

Parcel 12b: Block 2556, Lots 45, 46

Parcel 12c: Block 2556, Lots 55, 57, 58

Parcel 12d: Block 2556, Lot 54

Parcel 12e: Block 2556, Lot 53

Parcel 12f: Block 2556, Lot 52

Parcel 12g: Block 2556, Lot 51

Parcel 12h: Block 2556, Lot 50

Parcel 12i: Block 2556, Lot 49

Parcel 12j: Block 2556, Lot 48

Parcel 13: Block 2556, Lot 1
Block 2564, Lot 1
Block 2567, Lot 1
Block 2570, Lot 36

Parcel 14: Block 2570, Lot 1

Parcel 15: Block 2590, Lot 1

Parcel 16: Block 2590, Lot 210

Parcel 17: Block 2590, Lot 215

Parcel 18: Block 2590, Lot 22

Parcel 19: Block 2590, Lot 25

Parcel 20: Block 2277, Lot 1
Block 2590, Lot 100

Parcel 21: Block 2287, Lots 1, 16, 30
Block 2294, Lots 1, 5

Parcel 22: Block 2301, Lots 1, 50, 60, 70

Parcel 23: Block 2316, Lot 46

Parcel 24: Block 2308, Lot 1
Block 2316, Lot 1

Parcel 25: Block 2324, Lot 1
Block 2332, Lot 1

Parcel 26: Block 2340, Lot 1

Parcel 27: Block 2348, Lot 1

(a) Area wide modifications

The following provisions shall apply to all #developments# required to provide a #waterfront public access area#, pursuant to Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS):

- (1) Paragraph (a)(3) of Section 62-54 (Requirements for Public Access on Piers) is applicable, except that a minimum of 15 feet is required along each water edge.
- (2) In addition to the requirements of Section 62-65 (Public Access Design Reference Standards), all #waterfront public access areas# are subject to the provisions set forth in paragraph (c) of this Section.
- (3) #Street# treatment

All #streets# adjacent to a #shore public walkway# or #supplemental public access area# shall be improved as a continuation of such #shore public walkway# or #supplemental public access area#, pursuant to the design requirements of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), inclusive.

(b) Amenities

A reduction in the total amount of required #supplemental public access area# shall be permitted according to the table in this paragraph, (b):

REDUCTIONS IN WATERFRONT PUBLIC ACCESS AREAS

Amenity	Square feet reduction
Picnic table	22 sq. ft. per table (max. 200 sq. ft.)

Chess table	20 sq. ft. per table (max. 200 sq. ft.)
Telescope	10 sq. ft. per telescope (max. 50 sq. ft.)
Fountain/water feature	150 sq. ft. per feature (max. 300 sq. ft.)
Shade structure	150 sq. ft. per structure (max. 300 sq. ft.)

(c) Public access design reference standards

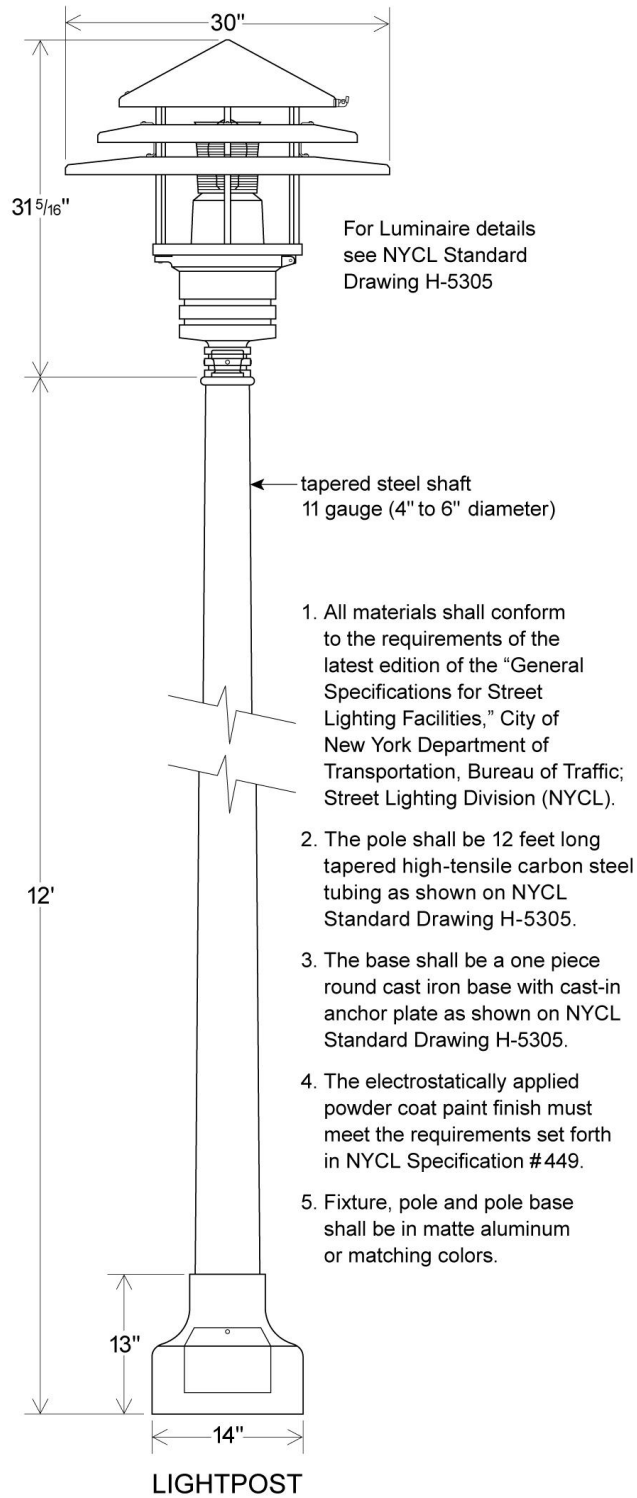
Section 62-65 is hereby modified by the following provisions.

(1) Guardrails

In addition to the provisions of paragraph (a) of Section 62-651 (Guardrails, gates and other protective barriers), guardrails shall comply with the Guardrail illustration in this Section.



In addition to the illumination provisions of Section 62-653, the required lighting along any public access area shall comply with the Lightpost illustration in this Section.



(3) Paving

In addition to the provisions of Section 62-656, the paving for the required clear path within the #shore

public walkway# shall be gray. At least 50 percent of all other paved areas within the #shore public walkway# and #supplemental public access areas# shall be paved in the same color range.

(d) Special public access provisions by parcel

The provisions of Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified at the following designated locations which are shown on Map BK-1b in paragraph (f) of this Section:

(1) Parcels 1 and 2

(i) #Shore public walkway#

In the event of any #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge of the #zoning lot# and the existing #building or other structure# but need not be wider than 40 feet. The #shore public walkway# shall have a minimum clear path of 10 feet. No seating or planting shall be required. If seating and planting are provided, they shall comply with the provisions of Sections 62-652 and 62-655, respectively. In addition to the lighting design requirements of paragraph (c) (3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirements for a #supplemental public access area# shall be waived.

(2) Parcels 3 and 4

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within a flexible location along the #lot line# between Parcels 3 and 4. Whichever parcel is #developed# first shall provide an #upland connection# along the #lot line# between the two parcels. The remaining parcel may include the width of the #upland connection# in the computation necessary to comply with the requirements of a #visual corridor# along the #lot line# between the two parcels, according to the provisions of paragraph

(e)(1) of this Section. If both parcels are #developed# concurrently, then the requirements may be divided equally along the #lot line# between the parcels.

If, however, Parcel 4 is improved #predominantly# as a public access area prior to or concurrently with the #development# of Parcel 3, the #upland connection# requirement shall be waived. However, a public way shall be provided within an area bounded at its eastern edge by the shared #lot line# of Parcels 2 and 3, at its northern edge by the #shoreline#, at its western edge by a line 115 feet from the shared #lot line# of Parcels 2 and 3, and at its southern edge by the #lot line# along Commercial Street.

In addition, such public way shall have a minimum width of 15 feet, and shall comply with the provisions of Section 62-64 (Design Requirements for Upland Connections), as applicable for Type 2 #upland connections#. There shall be no more than two changes in direction over its entire length and no single turn shall be less than 90 degrees relative to the line of travel. Any change in direction with an angle of less than 135 degrees shall be posted with an entry sign and shall comply with the provisions of paragraph (b) of Section 62-654, and shall also be accompanied by an arrow indicating the direction of travel towards the #shore public walkway#. At least 50 percent of the area of any walls bounding such public way shall be glazed. In addition, 24 linear feet of seating shall be provided within such public way and within 50 feet of its boundary with the #shore public walkway# and the #street# it connects to.

(3) Parcel 5a

(i) #Upland connection#

An #upland connection# shall be provided between Commercial Street and the #shore public walkway# within the flexible location zone indicated on Map BK-1b in paragraph (f) of this Section.

The eastern boundary of such flexible location zone shall be 110 feet from the shared lot line of Parcel 4 and its western boundary shall be 200 feet from the shared lot lines of Parcels 5b and 6.

(ii) #Supplemental public access area#

The #supplemental public access area# shall #abut# the #shore public walkway# continuously along its longest side, and shall also #abut# the required #upland connection# where it meets the #shore public walkway#. The #upland connection# may cut across the #supplemental public access area# provided that any resulting #supplemental public access area# shall be at least 5,000 square feet. In no event shall the #supplemental public access area# be deeper than 100 feet.

Alternatively, a portion of the required #supplemental public access area# that is at least 5,000 square feet may #abut# the #shore public walkway# continuously along the longest side provided that it also #abuts# a publicly accessible private drive connecting the #shore public walkway# to Commercial Street. Such publicly accessible private drive shall be improved to the standards of an #upland connection# as required by Section 62-64, but shall not be counted towards satisfying the required amount of #waterfront public access area# on the site.

(4) Parcel 5b

The portion of Block 2472, Lot 32, located within Parcel 5b shall constitute a #zoning lot# for the purpose of applying all #waterfront public access area# and #visual corridor# provisions of Sections 62-50 through 62-90, inclusive.

(5) Parcel 5c

(i) #Upland connection#

Two #upland connections# shall be provided between West Street and the #shore public walkway#, each one located within the prolongation of the #street lines# of Eagle Street and Green Street, respectively.

(ii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided on Parcel 5c.

A #supplemental public access area# shall be

bounded by the southern boundary of the required Green Street #upland connection#, the #shore public walkway#, the southern boundary of Parcel 5c and the northern prolongation of the eastern boundary of the #shore public walkway# required in Parcel 7.

The remaining required #supplemental public access area# shall be provided either on the #pier# or distributed evenly as a widening of the #shore public walkway# located between the Eagle Street and Green Street #upland connections#. If any #supplemental public access area# is located on the #pier#, one shade tree shall be required for each 1,000 square feet of #supplemental public access area#, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees at a rate of 450 square feet of shade element per tree.

The total #lot area# utilized in the calculation of required #supplemental public access area# for Parcel 5c, pursuant to Section 62-57, shall include the #lot area# within Parcel 5d.

(iii) #Pier# public access

Public access shall be provided on the Green Street #pier# pursuant to the requirements of Section 62-54 and of paragraph (a)(1) of this Section.

(6) Parcel 5e

The portion of Block 2472, Lot 32, located within Parcel 5e shall constitute a #zoning lot# for the purpose of applying all #waterfront public access area# and #visual corridor# provisions of Sections 62-50 through 62-90, inclusive.

(7) Parcel 7

(i) #Shore public walkway#

For a portion of the required #shore public walkway#, where the distance between the #shoreline# and the #zoning lot line# boundaries of Parcel 7 is less than 17 feet, such portion shall be improved entirely as circulation path.

(ii) #Supplemental public access area#

The requirement for a #supplemental public access area# on Parcel 7 is waived.

(8) Parcels 9, 10 and 11

(i) #Supplemental public access area#

For each parcel, the #supplemental public access area# requirements shall be provided to widen the #shore public walkway#, which will be evenly distributed along the entire length of such #shore public walkway#.

(9) Parcel 13

(i) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of Milton Street.

(ii) #Supplemental public access area#

A #supplemental public access area# shall be bounded by the southern #street line# of Greenpoint Avenue, the #shore public walkway# and the northern boundary of the required Milton Street #upland connection#.

(10) Parcel 14

(i) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway#. The southern boundary of such #upland connection# shall be defined by a line between the intersection of the prolongation of the southern #street line# of Calyer Street and the western #street line# of West Street, and a point on the easterly boundary of the #shore public walkway# 30 feet north of the northern #street line# of Quay Street.

(ii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided. A #supplemental public access area# with a minimum of 9,000 square feet shall be provided between the prolongation of the northern #street line# of Calyer Street and the prolongation of the northern boundary of the required Calyer Street #upland connection# to widen the #shore public walkway#.

The remaining requirements for #supplemental public access area# shall be located in the area bounded by the southern boundary of the required Calyer Street #upland connection#, the #shore public walkway# and the southern boundary line of the parcel.

(11) Parcel 15

An #upland connection# shall be provided within the prolongation of the #street lines# of West Street, connecting Quay Street to Parcel 20.

(12) Parcels 19, 20, 21 and 22

Parcels 19, 20, 21 and 22 shall be designated as public #parks# as of May 11, 2005.

(13) Parcel 25

(i) #Upland connection#

An #upland connection# shall be provided between West Street and the #shore public walkway# located within the prolongation of the #street lines# of North 6th Street.

(ii) #Supplemental public access area#

Two #supplemental public access areas# shall be provided.

One #supplemental public access area# shall be provided along the prolongation of the southern #street line# of North 7th Street and the #shore public walkway#. Such public access area shall be a minimum of 3,000 square feet in area and shall have a minimum depth of 90 feet measured from the #shore public walkway#. A screening buffer shall be provided along the boundaries of the public access area and any private portion of the

#zoning lot#, pursuant to Section 62-655. No other planting shall be required.

A minimum of one linear foot of seating shall be required for every 65 square feet of #supplemental public access area#. Four trees shall be required, at least two of which shall be shade trees.

The remaining required #supplemental public access area# shall be located either on the #pier# or shall #abut# the #shore public walkway# continuously along its longest side, and shall also #abut# the required #upland connection# where it meets the #shore public walkway#. At least 70 percent of the required #supplemental public access area# shall have a width to depth ratio of 2:1. If any #supplemental public access area# is located on the #pier#, one shade tree shall be required for each 1,000 square feet of #supplemental public access area#, but in no event shall more than four shade trees be required. A shading element may be substituted for the required shade trees at a rate of 450 square feet of shade element per tree.

(iii) #Pier# public access

Public access shall be provided on a #pier# located at the western terminus of North 6th Street pursuant to the requirements of Section 62-54 and of paragraph (a)(1) of this Section.

(14) Parcel 26

(i) #Shore public walkway#

The requirements of Section 62-53 (Requirements for Shore Public Walkways) shall apply, except that the minimum required width of the #shore public walkway# shall be reduced to 34 feet between North 5th Street and the northern boundary of the required #upland connection# at the prolongation of North 4th Street. The quantity of public access eliminated from the #shore public walkway# as a result of this width reduction shall be located in the triangle formed between the #shore public walkway#, the southern #street line# of the North 4th Street #upland connection# and the bulkhead line.

(ii) #Upland connections#

An #upland connection# shall be provided between Kent Avenue and the #shore public walkway# located within the prolongation of the #street lines# of North 4th Street. However, if the #upland connection# is provided within a private drive pursuant to Section 62-56, then a portion of the southern public access area beyond 15 feet from Kent Avenue may be located up to 15 feet outside the prolongation of the #street lines# of North 4th Street, provided that this public access area is not located entirely outside the prolongation of the #street lines# of North 4th Street at any point within 80 feet of Kent Avenue.

(15) Parcel 27

(i) #Shore public walkway#

In the event of an #enlargement#, #extension# or change of #use# within existing #buildings or other structures#, a #shore public walkway# shall occupy the entire area between the seaward edge and the existing #building or other structure#, but need not be wider than 40 feet.

Notwithstanding the requirements of paragraph (a) of Section 62-61 (General Provisions Applying to Waterfront Public Access Areas), the #shore public walkway# may be located within the #building or other structure#, and the obstructions permitted by Section 62-611, paragraphs (a) and (b), shall include any supporting structural elements of the #building or other structure# and its related appurtenances.

In addition, the #shore public walkway# shall have a minimum clear path of 12 feet. No seating, planting or buffer zone shall be required. If seating and planting are provided, they shall comply with the provisions of Sections 62-652 and 62-655, respectively. In addition to the lighting design requirements of paragraph (c)(3) of this Section, lighting fixtures may be mounted on existing #buildings or other structures#.

(ii) #Supplemental public access area#

The requirements for #supplemental public access# shall be waived.

(e) Special #visual corridor# provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan are shown on Map BK-1c in paragraph (f) of this Section and shall be as follows:

(1) Parcels 3 and 4

A #visual corridor# shall be provided through Parcels 3 and 4 to the pierhead line within a flexible area along the common #lot line#.

Whichever parcel is #developed# later shall complete the required clearance to comply with the #visual corridor# requirements along the #upland connection# provided in accordance with the requirements of paragraph (d)(2)(i) of this Section. If the parcels are #developed# concurrently, then the requirements can be divided equally along the #lot line# between the parcels.

If, however, Parcel 4 is improved #predominantly# for a public access area(s) prior to or concurrently with the #development# of Parcel 3, and a #visual corridor# is provided in Parcel 4, then the requirements for a #visual corridor# on Parcel 3 shall be waived.

(2) Parcel 5a

A #visual corridor# shall be provided through Parcel 5a to the pierhead line within the flexible location zone indicated on Map BK-1c in paragraph (f) of this Section. The eastern boundary of such flexible area shall be 110 feet from the shared #lot line# of Parcel 4 and its western boundary shall be 200 feet from the shared #lot line# of Parcels 5b and 6.

(3) Parcel 5b

Two #visual corridors# shall be provided through Parcel 5b to the pierhead line as the prolongation of the #street lines# of West Street and Dupont Street, respectively.

(4) Parcel 5c

(i) Three #visual corridors# shall be provided through

Parcel 5c to the pierhead line as the prolongation of the #street lines# of West Street, Eagle Street and Green Street.

(ii) The permitted obstructions on #piers# in Section 62-631, paragraph (b), shall be permitted obstructions along the #visual corridor# along Green Street.

(5) Parcel 13

Two #visual corridors# shall be provided through Parcel 13 to the pierhead line as the prolongation of the #street lines# of Milton Street and Oak Street, respectively.

(6) Parcel 14

A #visual corridor# shall be provided through Parcel 14 as the prolongation of the #street lines# of Oak Street.

(7) Parcel 15

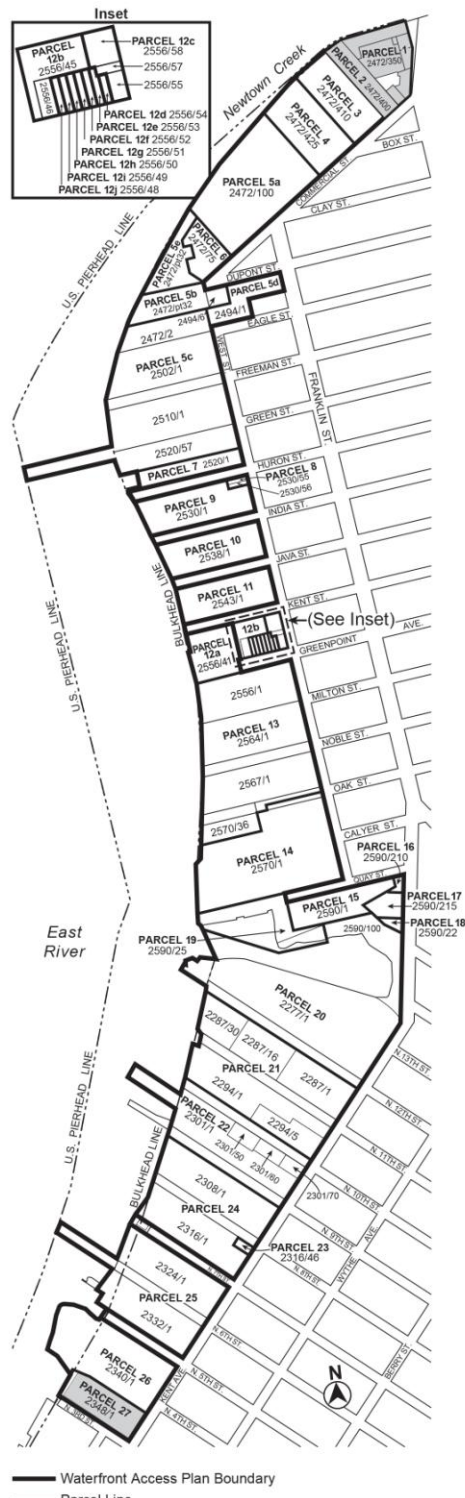
A #visual corridor# shall be provided through Parcel 15 as the prolongation of the #street lines# of West Street.

(8) Parcel 25

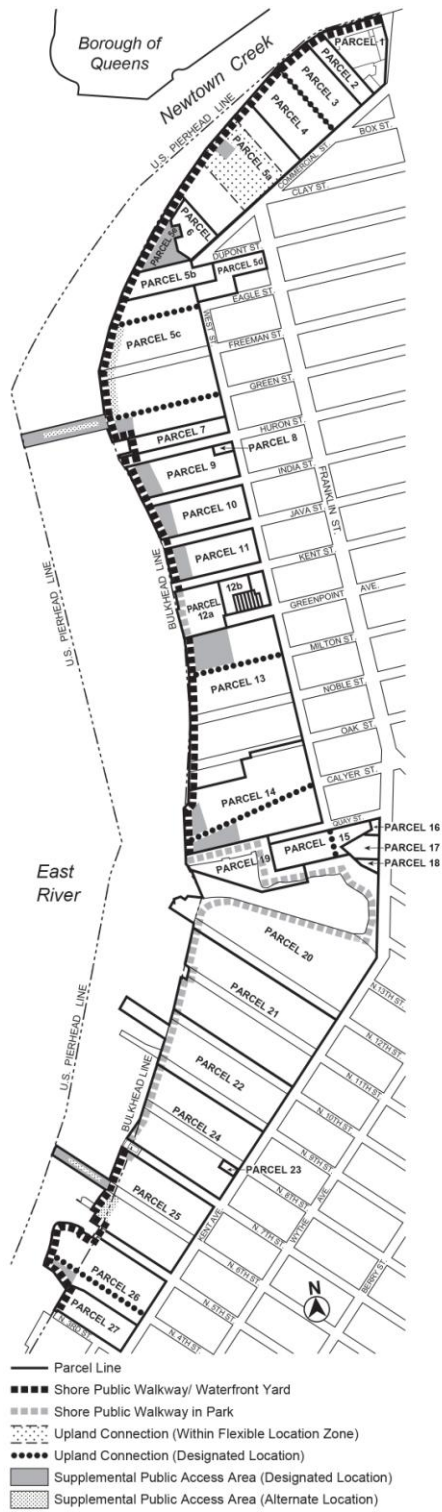
A #visual corridor# shall be provided through Parcel 25 as the prolongation of the #street lines# of North 6th Street.

(f) Greenpoint-Williamsburg Waterfront Access Plan Maps

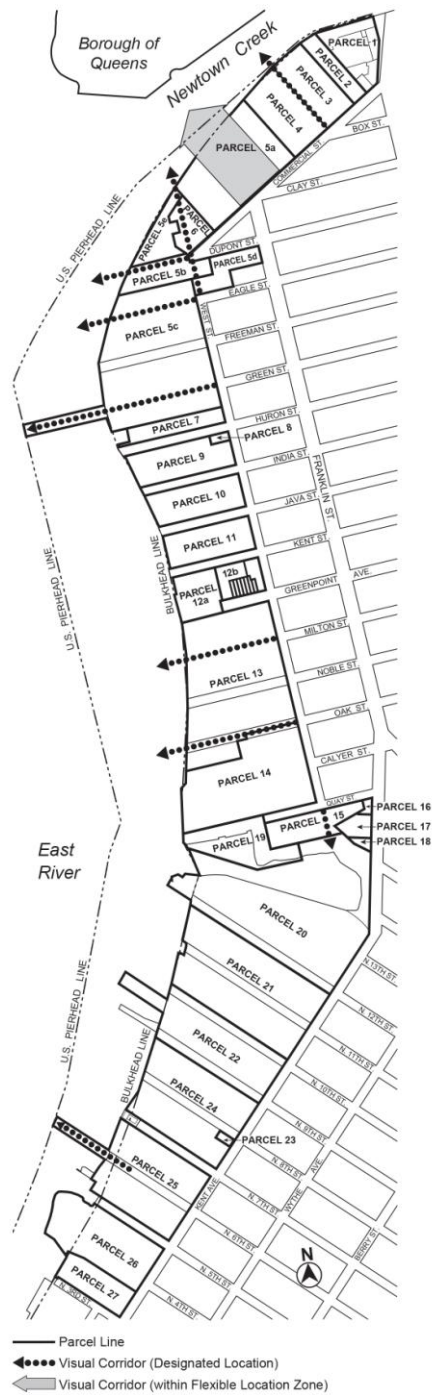
BK-1a: Parcel Designation (62-931f.1)



BK-1b: Public Access Elements (62-931f.2)



BK-1c: Designated Visual Corridors (62-931f.3)



(4/22/09)

62-94

Borough of Manhattan

(4/22/09)

62-95

Borough of Queens

The following Waterfront Access Plans are hereby established within the Borough of Queens. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

Q-1: Northern Hunters Point, as set forth in Section 62-951

Q-2: Downtown Flushing, as set forth in Section 62-952

Q-3: Newtown Creek, in the #Special Southern Hunters Point District#, as set forth in Section 125-46 (Newtown Creek Waterfront Access Plan).

(2/2/11)

62-951

Waterfront Access Plan Q-1: Northern Hunters Point

Maps Q-1a through Q-1c in paragraph (f) of this Section show the boundaries of the area comprising the Northern Hunters Point Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on October 14, 1997, as follows:

Parcel 1: Block 477, Lot 7

Parcel 2: Block 477, Lots 13, 15, 20

Parcel 3: Block 477, Lot 24

Parcel 4: 43rd Avenue between Vernon Boulevard and the East River

Parcel 5: Block 488, Lot 114

Parcel 6: Block 488, Lot 1

Parcel 7: Block 488, Lots 15, 35
Block 489, Lots 23, 46

Parcel 8: Block 25, Lot 15

Parcel 9: Block 25, Lots 1, 9, 11

Parcel 10: Block 26, Lot 10

Parcel 11: Block 26, Lots 1, 2, 3, 4, 8

Parcel 12: Block 26, Lots 17 and 21

(a) Special #waterfront yard# requirements

The #yard# regulations of Section 62-33 (Special Yard Regulations on Waterfront Blocks) shall be applicable. In addition, where a #waterfront yard# is not required, pursuant to Section 62-33, #yards# meeting the dimensional requirements of Section 62-33 shall be provided in connection with any #development#, in accordance with the provisions of paragraph (f) of Section 62-912 (Elements of a Waterfront Access Plan).

(b) Area wide modifications

The following provisions shall apply to #zoning lots# required to provide a #waterfront public access area#, pursuant to Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive:

- (1) Section 62-57 (Requirements for Supplemental Public Access Areas) shall be inapplicable except where specifically stated otherwise in this Plan.
- (2) Section 62-58 (Requirements for Water-Dependent Uses and Other Developments) shall be inapplicable. In lieu thereof, for #developments# listed in 62-52, paragraph (b), required #waterfront public access areas# shall be provided in accordance with Sections 62-53 (Requirements for Shore Public Walkways), 62-54 (Requirements for Public Access on Piers), 62-55 (Requirements for Public Access on Floating Structures) and 62-56 (Requirements for Upland Connections), as modified by this Plan.

However, for #developments# that include WD #uses# and would otherwise be permitted to provide public access pursuant to Section 62-58, the location of the public access areas specified in this Plan may be moved upland from the #shoreline# for the minimum distance required to accommodate the upland water-dependent functions of such #developments#, provided the relocation allows for a continuous public walkway connecting to #shore public walkways# on adjoining #zoning lots#.

- (c) Special #waterfront public access area# and #visual corridor# provisions applying on Anable Basin

The following provisions shall apply to certain #developments# on Parcels 8, 9, 10, 11 and 12:

- (1) In the event that a #building or other structure#, existing at the time that a #waterfront public access area# is required, is located so that the minimum dimensional provisions of Sections 62-53 and 62-54 cannot be met without requiring the partial or complete demolition of such #building or other structure#, the required width of such a #waterfront public access area# shall be reduced to the width between the seaward edge of the #waterfront yard# or #lot line# and the existing #building or other structure#. However, the minimum width of a #shore public walkway# shall be six feet and that of an #upland connection# shall be twelve feet. In no case shall a #shore public walkway# have a width less than ten feet for a continuous distance of more than 300 feet.
- (2) In the event that a #building or other structure#, existing at the time a #waterfront public access area# is required, is located so that the minimum dimensional standards for public access pursuant to paragraph (c)(1) of this Section cannot be met without requiring the partial or complete demolition of such #building or other structure#, all #waterfront public access area# requirements for such #development# shall be waived.
- (3) A #shore public walkway# required in conjunction with a #development# involving existing #buildings or other structures#, or required on any #zoning lot# having a #shoreline# length of less than 150 feet, shall be improved pursuant to Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), except that the circulation path as required in paragraph (a)(1) of such Section may be

reduced to 10 feet and the amount of planting area as required in paragraph (c) (1) of such Section may be reduced to 40 percent.

- (4) Within any portion of a #shore public walkway# having a width of less than ten feet, the minimum width of the circulation path shall be six feet and all planting requirements shall be waived.

(d) Special public access provisions by parcel

The provisions of Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, are modified at the following designated locations which are shown on Map Q-1b in paragraph (f) of this Section:

(1) Parcel 1

No #upland connection# shall be required within Parcel 1; however, a direct connection shall be provided between the #shore public walkway# and Queensbridge Park.

(2) Parcel 2

An #upland connection# shall be located between Vernon Boulevard and the #shore public walkway# within the flexible location zone shown on Map Q-1b in paragraph (f) of this Section, which is the westerly prolongation of Queens Plaza South, either:

- (i) along the northerly tax lot line of Block 477, Lot 15, and its extension to Vernon Boulevard, if such tax lot is #developed# as a #zoning lot# separate from Block 477, Lot 13; or
- (ii) continuously adjoining the boundary between Parcels 1 and 2.

(3) Parcel 3

No #upland connection# shall be required within Parcel 3; however, a direct connection shall be provided between the #shore public walkway# and the public access area provided on Parcel 4.

(4) Parcel 4

- (i) A continuous public access area shall be provided across the westerly termination of 43rd Avenue adjoining the East River and connecting without interruption to the #shore public walkways# on Parcels 3 and 5. Such #waterfront public access area# shall have a minimum width of 40 feet and be improved consistent with the design standards set forth in Section 62-62, paragraphs (a) and (c)(1), for a #shore public walkway#. A screening buffer, pursuant to Section 62-655, shall be provided along any open or enclosed storage areas, maintenance vehicle parking or similar uses adjoining the #waterfront public access area#. Fencing may be provided to assure physical control of non-publicly accessible upland areas.
- (ii) The remaining portion of Parcel 4 shall provide pedestrian access from Vernon Boulevard to the #waterfront public access area# designated in paragraph (d)(4)(i) of this Section. The New York City Waterfront Symbol with the words "Public Waterfront" shall be installed at the intersection of any pedestrian access area with Vernon Boulevard.
- (iii) In the event that 43rd Avenue is demapped as a #street# within Parcel 4, a #shore public walkway# and #upland connection# shall be provided on Parcel 4, pursuant to Sections 62-50 and 62-60, within the westerly prolongation of 43rd Avenue.

Except as otherwise provided in this paragraph (d)(4), Section 62-60 shall be inapplicable.

(5) Parcel 5

(i) #Upland connection#

An #upland connection# shall be provided through Parcel 5 between Vernon Boulevard and the #shore public walkway#. The #upland connection# shall be located within either:

- (a) the flexible location zone indicated on Map Q-1b in paragraph (f) of this Section, having as its southerly boundary a line 500 feet south of 43rd Avenue and as its northerly boundary a line 200 feet north of such southerly boundary; or

- (b) a raised pedestrian sidewalk immediately adjoining a #building# provided both the sidewalk and #building# were existing on October 14, 1997.

The requirements of Sections 62-561 (Types of upland connections) and 62-64 (Design Requirements for Upland Connections) shall be inapplicable; however, any vehicular way traversing the pedestrian sidewalk shall be at the same level as such raised pedestrian sidewalk.

A direct connection shall be provided between the #shore public walkway# and the public access areas on Parcels 4 and 6.

- (ii) #Supplemental public access area#

Notwithstanding paragraph (b)(1) of this Section, a #supplemental public access area# shall be provided pursuant to Sections 62-57 and 62-62, and shall be located within the flexible location zone described in paragraph (d)(5)(i) of this Section, immediately adjacent to the intersection of the #shore public walkway# and any #upland connection#, if the #upland connection# is located therein.

- (6) Parcel 6

Sections 62-50 and 62-60 shall be inapplicable if public access is provided pursuant to restrictive declaration, number D-138, executed by the RAK Tennis Corporation on July 29, 1991, and as such may be modified pursuant to the terms of the declaration and in accordance with Section 62-12 (Applicability to Developments within the Waterfront Area). If public access is not provided pursuant to the declaration, as such may be modified, then a #waterfront public access area# shall be provided in accordance with Sections 62-50, as modified by paragraph (b) of this Section, and 62-60.

- (7) Parcel 7

- (i) #Shore public walkway#

The #shore public walkway# shall be located within

the flexible location zone shown on Map Q-1b in paragraph (f) of this Section, having as its westerly boundary the seaward edge of the #waterfront yard# and as its easterly boundary a line perpendicular to the northerly #street line# of 44th Drive, 600 feet westerly of Vernon Boulevard. The area between the seaward edge of the #waterfront yard# and the #shore public walkway# shall be subject to the provisions of Section 62-332 (Rear yards and waterfront yards).

For #developments# on a #zoning lot# having a #building or other structure#, existing on October 14, 1997, and which #developments# would retain the existing #building or other structure#, any portion of which is located within the #waterfront yard#, the #shore public walkway# may be improved pursuant to Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), except that the circulation path as required in paragraph (a)(1) of such Section may be reduced to 10 feet and the planting area as required in paragraph (c)(1) of such Section may be reduced to 40 percent. In addition, any portion of the #shore public walkway# located on a #platform# existing on October 14, 1997, shall be exempt from the planting requirements of such Section, except that trees shall be required; however, such trees may be located off the #platform# anywhere within or immediately adjoining the #shore public walkway#.

(ii) #Upland connection#

No #upland connection# shall be required within Parcel 7.

(8) Parcel 8

An #upland connection# shall be provided through Parcel 8 and shall be located within the flexible location zone shown on Map Q-1b in paragraph (f) of this Section, having as its westerly boundary the westerly #street line# of 5th Street and as its easterly boundary a line 250 feet east of such #street line#. In the event that a #building or other structure#, existing at the time an #upland connection# is required, is located within the southerly prolongation of 5th Street, the #upland connection# may be located anywhere within the flexible location zone; otherwise,

the #upland connection# shall be located within the southerly prolongation of 5th Street.

(9) Parcels 9, 10 and 11

(i) #Shore public walkway#

Except as provided in paragraph (c) of this Section, a #shore public walkway# shall be required across each parcel; however, on any #zoning lot# existing on October 14, 1997, having a #shoreline# length of less than 150 feet, the width of the #shore public walkway# may be reduced to 16 feet, consisting of a ten foot wide circulation path and six foot wide screening buffer, pursuant to Section 62-655. In addition, the width may be further reduced as permitted pursuant to paragraph (c)(1) of this Section.

(ii) #Upland connection#

Except as provided in paragraph (c) of this Section and on any #zoning lot# with a #shoreline# length less than 100 feet, an #upland connection# shall be provided between Vernon Boulevard and the #shore public walkway# within the flexible location zone shown on Map Q-1b, having as its northerly boundary the westerly prolongation of the southerly #street line# of 45th Avenue and as its southerly boundary the westerly prolongation of the southerly #street line# of 45th Road. In the event that Parcels 10 and 11 are #developed# as a single #zoning lot# and the #upland connection# has not been provided prior to such #development# of Parcels 10 and 11, the #upland connection# shall be located within the westerly prolongation of 45th Road. Notwithstanding the requirements of Section 62-56 (Requirements for Upland Connections), on any #zoning lot# having a #shoreline# length of less than 150 feet, the required width of an #upland connection# may be reduced to 16 feet consisting of a ten foot wide circulation path with the remaining area to be planted. In addition, the width may be further reduced, as permitted pursuant to paragraph (c)(1) of this Section.

(10) Parcel 12

No #upland connection# shall be required within Parcel

12; however, a direct connection shall be provided between the #shore public walkway# and 5th Street.

(e) Special #visual corridor# provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan shall be as follows and are shown on Map Q-1c in paragraph (f) of this Section:

(1) Parcels 1 and 2

A #visual corridor# shall be provided through Parcels 1 and 2 to the pierhead line as the westerly prolongation of Queens Plaza South. In the event that Block 477, Lot 13, is #developed# as a single #zoning lot#, all #visual corridor# requirements on that lot shall be waived.

(2) Parcel 3

The requirement for #visual corridors# on Parcel 3 is waived.

(3) Parcel 4

43rd Avenue shall be provided as a #visual corridor#.

(4) Parcel 5

A #visual corridor# shall be provided through Parcel 5 to the pierhead line within the flexible location zone described in paragraph (d)(5)(ii) of this Section and coincident with any #upland connection# provided therein.

(5) Parcel 6

Sections 62-51 (Applicability of Visual Corridor Requirements) and 62-513 (Permitted obstructions in visual corridors) shall be inapplicable if a #visual corridor# is provided pursuant to restrictive declaration, number D-138, executed by the RAK Tennis Corporation on July 29, 1991, and as may subsequently be modified pursuant to the terms of the declaration and in accordance with Section 62-12 (Applicability to Developments within the Waterfront Area). If the #visual corridor# is not provided pursuant to the declaration, as such may be modified, then a #visual corridor# shall be provided in accordance with Section 62-51.

(6) Parcel 7

The requirement for #visual corridors# on Parcel 7 is waived.

(7) Parcel 8

A #visual corridor# shall be provided through Parcel 8 as the southerly prolongation of 5th Street.

(8) Parcels 9, 10 and 11

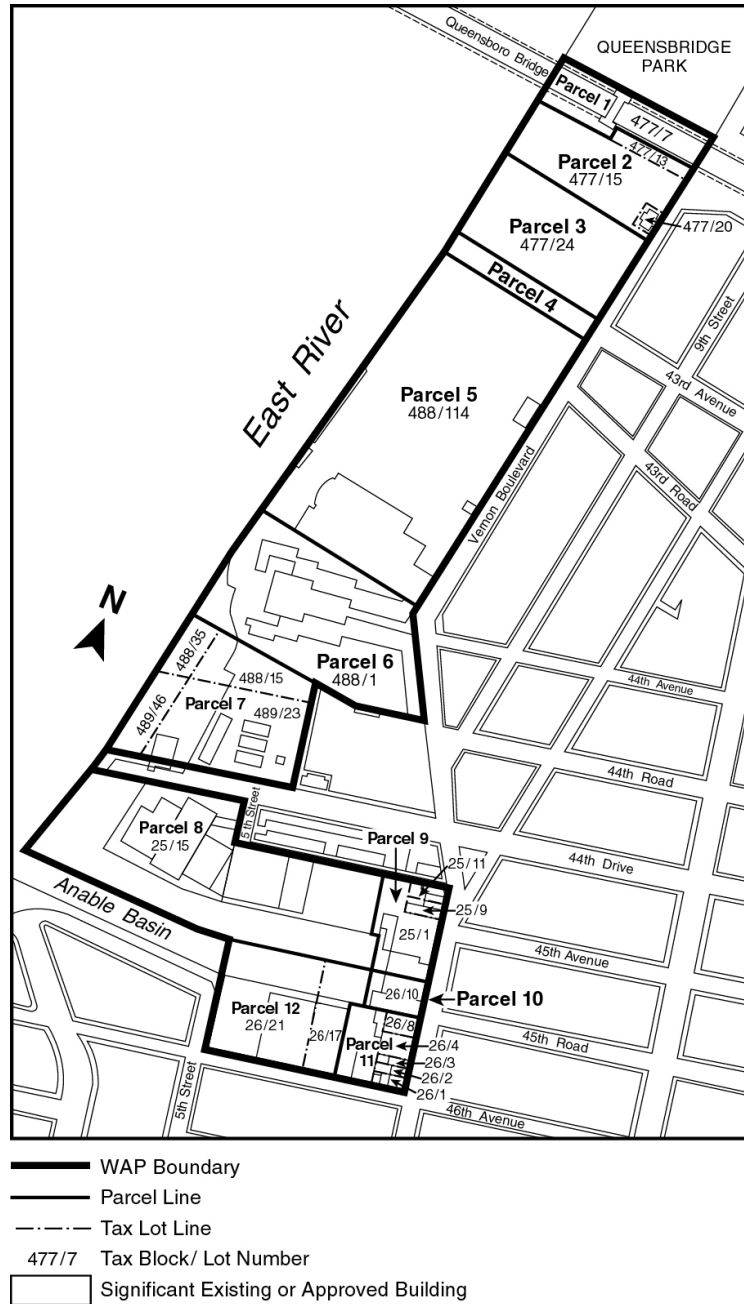
A #visual corridor#, if required pursuant to Section 62-51, shall be located through Parcel 9, 10 or 11 from Vernon Boulevard using the locational criteria for, and coincident with, the #upland connection# required pursuant to paragraph (d)(9)(ii) of this Section.

(9) Parcel 12

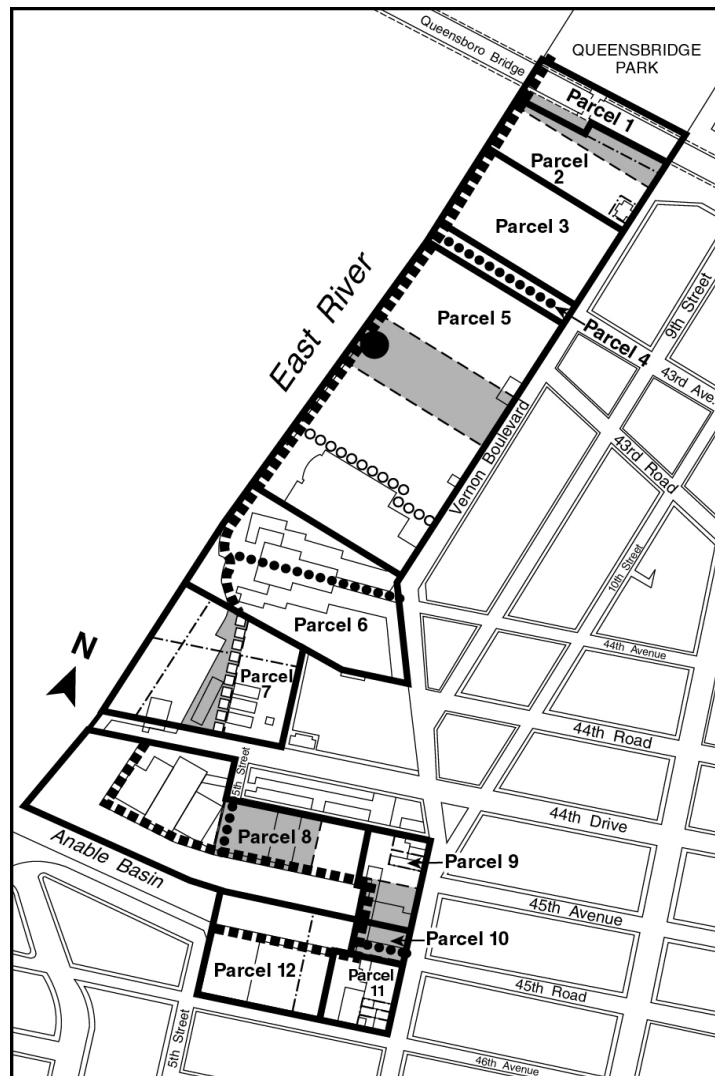
The requirement for #visual corridors# on Parcel 12 is waived.

(f) Northern Hunters Point Waterfront Access Plan Maps

Q-1a: Parcel Designation (62-951f.1)

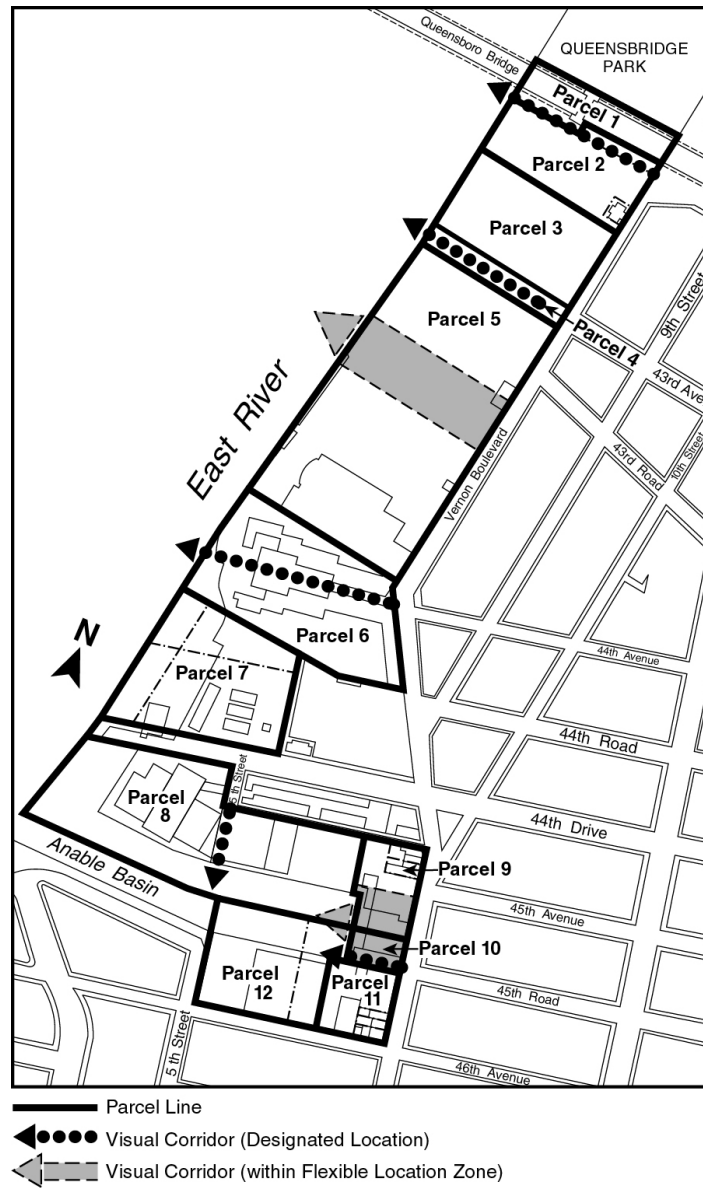


Q-1b: Public Access Elements Designation (62-951f.2)



- Parcel Line
- Shore Public Walkway/ Waterfront Yard
- Shore Public Walkway/ Waterfront Yard (Within Flexible Location Zone)
- Upland Connection (Within Flexible Location Zone)
- Upland Connection (Designated Location)
- Upland Connection (Alternate Permitted Location)
- Supplemental Public Access Area (Designated Location)
- Significant Existing or Approved Building

Q-1c: Designated Visual Corridors Designation (62-951f.3)



(2/2/11)

62-952

**Waterfront Access Plan Q-2;
Downtown Flushing**

Maps Q-2a through Q-2c in paragraph (f) of this Section show the boundaries of the area comprising the Downtown Flushing Waterfront Access Plan and the location of certain features mandated or permitted by the Plan. The plan area has been divided into parcels consisting of tax blocks and lots and other lands as established on September 17, 1998, as follows:

Parcel 1: Block 4963, Lot 200

Parcel 2: Block 4963, Lot 85

Parcel 3: Block 4963, Lot 65

Parcel 4: Block 4963, Lot 7

Parcel 5: Area within the #street lines# of Roosevelt Avenue westerly of their intersection with the #street lines# of College Point Boulevard and extending to the easterly pierhead line of the Flushing River

Parcel 6: Block 5066, Lot 1

Parcel 7: Portions of Block 5066, Lots 105 and 107 (consisting of New York City Department of Parks and Recreation mapped park strips), and area adjoining and beneath the Van Wyck Expressway Extension bounded by the Long Island Rail Road on the south, Block 5066, Lot 105, on the south and west and Block 5066, Lot 107, on the east and the easterly pierhead line of the Flushing River on the west.

(a) Area wide modifications

The following provisions shall apply to all #developments# required to provide public access, pursuant to Section 62-50, inclusive:

- (1) Section 62-57 (Requirements for Supplemental Public Access Areas) shall be inapplicable.

- (2) Section 62-58 (Special Regulations for Water-Dependent Uses and Other Developments) shall be inapplicable. In lieu thereof, required #waterfront public access areas# shall be provided in accordance with this Plan.

However, for WD #use developments# which would otherwise be permitted to provide public access pursuant to Section 62-58, the location of the #waterfront public access areas# specified in this Plan may be moved upland of the #shoreline# for the minimum distance required to accommodate the upland water-dependent functions of such #developments# and still result in a continuous public walkway connecting #shore public walkways# on all adjoining #zoning lots#.

- (b) Special public access provisions by parcel

The requirements for #waterfront public access areas# of Sections 62-53 through 62-57, inclusive, and Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, are modified at the following designated locations which are shown on Map Q-2b in paragraph (f) of this Section:

- (1) Parcel 1

- (i) #Shore public walkway#

The requirements of Section 62-53 (Requirements for Shore Public Walkways) are modified to reduce the minimum required width of the #shore public walkway# to 20 feet. In addition, no #shore public walkway# shall be required north of the prolongation of the northerly #street line# of 36th Road. The quantity of #waterfront public access area# eliminated from the #shore public walkway# as a result of this width and length reduction shall be provided at the northerly termination of the #shore public walkway# and shall be improved pursuant to the standards of Section 62-62. If Parcel 1 is #developed# in conjunction with one or more adjoining parcels, or portions thereof, the area on Parcel 1 required to be improved pursuant to the standards for a #supplemental public access area# may be provided on Parcel 2.

- (ii) #Upland connection#

An #upland connection# shall be located within the

flexible location zone indicated on Map Q-2b in paragraph (f) of this Section, which is the prolongation of the #street lines# of 36th Road. If, however, the #upland connection# required on Parcel 2 is provided prior to or concurrent with #development# of Parcel 1, no #upland connection# shall be required on Parcel 1.

(2) Parcel 2

(i) #Shore public walkway#

The requirements of Section 62-53 are modified to reduce the minimum required width of the #shore public walkway# to 20 feet. The quantity of public access area eliminated from the #shore public walkway# as a result of this width reduction shall be provided adjoining the intersection of the required #upland connection# and the #shore public walkway# and shall be improved pursuant to the standards for a #supplemental public access area#, as set forth in Section 62-62.

(ii) #Upland connection#

An #upland connection# shall be located between College Point Boulevard and the #shore public walkway#, either:

(a) within the flexible location zone indicated on Map Q-2b in paragraph (f) of this Section, having as its northerly boundary the straight-line extension of that portion of the boundary between Parcels 1 and 2 which intersects with College Point Boulevard and, as its southern boundary, the prolongation of the southerly #street line# of 37th Avenue;
or

(b) continuously adjoining the boundary between Parcels 1 and 2.

(iii) No public access shall be required for any #public parking lot#, provided such #public parking lot# was approved pursuant to Section 74-512 (In other districts) and is an interim use that is limited to a term of not more than ten years.

(3) Parcel 3

(i) #Shore public walkway#

The requirements of Section 62-53 are modified to reduce the minimum required width of the #shore public walkway# to 20 feet. The quantity of public access area eliminated from the #shore public walkway# as a result of this width reduction shall be provided adjoining the intersection of the required #upland connection# and the #shore public walkway# and shall be improved pursuant to the standards for a #supplemental public access area#, as set forth in Section 62-62. If Parcel 3 is #developed# in conjunction with Parcel 4, or a portion thereof, the area of Parcel 3 required to be improved pursuant to the standards for a #supplemental public access area# may be provided on Parcel 4.

(ii) #Upland connection#

An #upland connection# shall be located between 39th Avenue and the #shore public walkway# within the flexible location zone indicated on Map Q-2b in paragraph (f) of this Section, having as its southerly boundary the prolongation of the southerly #street line# of 39th Avenue and as its northerly boundary a line drawn parallel and 75 feet north of such southern boundary.

In the event #buildings or other structures# existing within Parcel 3 on September 17, 1998, obstruct any portion of the flexible location zone at the time of #development#, the minimum requirements of Sections 62-561 (Types of upland connections) and the design requirements for #upland connections# of Section 62-64 shall be modified, as follows:

- (a) the required #upland connection# if located within a private drive shall, for a distance not to exceed 200 feet measured westerly of the #street line# of Janet Place, consist of a single circulation path having a minimum clear width of six feet with no requirement for planting or seating; or
- (b) if the required #upland connection# is not within a private drive, its minimum width shall be reduced along its entire length to 25 feet.

If Parcel 3 is #developed# in conjunction with any portion of Parcel 4 and there are no existing #buildings or other structures# blocking 50 percent or more of the width of the prolongation of 39th Avenue at the time of #development#, no reduction shall be permitted and the #upland connection# shall be located within the prolongation of 39th Avenue.

(4) Parcel 4

(i) #Shore public walkway#

The requirements of Section 62-53 are modified to reduce the minimum required width of the #shore public walkway# to 20 feet. However, within the portion of the parcel between the northerly #street line# of Roosevelt Avenue and a point 50 feet northerly as measured along the #shoreline#, the minimum width shall be 40 feet. Throughout the southernmost 30 foot length of this widened portion of the #shore public walkway#, the circulation path shall be located a minimum of 15 feet from the #shoreline#.

The quantity of public access area eliminated from the #shore public walkway# as a result of such width reduction shall be provided adjoining the #shore public walkway# and the boundary between Parcels 3 and 4. Such area shall be improved pursuant to the standards for #supplemental public access area#, as set forth in Section 62-62.

(ii) #Upland connection#

No #upland connection# shall be required within Parcel 4; however, a direct connection shall be provided between the required #shore public walkway# and the public access area on Parcel 5. In the event that any portion of Parcel 4 is #developed# with Parcel 3, an #upland connection# shall be provided, pursuant to paragraph (b) (3) (ii) of this Section.

(5) Parcel 5

(i) A public access area shall be provided across the westerly portion of Parcel 5 connecting without interruption to the #shore public walkways# on

Parcels 4 and 6. Such public access area shall have a minimum width of 40 feet and contain a continuous pedestrian circulation path with a minimum clear width of 10 feet. The seaward edge of the pedestrian circulation path shall be located a minimum of 15 feet from the westerly boundary of the parcel. Landscaped screening shall be provided adjoining any open or enclosed storage areas, maintenance vehicle parking or similar uses. Fencing may be provided to assure physical control of non-publicly accessible upland areas.

- (ii) The marginal roadway within Roosevelt Avenue as indicated on the City Map, Final Section 40, adopted December 14, 1911, shall be improved to provide a connection to other public access areas designated for this parcel and to #shore public walkways# on Parcels 4 and 6. The improvement of the marginal roadway shall be for public pedestrian use except for emergency and maintenance vehicular access to the shoreline and beneath the Roosevelt Avenue Bridge. A dedicated pedestrian circulation path with a minimum width of 10 feet shall be provided. In addition, the pedestrian use of the full width of the marginal roadway shall be reinforced by design elements which may include unit pavers, dropped curbs, bollards and informational signage. The New York City Waterfront Symbol with the words "Public Waterfront" shall be installed at the northwesterly intersection of College Point Boulevard and Roosevelt Avenue and at the entrance to the marginal roadway.
- (iii) If other improvements compatible with the public access area are provided, such improvements shall adjoin the boundary of Parcel 4.

Section 62-60 shall be inapplicable; its provisions are recommended as a guide to the design of the required public access areas.

(6) Parcel 6

- (i) #Shore public walkway#

The requirements of Section 62-53 are modified to require a minimum distance of 15 feet between the seaward edge of the pedestrian circulation path

and the #shoreline#.

(ii) #Upland connection#

An #upland connection# shall be provided within the flexible location zone indicated on Map Q-2b in paragraph (f) of this Section, having boundaries coincident with those of Parcel 6. The #upland connection# shall be located, either:

- (a) along the southerly boundary of Parcel 6 between the termination of 40th Road and the #shore public walkway#; or
- (b) between College Point Boulevard and the #shore public walkway# connecting to the latter at a location within 150 feet of the parcel's southerly boundary, as measured along the upland edge of the #shore public walkway#.

Notwithstanding the requirements of paragraph (e) of Section 62-52 (Applicability of Waterfront Public Access Area Requirements), the #upland connection# may be located, wholly or in part, within a #building or other structure#. Any covered portion of the #upland connection# shall comply with the requirements of paragraph (d)(7) of this Section.

(7) Parcel 7

Notwithstanding the requirements of Section 62-61, paragraph (a), the #shore public walkway# may be covered by the elevated roadway of the Van Wyck Expressway and the obstructions permitted by Section 62-611, paragraphs (a) and (b), shall include any supporting structural elements of the elevated roadway and its related appurtenances. The #shore public walkway# shall be connected directly to the #shore public walkway# on Parcel 6.

(c) Special #visual corridor# provisions by parcel

The designated locations for #visual corridors# pursuant to this Plan shall be as follows and are shown on Map Q-2c in paragraph (f) of this Section:

(1) Parcel 1

A #visual corridor# shall be provided through Parcel 1 to the pierhead line as the prolongation of the #street lines# of 36th Road. Any #building or other structure# existing on September 17, 1998, shall be a permitted obstruction.

(2) Parcel 2

A #visual corridor# shall be provided through Parcel 2 to the pierhead line as the prolongation of the #street lines# of 37th Avenue. However, no #visual corridor# shall be required for any #public parking lot#, provided such #public parking lot# was approved pursuant to Section 74-512 and that the parking facility is an interim use limited to a term of not more than ten years.

(3) Parcels 3 and 4

A #visual corridor# shall be provided through Parcels 3 or 4 to the pierhead line using the locational criteria for an #upland connection# in paragraph (b) (3) (ii) of this Section. Notwithstanding the requirements of Section 62-51 (Applicability of Visual Corridor Requirements), any #building or other structure# existing on September 17, 1998, shall be a permitted obstruction; however, no such #building or other structure#, or portion thereof, demolished after September 17, 1998, shall be rebuilt as a permitted obstruction and no new #building or other structure# shall be permitted except pursuant to Section 62-513 (Permitted obstructions in visual corridors).

(4) Parcel 5

The #street lines# of Roosevelt Avenue, including the area beneath the Roosevelt Avenue Bridge and any marginal roadway within the #street lines# of Roosevelt Avenue shall be provided as a #visual corridor#.

(5) Parcels 6 and 7

The requirements for #visual corridors# on Parcels 6 and 7 are waived.

(d) Special design standards

Required #waterfront public access areas# shall comply with Sections 62-50 and 62-60, except as modified in this Section.

- (1) Any required #shore public walkway# may be improved pursuant to 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas), except that the circulation path as required in paragraph (a)(1) of such Section may be reduced to 10 feet and the planting area as required in paragraph (c)(1) of such Section may be reduced to 40 percent.
- (2) The minimum required width of a pedestrian circulation path within a #shore public walkway# shall be 10 feet and, notwithstanding Section 62-62, the path need not adjoin the #shoreline# at any location except as necessary to connect to an adjoining #shore public walkway#. #Shore public walkways# having a width of 20 feet or less shall not be required to provide a screening buffer.
- (3) The requirements for planting within a #shore public walkway#, provided pursuant to Section 62-62, shall be modified on a #platform# existing on September 17, 1998, such that any required planting may be provided in an alternative location on the #zoning lot# adjoining the required #waterfront public access area#.
- (4) In addition to the obstructions permitted by Section 62-611, paragraphs (a) and (b), the existing loading crane and adjoining tower on Parcel 4 shall be permitted within the #shore public walkway#, provided such structures are restored and a minimum pedestrian circulation path of 10 feet is provided.
- (5) The area of a #shore public walkway# located under an elevated roadway may be subtracted from the total area of #shore public walkway# calculated for the purposes of complying with the seating and tree planting requirements of Section 62-62.
- (6) Any portion of an #upland connection# located within a #building# pursuant to this Plan shall comply with the following standards:
 - (i) the circulation path shall have a minimum width of 12 feet which shall adjoin and connect directly to the main lobby of the #building# via transparently-glazed openings with an aggregate width equal to or exceeding that of any other entrances to the lobby;
 - (ii) the minimum clear height shall be 16 feet except

for permitted obstructions which, in addition to those permitted by Section 62-611, paragraph (a), shall include structural elements such as beams and joists, provided a minimum clear height of 12 feet is maintained throughout;

- (iii) WE #uses# permitted by the underlying district regulations shall continuously adjoin the perimeter of the #upland connection#, except that lobby space or exterior, open areas to which a view is provided shall also be permitted;
- (iv) at least 50 percent of the area of any walls bounding an #upland connection# shall be glazed with a clear, untinted transparent material. For the purposes of this requirement, the area of the bounding walls shall be measured from the floor to a height of 16 feet. In no case shall any bounding wall have a continuous width without openings greater than 100 feet;
- (v) there shall be no more than three changes in direction over the entire length of the #upland connection# and no single turn shall be less than 90 degrees relative to the line of travel. Any change in direction with an angle of less than 135 degrees shall be posted with an entry sign pursuant to Section 62-654 (Signage), and shall also be accompanied by an arrow indicating the direction of travel toward the #shore public walkway#;
- (vi) in addition to the general requirements of Section 62-654, each principal entrance to an #upland connection# within a #building# shall be posted with an entry sign pursuant to Section 62-654, paragraph (a).
- (vii) access to the public shall be provided during business hours or from 8:00 a.m. to dusk seven days a week, whichever is greater; and
- (viii) the planting and lighting requirements of Section 62-60 shall not apply.

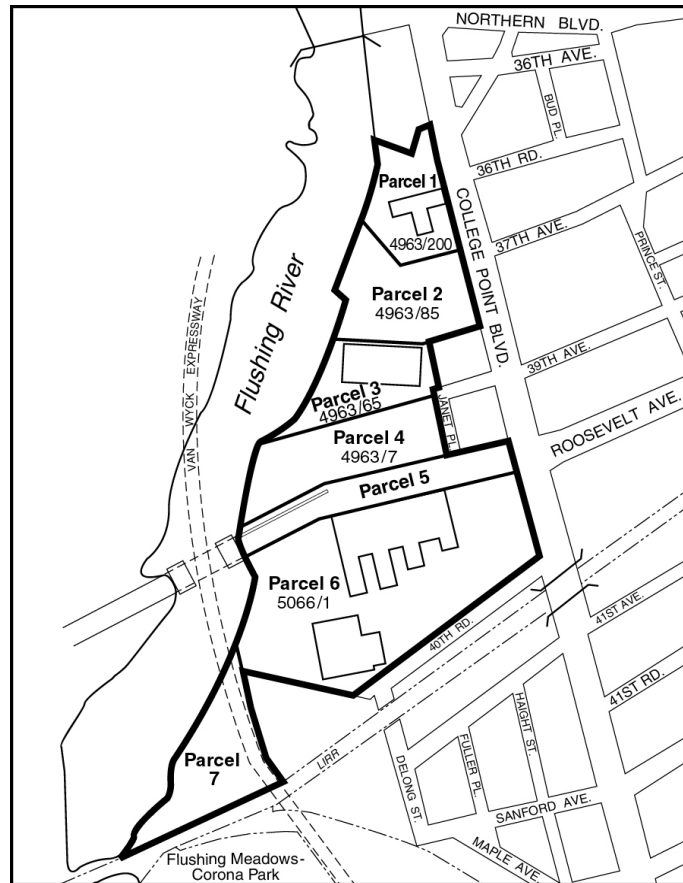
(e) Special use provisions by parcel

(1) Parcel 2

The City Planning Commission may permit #public parking lots# on #waterfront blocks# in accordance with applicable district regulations and Section 74-512, provided that the parking facility is an interim #use# limited to a term of not more than ten years.

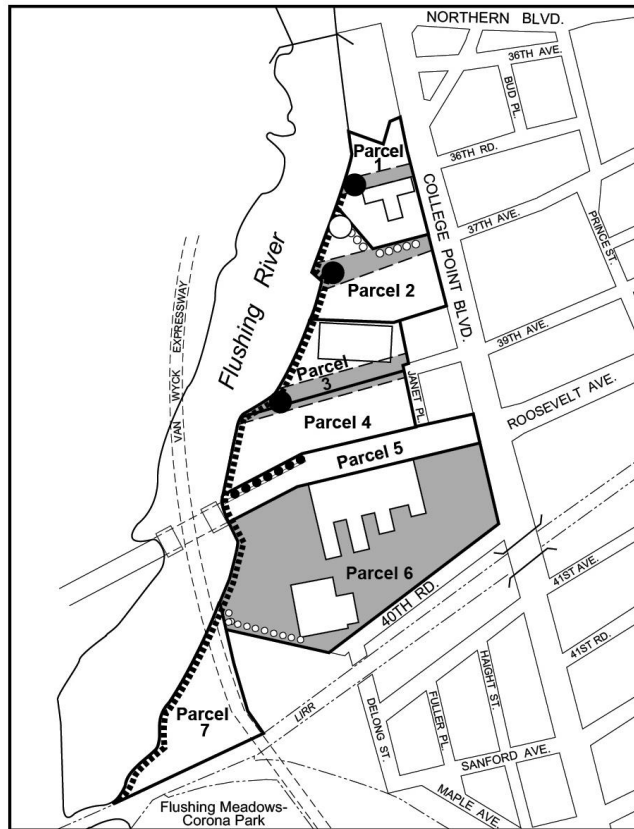
(f) Downtown Flushing Waterfront Access Plan Maps

Q-2a: Parcel Designation (62-952f.1)



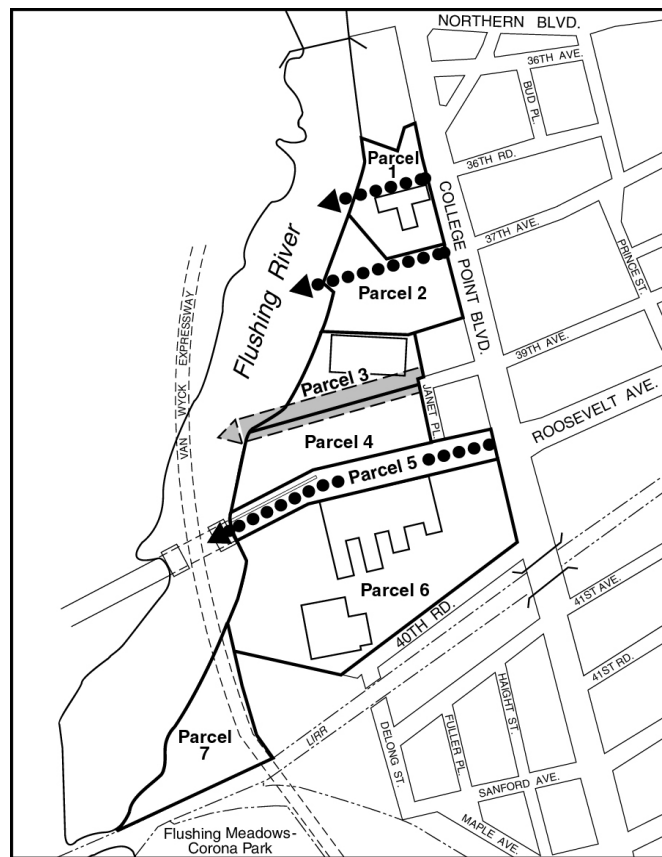
- WAP Boundary
- Parcel Line
- Significant Existing Building
- 5066/1 Tax Block/ Lot Number

Q-2b: Public Access Elements (62-952f.2)



- Parcel Line
- Shore Public Walkway
- Upland Connection (Within Flexible Location Zone)
- Upland Connection (Designated Location)
- Upland Connection (Alternate Permitted Location)
- Supplemental Public Access Area (Designated Location)
- Supplemental Public Access Area (Alternate Permitted Location)
- Significant Existing Building

Q-2c: Designated Visual Corridors (62-952f.3)



- Parcel Line
- Visual Corridor (Designated Location)
- Visual Corridor (within Flexible Location Zone)
- Significant Existing Building

(4/22/09)

62-96

Borough of Staten Island

(4/22/09)

62-97

Multi-Borough Plans

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VI: Special Regulations Applicable To Certain Areas

Chapter 3 - Special Regulations Applying FRESH Food Stores

Effective date of most recently amended section of Article VI Chapter 3: 10/09/13

Date of file creation: Web version of Article VI Chapter 3: 02/10/14

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(12/9/09)

Chapter 3

Special Regulations Applying to FRESH Food Stores

(12/9/09)

63-00

GENERAL PURPOSES

The provisions of this Chapter establish special regulations that guide the development of FRESH food stores to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) encourage a healthy lifestyle by facilitating the development of FRESH food stores that sell a healthy selection of food products;
- (b) provide greater incentives for FRESH food stores to locate in neighborhoods underserved by such establishments;
- (c) encourage FRESH food stores to locate in locations that are easily accessible to nearby residents; and
- (d) strengthen the economic base of the City, conserve the value of land and buildings, and protect the City's tax revenues.

(12/9/09)

63-01

Definitions

FRESH food store

A "FRESH food store" is a food store #use# as listed in Section 32-15 (Use Group 6), where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is utilized for the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation, consumption and utilization. Such retail space utilized for the sale of a general line of food and non-food grocery products shall be distributed as follows:

- (a) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and
- (b) at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be utilized for the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce.

A food store shall be certified as a #FRESH food store# by the Chairperson of the City Planning Commission, pursuant to Section 63-30 (CERTIFICATION FOR A FRESH FOOD STORE).

(10/9/13)

63-02

Applicability

The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

- (a) The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in paragraph (b) of this Section:
 - (1) in the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6 and 7, except portions of Community District 7, as shown on Map 1 in Appendix A of this Chapter;
 - (2) in the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17, except portions of Community District 8, as shown on Map 2 in Appendix A;
 - (3) in the Borough of Manhattan, Community Districts 9, 10, 11 and 12, except portions of Community District 9 and 12, as shown on Maps 3 and 4 in Appendix A; and
 - (4) in the Borough of Queens, the #Special Downtown Jamaica District#; portions of Community District 12 outside of the #Special Downtown Jamaica District#, except those

portions shown on Maps 5 and 6 in Appendix A; and those portions in Community District 1 shown on Map 1 in Appendix B of this Chapter.

- (b) The provisions of this Chapter shall not apply to the following Special Purpose Districts:

#Special Madison Avenue Preservation District#;

#Special Manhattanville Mixed Use District#;

#Special Park Improvement District#; and

#Special Hunts Point District#.

(12/9/09)

63-10

SPECIAL USE REGULATIONS

(12/9/09)

63-11

Special Use Regulations for FRESH Food Stores in M1 Districts

In M1 Districts, the regulations of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) are modified to permit #FRESH food stores# with up to 30,000 square feet of #floor area#. The provisions of this Section shall not apply where the regulations of the underlying district permit Use Group 6A food stores with #floor area# greater than 30,000 square feet.

(12/9/09)

63-12

Special Sign Regulations

All permitted #signs# shall be subject to the provisions of the #sign# regulations of the underlying districts. In addition, a #FRESH food store# shall provide signage pursuant to this Section.

A #sign# comprised of the #FRESH food store# symbol as provided in the [Required Signage Symbols](#) file at the Department of City Planning website shall be mounted on an exterior #building# wall adjacent to and no more than five feet from the principal entrance of the #FRESH food store#. The #sign# shall be placed so that it is directly visible, without any obstruction, to customers entering the #FRESH food store#, and at a height no less than three feet and no more than five feet above the adjoining grade. Such #FRESH food store# symbol shall be no less than 12 inches by 12 inches and no more than 16 inches by 16 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials.

(12/9/09)

63-20

SPECIAL BULK AND PARKING REGULATIONS

(12/9/09)

63-21

Special Floor Area Regulations

(2/2/11)

63-211

For mixed buildings and zoning lots containing both residential and commercial or community facility uses in Commercial Districts with FRESH food stores

Where a #FRESH food store# is provided on a #zoning lot#, the provisions of Section 35-31 (Maximum Floor Area Ratio for Mixed Buildings) relating to the maximum permitted #floor area ratio# on a #zoning lot# for each permitted #use# shall apply as modified in this Section.

Where all non-#residential uses# on a #zoning lot# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use# and for #zoning lots# containing #Quality Housing buildings#, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #FRESH food store floor area#, up to 20,000 square feet.

Where any non-#residential use# on such #zoning lot# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #residential floor area# permitted for such #zoning lot# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided the total #floor area# of the #building# does not exceed the maximum permitted #floor area# for a non-#residential use#.

(2/2/11)

63-212

For mixed use buildings and zoning lots containing both residential and commercial or community facility uses in Special Mixed Use Districts with FRESH food stores

Where a #FRESH food store# is provided on a #zoning lot#, the provisions of Section 123-64 (Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings) relating to the maximum permitted #floor area ratio# on a #zoning lot# for each permitted #use# shall apply, as modified in this Section.

Where all non-#residential uses# on such #zoning lot# have a permitted #floor area ratio# equal to or less than that permitted for a #residential use#, and for #zoning lots# containing #Quality Housing buildings#, the total #floor area# permitted for such #zoning lot# may be increased by one square foot of #residential floor area# for each square foot of #FRESH food store floor area#, up to 20,000 square feet.

Where any non-#residential use# on such #zoning lot# has a permitted #floor area ratio# greater than that permitted for a #residential use#, the total #residential floor area# permitted for such #zoning lot# may be increased by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided the total #floor area# of the #building# does not exceed the maximum permitted #floor area# for a non-#residential use#.

(2/2/11)

63-22

Authorization to Modify Maximum Building Height

For #buildings# containing a #FRESH food store#, the City

Planning Commission may authorize modifications to Sections 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) and 123-66 (Height and Setback Regulations) to allow the applicable maximum #building# height to be increased by up to 15 feet, provided that the first #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet, and provided that such finished ceiling height is at least 14 feet above the #base plane# or #curb level#, as applicable.

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

- (a) such modifications are necessary to accommodate a first #story# utilized as a #FRESH food store#;
- (b) the proposed modifications shall not adversely affect the essential scale and character of the adjacent #buildings# and any adjacent historic resources; and
- (c) the proposed modifications will not unduly obstruct access to light and air of adjacent properties.

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

(12/9/09)

63-23

Special Transparency Requirements

For all #FRESH food stores#, the ground floor level of the #street wall# fronting upon a principal #street# shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk. No less than 50 percent of the area of such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

Furthermore, for #buildings# with frontage on two or more #streets#, the Chairperson of the City Planning Commission may certify that the glazing requirements of this Section shall only be applicable to the #street wall# fronting upon the principal #street#, as determined by the Chairperson.

In addition, the Chairperson of the City Planning Commission may, by certification, allow a reduction in the glazing requirements of this Section, provided that the Chairperson finds that such #mixed building#, or #mixed use building# as defined in Section 123-11, is a recipient of #public funding# as defined in Section 23-911 (General definitions). Such reduced glazing may occupy no less than 50 percent of the area of such ground floor level #street wall# and shall be glazed with transparent materials.

(12/9/09)

63-24

Security Gates

All security gates installed between the #street wall# and the #street line# after December 9, 2009, that are swung, drawn or lowered to secure #FRESH food store# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.

(10/9/13)

63-25

Required Accessory Off-street Parking Spaces in Certain Districts

- (a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 and C4-3 Districts, the #accessory# off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store#.
- (b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, and in the Borough of Queens, where applicable in Community District 12 outside of the #Special Downtown Jamaica District#, a #FRESH food store# shall provide #accessory# off-street parking spaces as required for #uses# in parking requirement category B in the applicable #Commercial# and #Manufacturing Districts#.
- (c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-

street parking regulations in Sections 36-20 or 44-20 shall apply to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.

- (d) The provisions of this Section shall not apply to:
- (1) in the Borough of the Bronx, portions of Community District 7 and in the Borough of Manhattan, portions of Community District 12, as shown on Map 1 in Appendix C of this Chapter;
 - (2) in the Borough of Brooklyn, portions of Community District 5, as shown on Map 2 in Appendix C;
 - (3) in the Borough of Brooklyn, portions of Community Districts 16 and 17, as shown on Map 3 in Appendix C; and
 - (4) in the Borough of Queens, the #Special Downtown Jamaica District#.

(12/9/09)

63-30

CERTIFICATION FOR A FRESH FOOD STORE

Upon application, the Chairperson of the City Planning Commission shall certify that a food store #use# is a #FRESH food store#, provided that:

- (a) drawings have been submitted to the Chairperson that clearly specify:
- (1) all #floor area# or #cellar# space utilized as a #FRESH food store#, showing in the form of an illustrative layout that such designated space is designed and arranged to meet the requirements for food and non-food grocery products, pursuant to Section 63-01;
 - (2) all #floor area# that will result from any permitted increase in #floor area#, pursuant to Section 63-21, including the location of such #floor area#;
 - (3) the size, format and location of the required #sign#, pursuant to Section 63-12, including detailed information about dimensions of the #sign#, lettering, color and materials; and

- (4) the location of the ground floor level #street wall# fronting upon a principal #street#, pursuant to Section 63-23;
- (b) a signed lease or written commitment from the prospective operator of the #FRESH food store# has been provided in a form acceptable to the Chairperson for utilization of such #floor area# or #cellar# space and its operation as a #FRESH food store#; and
- (c) a legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable to the Department of City Planning, binding upon the owner and its successor and assigns, and providing for continued utilization of all #floor area# or #cellar# space as a #FRESH food store#, the operation of which shall commence within a reasonable period following the issuance of a temporary certificate of occupancy for the #floor area# or #cellar# space to be utilized by the #FRESH food store#.

Such declaration of restrictions shall provide that the legal commitment for continued occupancy of the #floor area# or #cellar space# as a #FRESH food store# shall not apply during any:

- (1) six (6) month period from the date such #floor area# or #cellar# space is vacated by the operator, provided that the owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; or
- (2) event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Office of the City Register of the City of New York against all tax lots comprising the #FRESH food store#, and receipt of proof of recordation of such declaration in a form acceptable to the Department, shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# under this Chapter.

In granting the certification, the Chairperson may specify that minor changes in store layout consistent with the definition of a #FRESH food store# shall not warrant further certification pursuant to this Section.

No later than the date on which an application for certification

is first submitted, a copy of the drawings submitted pursuant to paragraph (a) of this Section shall be submitted by the applicant to the affected Community Board, which shall have 45 days to review said application. The Chairperson shall not issue a certification for an application during the Community Board review period, unless the Community Board has submitted to the Chairperson comments regarding such proposal or informed the Chairperson that the Community Board has no comments.

(12/9/09)

63-31

Requirements for Certificate of Occupancy

No certificate of occupancy shall be issued for any portion of the #development# or #enlargement# identified in the drawings submitted pursuant to paragraph (a) (2) of Section 63-30 until a temporary certificate of occupancy has been issued for the #FRESH food store# space. No final certificate of occupancy shall be issued for any such portion of the #development# or #enlargement# identified in such drawings until the #FRESH food store# space has been completed in accordance with the drawings submitted pursuant to paragraph (a) (1) of Section 63-30 and a final certificate of occupancy has been issued for the #FRESH food store# space. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#.

(12/9/09)

63-40

CERTIFICATION FOR CHANGE OF USE OF A FRESH FOOD STORE

A #FRESH food store# for which a certification has been issued pursuant to Section 63-30 may be changed to any #use# permitted by the underlying district upon certification by the Chairperson of the City Planning Commission that such change of #use# would not create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in reduction in the number of required #accessory# off-street parking spaces under the applicable district regulations.

If a certification pursuant to this Section is granted, a notice of cancellation, in a form acceptable to the Department of City Planning, of the declaration of restrictions recorded pursuant to Section 63-30 shall be executed and recorded in the Office of the

City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

(12/9/09)

63-50

AUTHORIZATION FOR BULK AND PARKING MODIFICATIONS

The City Planning Commission may, by authorization, permit modifications to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts when a change of #use# of a #FRESH food store# for which a certification has been issued, pursuant to Section 63-30, would create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in a reduction in the number of required #accessory# off-street parking spaces under the applicable district regulations, provided that such #use# is permitted by the underlying districts.

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

- (a) due to the market conditions prevalent at the time of the application, there is no reasonable possibility that the operation of a #FRESH food store# will bring a reasonable return;
- (b) the applicant, the operator or a prior operator of such #FRESH food store# has not created or contributed to such unfavorable market conditions;
- (c) the applicant, the operator or a prior operator of such #FRESH food store# has undertaken commercially reasonable efforts to secure a new operator, and demonstrates to the City Planning Commission that such efforts have been unsuccessful;
- (d) any proposed #non-compliance# or increase in the degree of #non-compliance# will not be incompatible with or adversely affect adjacent #uses#, including #uses# within the #building#; and
- (e) any reduction of required #accessory# off-street parking shall not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian movement.

If such authorization is granted, a notice of cancellation, in a

form acceptable to the Department of City Planning, of the declaration of restrictions recorded pursuant to Section 63-30, shall be executed and recorded in the Office of the City Register of the City of New York against all tax lots comprising the former #FRESH food store#.

In issuing an authorization under this Section, the Commission may impose conditions and safeguards to minimize adverse impacts on the character of the surrounding area.

(12/9/09)

63-60

COMPLIANCE

No later than June 30th of the year, beginning in the first calendar year following the calendar year in which certification was made, and at three year intervals thereafter, the Chairperson shall be provided with an affidavit, in a form acceptable to the Department of City Planning, regarding compliance with the requirements of the declaration of restrictions and the regulations of this Chapter, as of a date of inspection which shall be no earlier than June 1st of the year in which the affidavit is filed. Such affidavit shall be provided by the owner(s) of the tax lot(s) on which the #FRESH food store# is located. Such affidavit shall include, without limitation:

- (a) a copy of the original #FRESH food store# certification letter and, if applicable, any approval letter pertaining to any other authorization or certification pursuant to this Chapter;
- (b) a statement that the #floor area# or #cellar# space that was certified to be operated as a #FRESH food store# continues to be operated as such in accordance with the declaration of restrictions; and
- (c) photographs documenting the condition of the #FRESH food store# at the time of inspection, sufficient to clearly show all #floor area# or #cellar# space operated as a #FRESH food store#.

Failure to comply with a condition or restriction in an authorization or certification granted pursuant to this Chapter or with approved plans related thereto, or failure to submit a required compliance report, 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 of such authorization or certification, and for the implementation of all other applicable remedies.

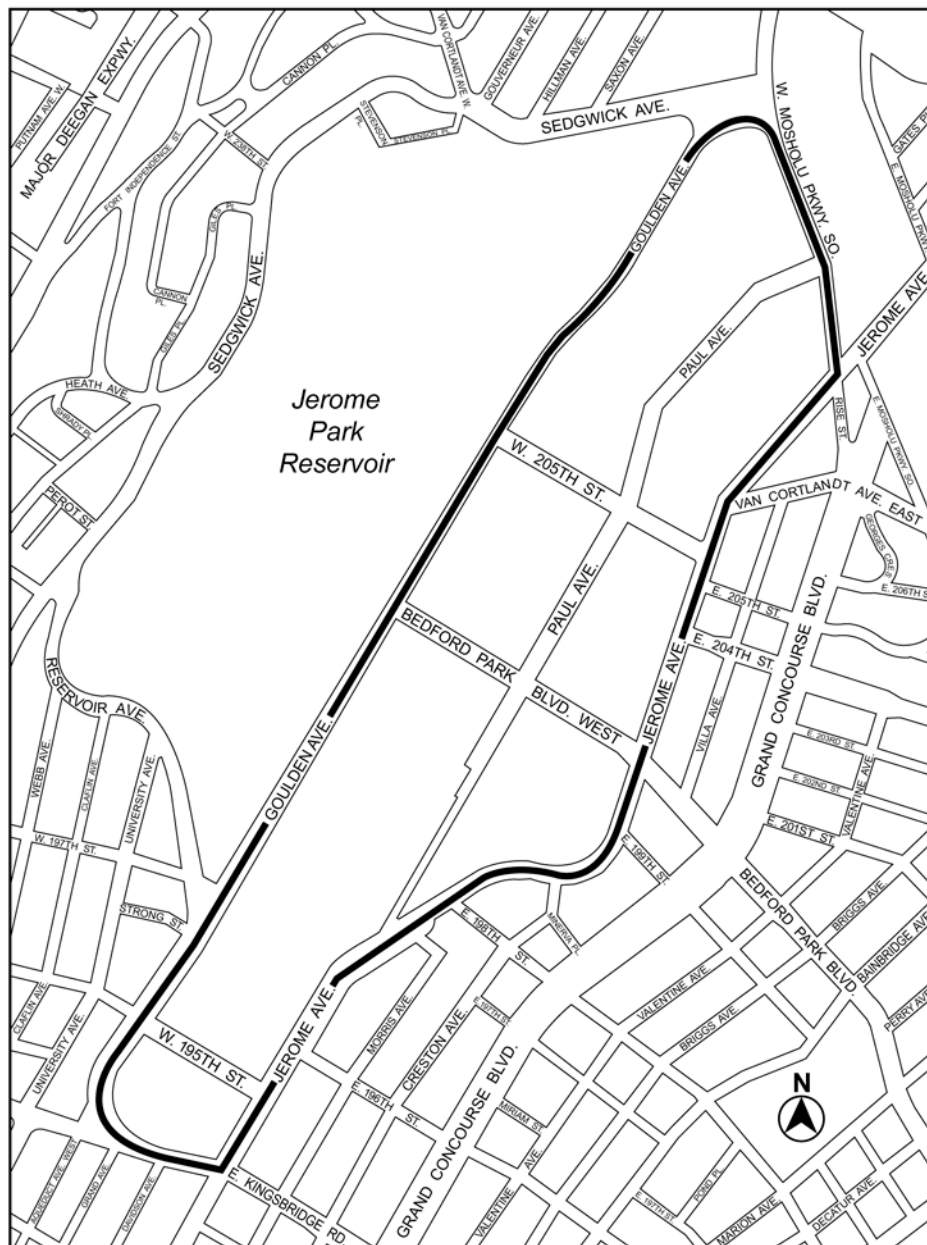
(5/11/11)

Appendix A

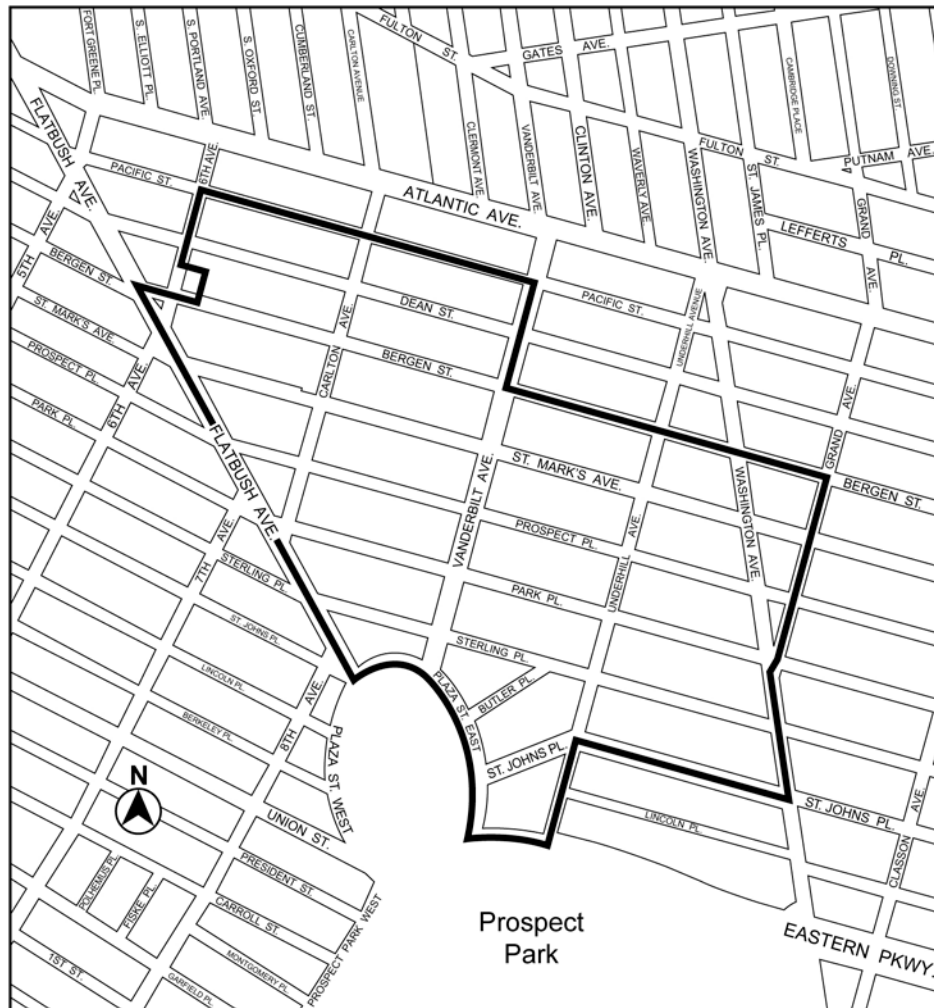
FRESH Food Store Designated Areas: Excluded Portions

The #FRESH food store# designated areas are listed by community district and borough in Section 63-02 (Applicability). Excluded portions of community districts are shown on the following maps.

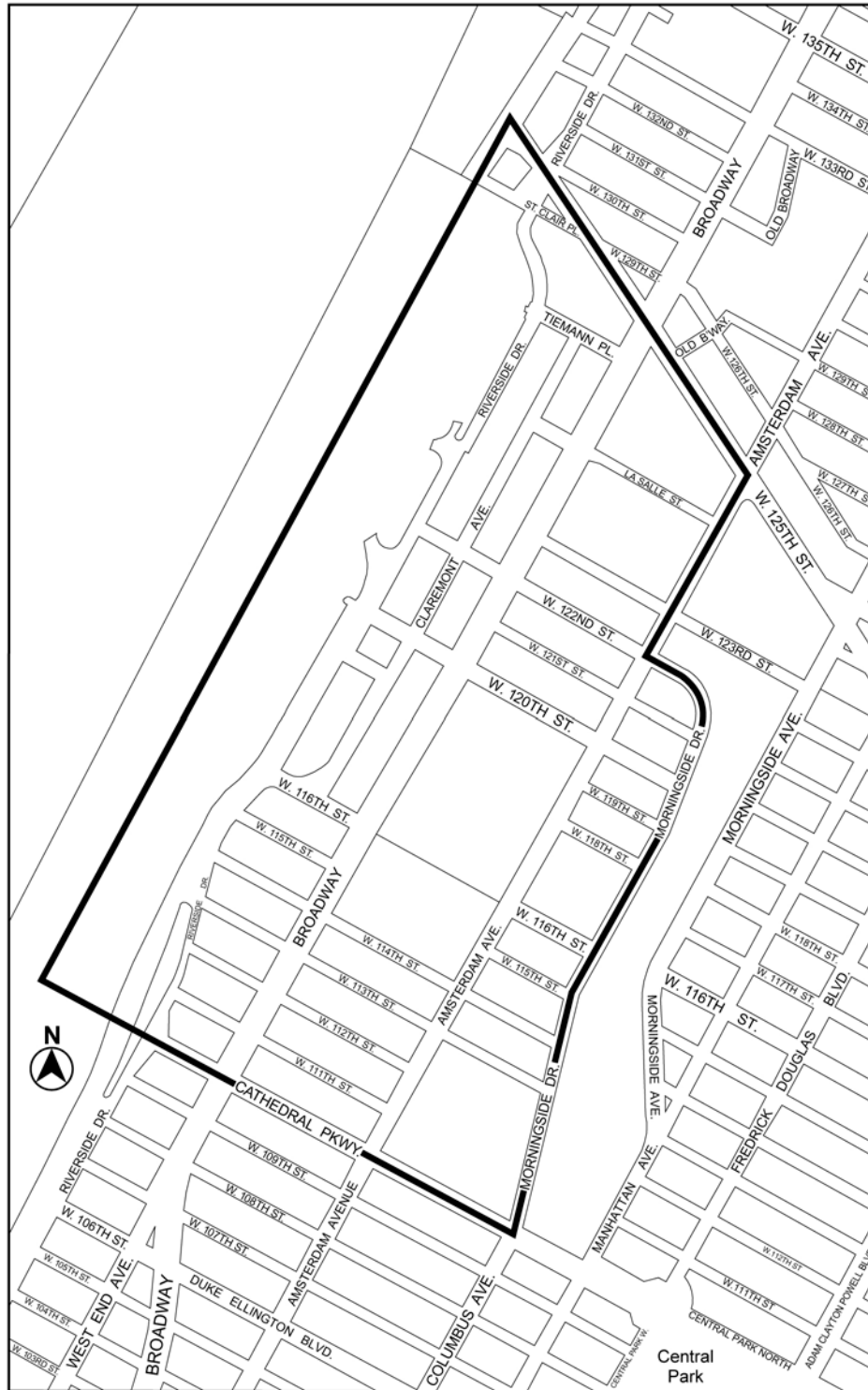
Map 1. Excluded portions of Community District 7, the Bronx



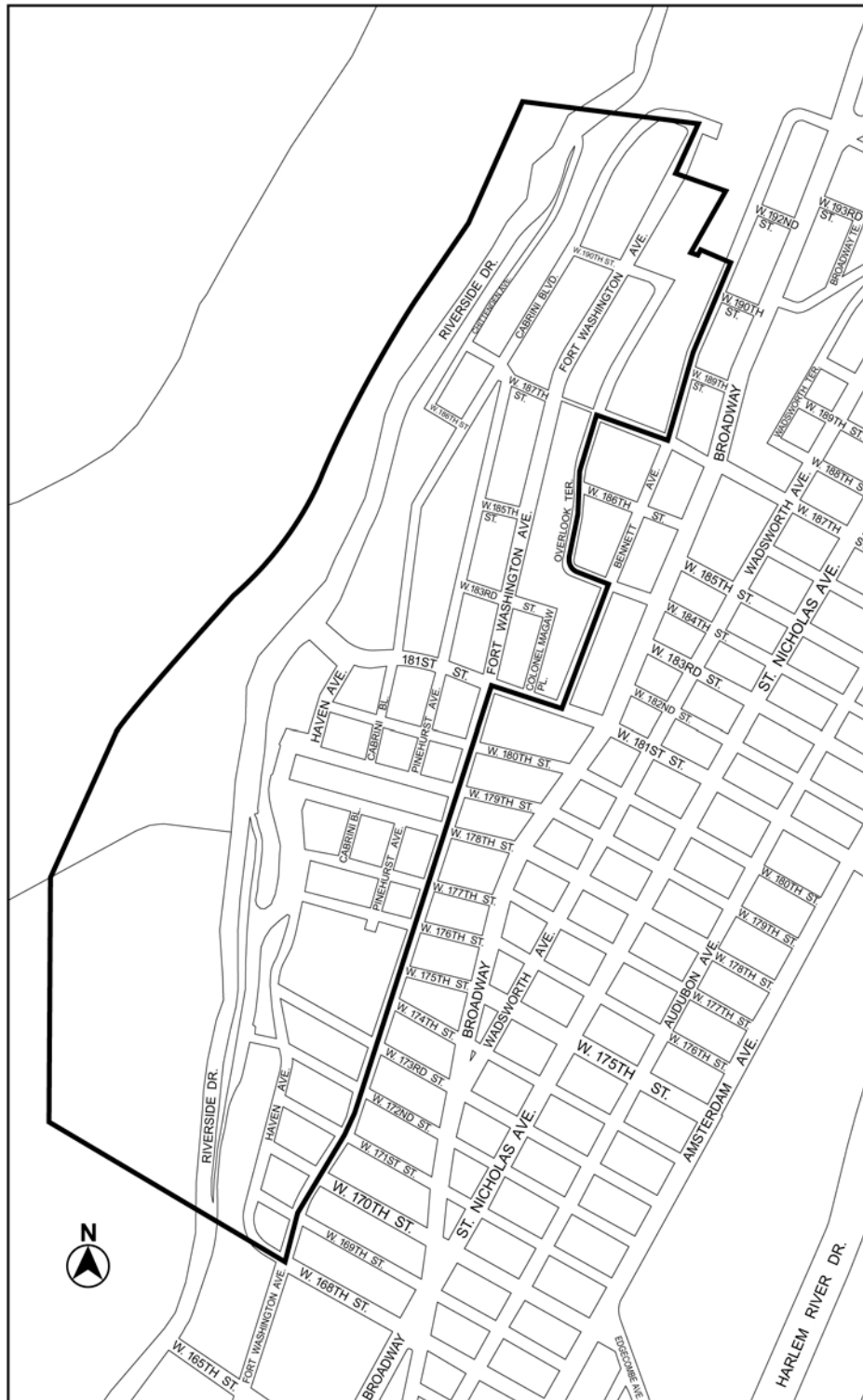
Map 2. Excluded portions of Community District 8, Brooklyn



Map 3. Excluded portions of Community District 9, Manhattan



Map 4. Excluded portions of Community District 12, Manhattan



Map 5. Excluded portions of Community District 12, Queens



Map 6. Excluded portions of Community District 12, Queens



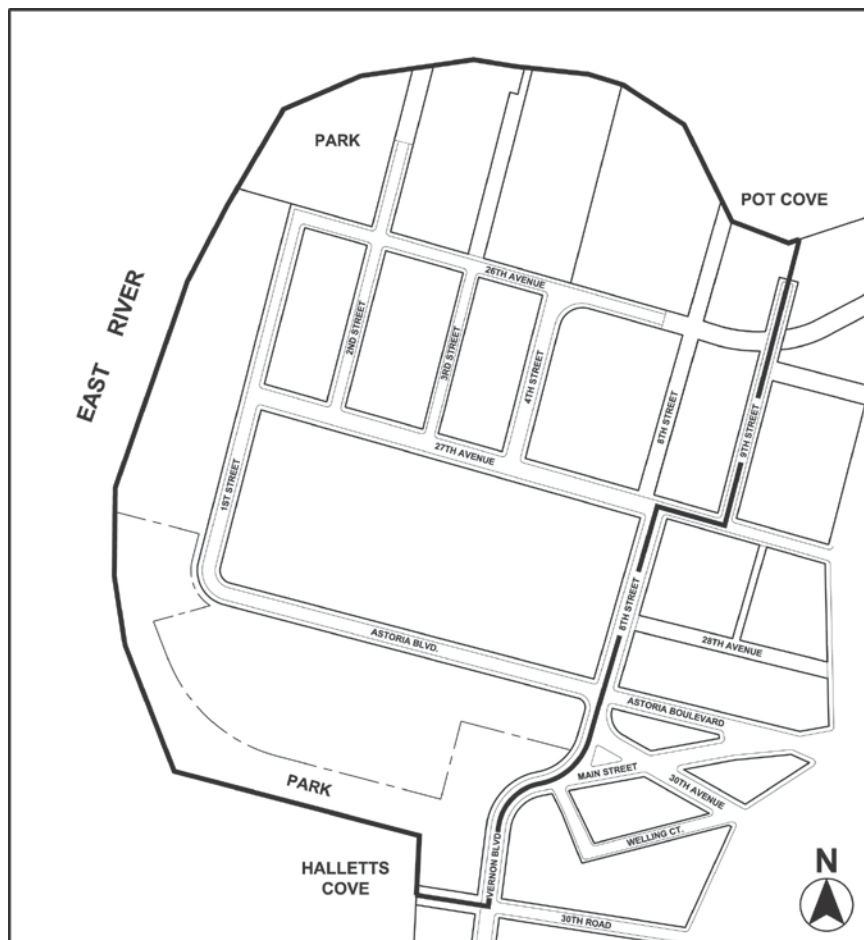
(10/9/13)

Appendix B

FRESH Food Store Designated Areas: Included Portions

The #FRESH food store# designated areas are listed by community district and borough in Section 63-02 (Applicability). When a #FRESH food store# designated area occupies only a portion of a community district, the included portions of such community districts are shown on the following maps:

Map 1. Included portions of Community District 1, Queens

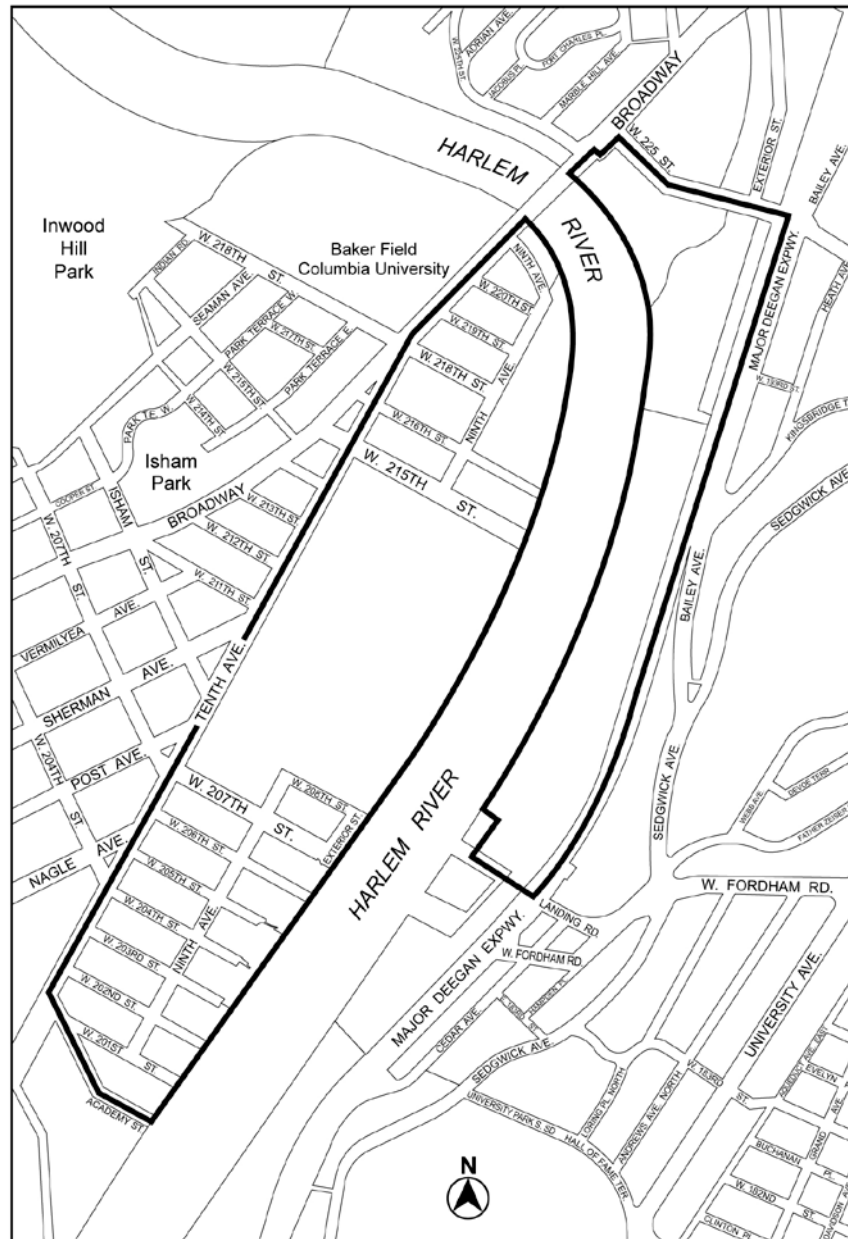


(10/9/13)

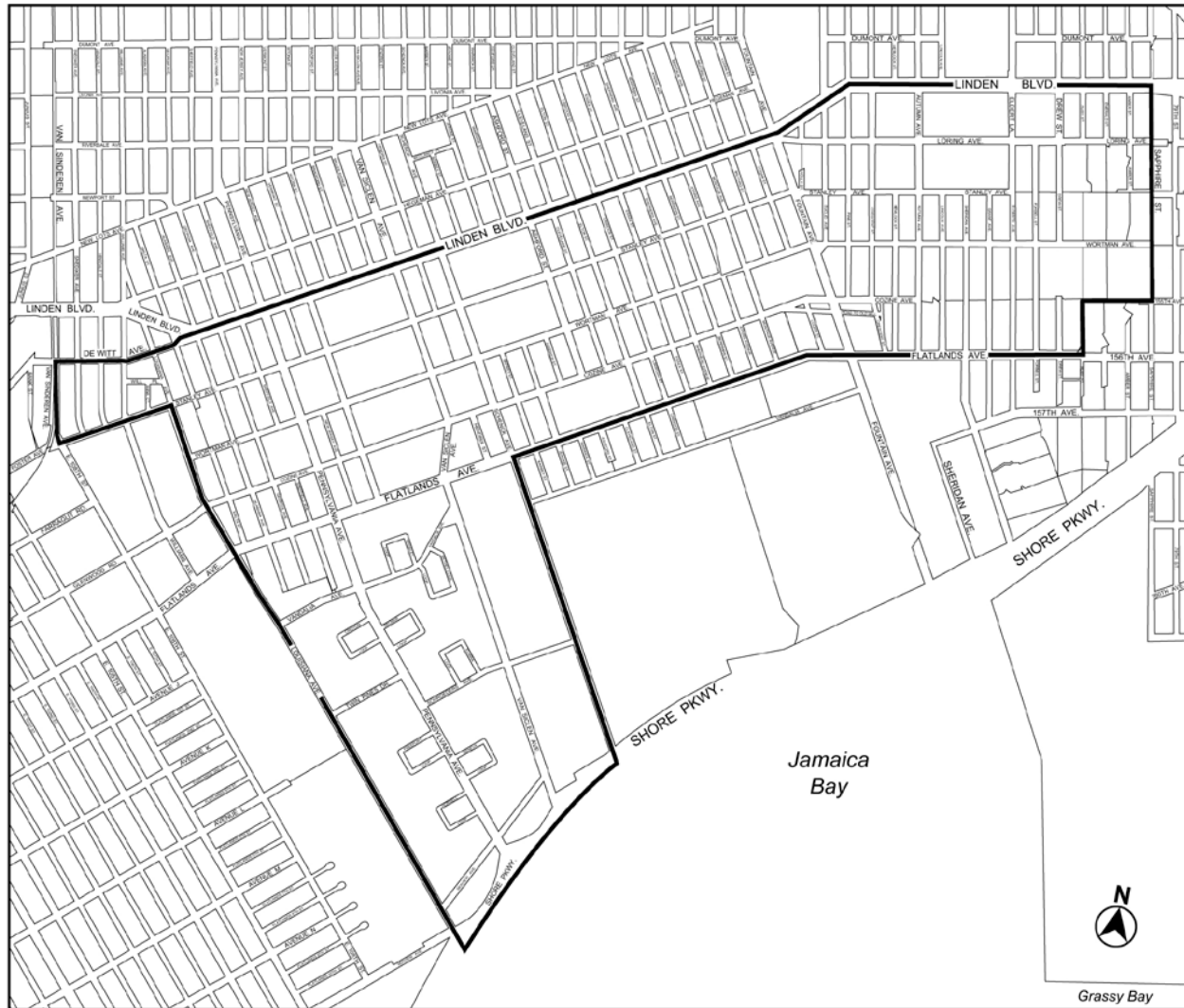
Appendix C

Required Off-Street Accessory Parking Exceptions

Map 1. Excluded portions of Community District 12, Manhattan and a portion of Community District 7, the Bronx



Map 2. Excluded portions of Community District 5, Brooklyn



Map 3. Excluded portions of Community District 16 & 17, Brooklyn



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VI: Special Regulations Applicable To Certain Areas Chapter 4 - Special Regulations Applying in Flood Hazard Areas

Effective date of most recently amended section of Article VI Chapter 4: 7/23/15

Date of file creation: Web version of Article VI Chapter 4: 8/5/15

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(10/9/13)

Chapter 4
Special Regulations Applying in Flood Hazard Areas

(7/23/15)

64-00
GENERAL PURPOSES

The provisions of this Chapter establish special regulations which are designed to encourage flood-resilient building practices for new and existing buildings and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to facilitate the development and alteration of buildings in flood zones consistent with the latest flood-resistant construction standards of the Federal government and the New York City Building Code;
- (b) to enable buildings to be constructed pursuant to flood-resistant standards with a comparable amount of usable interior space to what is generally permitted within the applicable zoning district;
- (c) to mitigate the effects of elevated and flood-proofed buildings on the streetscape and pedestrian activity;
- (d) to expedite the recovery of neighborhoods that experienced a high concentration of damage to single- and two-family residences from Hurricane Sandy within the Neighborhood Recovery Areas specified in Appendix A of this Chapter; and
- (e) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

(10/9/13)

64-10
GENERAL PROVISIONS

The provisions of this Chapter shall be in effect until one year

after the adoption by the City of New York of new final Flood Insurance Rate Maps superseding the Flood Insurance Rate Maps in effect on October 28, 2012.

(10/9/13)

64-11

Definitions

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Basement

For #buildings#, or portions thereof, that comply with #flood-resistant construction standards#, a "basement" is a #story# (or portion of a #story#) partly below #flood-resistant construction elevation#, with at least one-half of its height (measured from floor to ceiling) above #flood-resistant construction elevation#.

Cellar

For #buildings#, or portions thereof, that comply with #flood-resistant construction standards#, a "cellar" is a space wholly or partly below the #flood-resistant construction elevation#, with more than one-half its height (measured from floor to ceiling) below the #flood-resistant construction elevation#.

Flood-resistant construction elevation

The "flood-resistant construction elevation" is the greater of:

- (a) the "design flood elevation" determined pursuant to Appendix G of the New York City Building Code for a building's structural occupancy category; or
- (b) the base flood elevation indicated on the #flood maps#, plus the additional elevation required above base flood elevation for the applicable occupancy category when determining the Design Flood Elevation pursuant to Appendix G of the Building Code.

Flood-resistant construction standards

"Flood-resistant construction standards" shall:

- (a) comply with the standards of Appendix G of the Building Code for

"Post-FIRM Construction," whether construction voluntarily complies with standards for "Post-FIRM Construction" or is required to comply; and

- (b) utilize the higher base flood elevation and the more stringent flood hazard area designation, as applicable, of the #flood maps# or the Flood Insurance Rate Maps in effect on October 28, 2012.

Hurricane Sandy

"Hurricane Sandy" is a severe storm that occurred on October 28, 2012, causing heavy flooding, power outages, property damage, and disruption of public transportation and other vital services.

Lowest occupiable floor

The "lowest occupiable floor" shall be the finished floor level of the lowest floor that is not used solely for parking, storage, building access or crawl space, where any space below such #lowest occupiable floor# is wet flood-proofed in accordance with #flood-resistant construction standards# and used only for parking, storage or building access, or otherwise is not occupiable space.

Predominant or predominantly

"Predominant" or "predominantly" shall mean that a #use# or a group of #uses# comprises at least 75 percent of the total #floor area# of the #building# or of the area of the #zoning lot#, as applicable.

(7/23/15)

64-12

Applicability

The provisions of this Chapter shall apply only within the #flood zone#, as follows:

- (a) Except where otherwise stated, all #buildings#, or portions thereof, shall comply with #flood-resistant construction standards# as a condition of construction pursuant to the following optional provisions, as applicable, inclusive:

Section 64-10 GENERAL PROVISIONS

Section 64-20 SPECIAL USE REGULATIONS

Section 64-30 SPECIAL BULK REGULATIONS

Section 64-40 SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING
ON OCTOBER 28, 2012

Section 64-50 SPECIAL PARKING REGULATIONS

Section 64-70 SPECIAL REGULATIONS FOR NON-CONFORMING USES AND
NON-COMPLYING BUILDINGS

Section 64-80 MODIFICATION OF SPECIAL REGULATIONS APPLYING IN
WATERFRONT AREAS

Section 64-90 SPECIAL APPROVALS

- (b) The provisions of Section 64-60 (DESIGN REQUIREMENTS) shall apply to all #developments#, all horizontal #enlargements# with new #street walls#, or alterations that increase the height of #street walls#, except that Section 64-65 (Screening Requirements for Parking Within or Below Buildings) shall apply to all #buildings# as provided therein.
- (c) Where a #zoning lot# is located partially within a #flood zone#, the regulations of this Chapter shall apply where any portion of a #building# on such #zoning lot# is within such #flood zone#.
- (d) In Neighborhood Recovery Areas, shown on maps in Section 64-A80 (NEIGHBORHOOD RECOVERY AREA MAPS) of this Chapter, optional provisions to expedite the vertical elevation or reconstruction of #single-# or #two-family residences# shall apply. These provisions are set forth in Appendix A and shall supplement, supersede or modify the provisions of this Chapter. The maps are hereby incorporated and made part of this Resolution, for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter may apply.

(10/9/13)

64-13

Applicability of District Regulations

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

(10/9/13)

64-131

Measurement of height

All measurements of height above #curb level#, #base plane#, #base flood elevation#, grade, or other similar ground related datum, shall be from the #flood-resistant construction elevation#. This provision shall not apply to #buildings# that are #accessory# to #single-# or #two-family residences#, or to fences, #signs# not affixed to #buildings#, or other structures that are not #buildings#.

In R3, R4A and R4-1 Districts within #lower density growth management areas#, the maximum perimeter wall height shall be 21 feet above the #flood-resistant construction elevation# or 26 feet above grade, whichever is greater.

Where different #flood-resistant construction elevations# apply to different portions of a #building#, the highest of such #flood-resistant construction elevations# may apply to the entire #building#.

For #buildings# located partially within and partially outside of the #flood zone#, all measurements of height shall be in accordance with only one of the following provisions:

- (a) the #flood-resistant construction elevation# shall apply to the entire #building#;
- (b) the height of the portion of the #building# within the #flood zone# shall be measured from the #flood-resistant construction elevation#, and the height of the portion of the #building# outside of the #flood zone# shall be measured from an elevation determined in accordance with the underlying applicable regulations; or
- (c) the elevation of each such portion of the #building# from where height is measured shall be multiplied by the percentage of the total #lot coverage# of the #building# to which such elevation applies. The sum of the products thus obtained shall be the elevation from which the height of the entire #building# is measured.

(10/9/13)

64-20

SPECIAL USE REGULATIONS

(10/9/13)

64-21

Ground Floor Use

- (a) In all districts, where compliance with the elevation and wet flood-proofing requirements of Appendix G of the New York City Building Code would result in a #lowest occupiable floor# that is above a level required by the Zoning Resolution without the relief provided by this Section, such requirements shall be modified so that the level of such ground floor shall be the lowest level permitted for #uses# other than parking, storage and building access as if it were "Post-FIRM Construction," as defined by Appendix G of the Building Code, using elevation and wet flood-proofing techniques.
- (b) In C1, C2 and C4 Districts in the Borough of Staten Island, where #flood-resistant construction elevation# is more than 10 feet above #curb level#, the provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall be modified to allow enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, on the ground floor within 30 feet of the #street wall# of the #building#, provided that the standards of Section 64-641 (Design requirements) are met.

(10/9/13)

64-22

Transparency Requirements

In all districts, as an alternative to #street wall# transparency regulations, the following optional provisions may apply, except where #buildings# are governed by the provisions of Section 64-64 (Design Requirements for Non-Residential and Mixed Buildings in Commercial and Manufacturing Districts).

#Street walls# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent glazing materials shall occupy at least 50 percent of the surface area of such #street wall#, measured between the level of the first finished floor above #curb level# and a height 12 feet above such level.

(10/9/13)

64-30

SPECIAL BULK REGULATIONS

(10/9/13)

64-31

Special Floor Area Regulations

(10/9/13)

64-311

Entryways in single- and two-family residences

For #single-# and #two-family residences# with enclosed entryways below #flood-resistant construction elevation#, up to 10 square feet of such entryway may be excluded from the definition of #floor area# for each foot of difference between the #lowest occupiable floor# and #curb level#. This area may be excluded from the definition of #floor area# provided it is not greater than the total area of ramps, stairs, lifts and elevators between grade and the first finished floor, plus an initial entry area of no more than 12 square feet.

(10/9/13)

64-312

Entryways in all other buildings

For all #buildings# other than #single-# and #two-family residences#, with enclosed publicly accessible entryways below #flood-resistant construction elevation#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference between the #lowest occupiable floor# and #curb level#. This area may be excluded from the definition of #floor area# provided it is not greater than the total area at each publicly accessible entryway of ramps, stairs, lifts and elevators plus an initial entry area of no more than 100 square feet for each entryway.

(10/9/13)

64-313

Mechanical systems in low density districts

Floor space used for #accessory# mechanical equipment in R1-2A, R2A, R2X, R3, R4 or R5 Districts may be excluded from the definition of #floor area# without the limitations provided in the definition of #floor area#, paragraphs (m) and (8) in Section 12-10 (DEFINITIONS).

(10/9/13)

64-32

Special Yard Regulations

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

(10/9/13)

64-321

Level of required yards

Underlying #yard# regulations shall be modified to allow #yards# to be higher than #curb level# but in no event higher than #flood-resistant construction elevation#. In addition, the following regulations shall apply:

- (a) in #Residence Districts# and C1 through C6 Districts, #yards# higher than #curb level# shall comply with the following standards:
 - (1) final grade shall not penetrate a plane that begins 30 inches above #curb level# at each #lot line# and has a slope extending perpendicular to #lot lines# of one foot vertical for each 2.5 feet horizontal;
 - (2) retaining walls shall be permitted above #curb level# in #yards# provided the maximum height of each wall above adjacent grade does not exceed 30 inches; and
 - (3) in #front yards# in Residence Districts, portions of fences greater than four feet above #curb level# shall be required to be no more than 50 percent opaque; and
- (b) in C7 and C8 Districts and in #Manufacturing Districts#, #yards#

shall be permitted to a maximum grade equal to #flood-resistant construction elevation#. However, for portions of #zoning lots# where Sections 33-29 and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) apply, #yards# are permitted above #curb level# only pursuant to paragraph (a) of this Section.

Nothing in this Section shall be construed so as to permit the creation of spaces sub-grade on all sides in a manner inconsistent with Appendix G of the Building Code.

(10/9/13)

64-322

Permitted obstructions in required yards, courts and open space

- (a) For #single-# and #two-family residences#, where #flood-resistant construction elevation# is five feet or more above #curb level#, roofed porches shall be permitted obstructions in any #open space# required on the #zoning lot# and in #yards#. Balconies for such #residences# may exceed the width and depth standards of Section 23-13 where such balconies are located directly above a porch.
- (b) For #single-# and #two-family residences#, lifts for persons with disabilities shall be permitted obstructions in any #open space# required on the #zoning lot# and in #courts#, #yards# and #rear yard equivalents#, provided that in #front yards#, such lifts are unenclosed.
- (c) For all #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be a permitted obstruction in #rear yards# and #rear yard equivalents#, provided that such equipment is:
 - (1) located above #flood-resistant construction elevation#;
 - (2) enclosed within a #building#, or portion thereof, or within a #structure# that provides screening of such mechanical equipment on all sides by walls consisting of at least 50 percent opaque materials;
 - (3) in R3, R4 or R5 Districts, limited to a height of 10 feet above #flood-resistant construction elevation#, including the apex of a pitched roof;
 - (4) in R6, R7, R8, R9 or R10 Districts, limited to a height of 14 feet above #flood-resistant construction elevation#; or

(5) in #Commercial# or #Manufacturing Districts#, limited to a height of 23 feet above #flood-resistant construction elevation#;

#Accessory# mechanical equipment located in #rear yards# or #rear yard equivalents# and meeting the standards of this Section shall be a permitted obstruction in any #open space# required on the #zoning lot#, provided that the total area occupied by a #building# used for both enclosed parking and such mechanical equipment does not exceed 20 percent of the total required #open space# on the #zoning lot#.

Decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory building# within the #rear yard# or #rear yard equivalent#.

(10/9/13)

64-323

Flood panels in required yards and open space

Temporary flood control devices and associated emergency egress systems that are assembled prior to a storm and removed thereafter shall be permitted obstructions in #yards# and #rear yard equivalents#, #courts#, #open space#, #waterfront yards# as defined in Article VI, Chapter 2, #public plazas# and all other publicly accessible open areas during such storm event and for a reasonable period prior to and after such storm event, as determined by the Department of Buildings.

(10/9/13)

64-33

Special Height and Setback Regulations

(10/9/13)

64-331

Permitted obstructions for multi-family buildings in R3-2 and R4 Districts

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In R3-2 and R-4 Districts, for all #buildings#, or portions thereof, subject to Section 23-60 (HEIGHT AND SETBACK REGULATIONS), except #single-# and #two-family residences#, elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, shall be considered permitted obstructions to height and setback regulations, provided that:

- (a) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#;
- (b) all mechanical equipment shall be screened on all sides;
- (c) the #lot coverage# of all such obstructions and screening does not exceed 250 square feet or 10 percent of the #lot coverage# of the #building#, whichever is greater; and
- (d) such obstructions are limited to a height of 15 feet above the maximum height of perimeter walls.

(10/9/13)

64-332

Permitted obstructions for buildings in medium and high density districts

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In R5 through R10 Districts, and in all #Commercial# and #Manufacturing Districts#, for all #buildings#, the underlying regulations governing permitted obstructions to height and setback shall be modified to increase the permitted volume for elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, from a maximum #lot coverage# of 20 percent of the #lot coverage# of the #building# to a maximum #lot coverage# of 30 percent of the #lot coverage# of the #building#, provided that where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height

of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

(10/9/13)

64-333

Street wall location in certain districts

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In all districts, where underlying #street wall# location regulations require the ground floor of a #street wall# to extend along the entire #street# frontage of a #zoning lot# and be located on the #street line#, such regulations are modified as follows:

- (a) recesses, not to exceed five feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#; and
- (b) up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. However, no recesses shall be permitted within 30 feet of the intersection of two #street lines#.

(10/9/13)

64-334

Alternative height measurement for single- and two-family residences

R1 R2 R3 R4 R5

In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for #single-# and #two-family residences# where #flood-resistant construction elevation# is between six and nine feet above #curb level#, #building# height may be measured from a reference plane nine feet above #curb level#, provided that at least two mitigating elements are provided from the list in Section 64-61 (Design Requirements for Single- and Two-Family Residences).

(10/9/13)

64-335

Alternative height measurement for other buildings in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for all #buildings# other than #single-# and #two-family residences#, where #flood-resistant construction elevation# is between five and 10 feet above #curb level#, #building# height may be measured from a reference plane 10 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-622 (Lobby or non-residential use) shall be met.

(10/9/13)

64-336

Alternative height measurement in Commercial and Manufacturing Districts

C1 C2 C3 C4 C5 C6

- (a) In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for all #residential buildings# other than #single-# and #two-family residences#, where #flood-resistant construction elevation# is between five and 10 feet above #curb level#, #building# height may be measured from a reference plane 10 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-622 (Lobby or non-residential use) shall be met.

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

- (b) In the districts indicated, as an alternative to Section 64-131, for all #buildings# other than #residential buildings# and #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#, where #street walls# are within 50 feet of a #street line# and #flood-resistant construction elevation# is between five and 12 feet above #curb level#, #building# height may be measured from a reference plane 12 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-642 (Transparency requirements for

buildings utilizing alternative height measurement) shall be met.

(10/9/13)

64-40

SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012

The following provisions shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#.

(10/9/13)

64-41

Special Floor Area Regulations for Buildings Existing on October 28, 2012

(10/9/13)

64-411

Floors below the flood-resistant construction elevation

(a) Dry flood-proofing

In C1 and C2 Districts mapped within R1 through R6 Districts, and in C3, C4-1, C4-2 and C4-3 Districts, where the level of any finished floor above adjacent grade that existed on October 28, 2012, is below #flood-resistant construction elevation#, such floor space may be exempted from the definition of #floor area# provided that such floor space, as well as any space below such floor space, complies with the #flood-resistant construction standards# for dry flood-proofing. The certificate of occupancy, if required, shall note that such floor space has been dry flood-proofed and must comply with the provisions of Appendix G of the New York City Building Code, and that the number of #dwelling units# or #rooming units# shall be limited to no more than the number existing on October 28, 2012.

In addition, the following provisions shall apply:

- (1) such floor space exempted from the definition of #floor area# shall not exceed 10,000 square feet;

- (2) such floor space exempted from the definition of #floor area# shall be used for a #community facility use# or #commercial use# permitted by the underlying zoning district;
- (3) no floor space shall be exempted if parking spaces within such #building# are located within 30 feet of the #street wall#; and
- (4) the #building# shall contain no more #dwelling units# or #rooming units# than existed on October 28, 2012.

(b) Wet flood-proofing

This paragraph shall not apply to #buildings# containing non-#residential uses# where the #flood-resistant construction elevation# is less than two feet above the level of the first finished floor above #curb level#.

Where the level of any finished floor above adjacent grade that existed on October 28, 2012, is below #flood-resistant construction elevation#, such floor space may be exempted from the definition of #floor area# provided that such floor space, as well as any space below such floor space, complies with the #flood-resistant construction standards# for wet flood-proofing. The certificate of occupancy, if required, shall note that such floor space has been wet flood-proofed and must comply with the provisions of Appendix G of the Building Code.

The #floor area# which has been flood-proofed pursuant to the provisions of this Section need not be rebuilt prior to sign-off by the Department of Buildings or issuance of a certificate of occupancy for such alteration to the flood-proofed floor space in order for such #floor area# to be preserved as long as an application for construction documents for the reconstruction of such #floor area# has been approved by the Department of Buildings prior to the issuance of such sign-off or certificate of occupancy for the alteration associated with the flood-proofing. Such construction documents shall acknowledge that the #non-complying floor area# is being preserved and shall depict its use within the same #building# in a manner complying with #flood-resistant construction standards#.

(10/9/13)

64-412

Lowest story of a residential building

In all districts, where the #floor area# of a #single#-or-#two-family

residence# existing on October 28, 2012, did not include the lowest #story# because such #story# complied with the criteria set forth in paragraph (9) of the definition of "floor area" in Section 12-10, any space used for dwelling purposes within such #story# shall continue to be exempt from the definition of #floor area#, notwithstanding such criteria, provided such #story# is elevated or reconstructed at or above the #flood-resistant construction elevation#.

(10/9/13)

64-42

Yards, Courts and Open Space for Buildings Existing on October 28, 2012

(10/9/13)

64-421

Permitted obstructions

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

- (a) For existing #single-# and #two-family residences#, and for the reconstruction of such #residences#, mechanical equipment including but not limited to #accessory# heating and cooling equipment and emergency generators, shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent#, and in #courts#, provided such equipment is:
- (1) located above #flood-resistant construction elevation#; and
 - (2) located at least five feet from any #lot line#; and
 - (3) screened on all sides by walls consisting of at least 50 percent opaque materials; and
 - (4) in compliance with the standards of either paragraph (a)(5) or (a)(6) of this Section; and
 - (5) the mechanical equipment and all structure and screening are located no more than seven feet from the wall of a #building# and limited to a height of no more than 10 feet above #flood-resistant construction elevation#; or

- (6) the mechanical equipment is located within a detached garage or on the roof of a detached garage, provided that:
 - (i) where covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance, no portion of the roof shall exceed a height of 14 feet above the adjoining grade, measured to the midpoint of a sloping roof; or
 - (ii) for all other conditions, no portion of the garage, screening or the mechanical equipment shall exceed a height of 12 feet above the adjoining grade.
- (b) For existing #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be permitted obstructions in #courts# and #open space#, provided such equipment is:
 - (1) located above #flood-resistant construction elevation#;
 - (2) within a #structure# that provides screening of such mechanical equipment on all sides by walls consisting of at least 50 percent opaque materials;
 - (3) limited to a height established in Section 64-322 (Permitted obstructions in required yards, courts and open space), paragraph (c), for mechanical equipment as permitted obstructions in a #rear yard#; and
 - (4) located at least 30 feet from any #legally required window#.
- (c) For existing #buildings#, except #single-# and #two-family residences#, lifts for persons with disabilities, where permitted pursuant to provisions of the New York City Building Code, shall be permitted obstructions in #yards#, #courts# and #open space#.

(10/9/13)

64-422

Front yard planting requirement

R1 R2 R3 R4 R5

In the districts indicated, the provisions of Section 23-451 (Planting requirement) are modified for existing #buildings#, where the distance between the #street wall# and the #street line# is six

feet or less, to allow stairs, ramps or lifts that access the #lowest occupiable floor# to be counted as planted area for the purposes of fulfilling the requirements of such provisions.

(10/9/13)

64-43

Special Height and Setback Regulations for Buildings Existing on October 28, 2012

(7/23/15)

64-431

For existing single- and two-family residences

#Single-# and #two-family residences# existing on October 28, 2012, may be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest horizontal structural member supporting the lowest floor containing habitable space, located at or above the adjoining grade as of October 28, 2012, to #flood-resistant construction elevation#, and in so doing may create a #non-compliance# as to height and setback to the extent that such lowest horizontal structural member is elevated or reconstructed to #flood-resistant construction elevation#.

This Section shall not preclude the construction of complying #enlargements# or other complying structures on the #zoning lot#.

#Buildings# that were complying on October 28, 2012, and vertically elevated or reconstructed to a higher elevation, pursuant to this Section, shall be considered legal #non-complying buildings#.

(10/9/13)

64-432

Permitted obstructions for certain existing buildings

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In R5 through R10 Districts, and in #Commercial# and #Manufacturing Districts#, for all existing #buildings#, the regulations for permitted obstructions to height and setback regulations shall be

modified to increase the permitted volume for elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, as follows:

- (a) where the maximum #building# height is less than 120 feet, the maximum permitted height of such volume may be increased from 25 feet to 33 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#; and
- (b) where the maximum #building# height is 120 feet or greater, the maximum permitted height of such volume may be increased from 40 feet to 55 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#.

(10/9/13)

64-44

Special Minimum Distance Regulations for Buildings Existing on October 28, 2012

For #single-# and #two-family residences# existing on October 28, 2012, if such #buildings# are elevated, relocated or reconstructed pursuant to Sections 64-131 (Measurement of building height), 64-722 (Single- and two-family residences in required front yards) and 64-331 (Special height and setback provisions for single- and two-family residences), the provisions of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) shall not apply.

(10/9/13)

64-50

SPECIAL PARKING REGULATIONS

Sections 64-51 (For Residential Buildings with Below-Grade Parking) and 64-52 (For Elevated Buildings) shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#. Section 64-51 shall apply without requiring a #building# to comply with #flood-resistant construction standards# provided in paragraph (a) of Section 64-12 (Applicability).

Section 64-53 (Surfacing) shall apply to all #zoning lots# within the

#flood zone#.

The underlying parking location, curb cut spacing, permitted obstruction and surfacing regulations are modified in accordance with the provisions of this Section.

(10/9/13)

64-51

For Residential Buildings with Below-Grade Parking

R1 R2 R3 R4 R5

In the districts indicated, other than R4B and R5B Districts, where below-grade garages within #residential buildings# are eliminated in order to comply with Appendix G of the New York City Building Code, #accessory# off-street parking spaces may be relocated from such garages to the side or rear of such #buildings#, or to the #front yard# driveway that accessed the former garage, or to a shared driveway along a common #side lot line#. Where such parking spaces are so relocated, each such space shall have a dimension at least 18 feet long and eight feet wide, and such spaces shall be allowed without regard to underlying parking location, curb cut spacing or permitted obstruction regulations. No modifications of the number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut shall be allowed. Where eliminated garages were accessed by a driveway less than 18 feet long, such driveway and curb cut shall be eliminated, and the former driveway planted to the extent necessary to comply, or increase compliance, with the provisions of Section 23-451 (Planting requirement) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

In the event there is no way to arrange relocated required parking spaces on the #zoning lot# in compliance with the provisions of this Section, given that existing #buildings# will remain, the Commissioner of Buildings may waive such spaces.

(10/9/13)

64-52

For Elevated Buildings

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to #single-# or #two-family

(10/9/13)

R1 R2 R3 R4 R5

(10/9/13)

Section 64-63 Design Requirements for Residential Buildings in Commercial Districts

Section 64-64 Design Requirements for Non-Residential and Mixed
Buildings in Commercial and Manufacturing Districts

Section 64-65 (Design Requirements for Parking Areas Within or Below Buildings) shall apply to any #zoning lot# occupied by a #building#, other than a #single-# or #two-family residence# constructed after October 9, 2013. Any #zoning lot# occupied by a #building# constructed prior to such date shall not be altered in any way that will either create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of Section 64-65.

(10/9/13)

64-61

Design Requirements for Single- and Two-Family Residences

R1 R2 R3 R4 R5 R6

In R1, R2, R3, R4 and R5 Districts, for #single-# and #two-family residences# that have a #street wall# within 50 feet of the #street line#, and in R6 Districts, for #detached# and #semi-detached single# and #two-family residences# that have a #street wall# within 50 feet of the #street line#, where the level of the #lowest occupiable floor# is five feet or more above #curb level#, at least one of the following visual mitigation elements shall be provided. For such #residences# where the level of the #lowest occupiable floor# is nine feet or more above #curb level#, at least two of the following visual mitigation elements shall be provided.

(a) Porch

Where provided as a mitigating element, a porch shall have a finished floor at least six inches below the #lowest occupiable floor# and have a width at least 70 percent of the aggregate width of all #street walls# within 25 feet of the #street line#. The depth of the porch must be at least five feet, and the porch may not be closer to the #street line# than five feet. Open porches shall count as one mitigating element and roofed porches shall count as two mitigating elements, provided that for such roofed porches, all structural elements shall have a minimum width or depth of at least three inches, and such roof shall have a depth of at least five feet measured perpendicular to the #street wall# and extend along at least 70 percent of the width of the #street wall#. A balcony directly above a porch and a trellis or arbor with structural members spaced no further than 30 inches on center that cover such porch may be considered a porch roof for the purposes of this Section.

(b) Stair direction change

Where provided as a mitigating element, stairs shall be constructed between grade and the #lowest occupiable floor# or porch, as applicable, which shall change direction at least 90 degrees in plan at a point no lower or higher than two feet from the beginning and end of the stair run.

(c) Raised front yard

Where provided as a mitigating element, the grade between the #street line# and #street walls# within 25 feet of the #street line#, and their prolongations, shall be elevated above #curb level# so that a line drawn midway between the #street line# and such #street walls# and prolongations is at least 18 inches above #curb level# at all points, except for pedestrian ways, vehicular access and off-street parking spaces permitted pursuant to Section 64-50 (SPECIAL PARKING REGULATIONS). The area with final grade above #curb level# must be greater than 50 percent of the total area between the #street line# and #street walls# within 25 feet of the #street line# and their prolongations. Such raised #yards# shall be planted to comply with Section 23-451.

(d) Trees or shrubs at least three feet high

Where provided as a mitigating element, trees or shrubs that attain a height of at least three feet shall be provided between the #street line# and #street walls# within 25 feet of the #street line# and their prolongations. Planting beds shall be at least three feet wide in plan, measured parallel and perpendicular to the #street line#. The length of each planted area shall be measured by inscribing each planted area within a rectangle and measuring the longest dimension of such rectangle. The total length of planted areas shall be greater than 60 percent of the #lot width#, and be planted to screen at least 50 percent of the length of the #street wall#.

However, no mitigation shall be required where more than 50 percent of the #street wall# of a #building# is within three feet of the #street line#.

(10/9/13)

64-62

Design Requirements for Other Buildings in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, for all #buildings#, except #single-# and #two-family residences#, where #street walls# are within 50 feet of the #street line#, the provisions of this Section, inclusive, shall apply.

(10/9/13)

64-621

Planting requirement

Where the level of the #lowest occupiable floor# is five or more feet above #curb level#, the area between the #street line# and all #street walls# of the #building# shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground. Such planting shall consist of trees or shrubs within six feet of the #street wall# that attain a height of at least three feet. Such planting shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#. Any such planted area shall have a depth of at least three feet. Where ramps or stairs are located parallel to a #street wall# and within six feet of such #street wall#, minimum planting beds shall be provided between such ramps or stairs and the #street line#.

However, where #street wall# location rules would require a #street wall# to be located such that planting beds would be less than three feet in width, the provisions of this Section shall not apply.

(10/9/13)

64-622

Lobby or non-residential use

Where the #flood-resistant construction elevation# is ten or more feet above #curb level#, a lobby with a minimum width of 20 feet shall be provided along the #street wall# at the level of the adjoining sidewalk or other publicly accessible open area, with a depth of at least 20 feet. For #buildings# with an #aggregate width of street wall# of more than 65 feet, such lobby width shall be at least 30 percent of the #aggregate width of street wall#, but need not be wider than 35 feet. For #zoning lots# with less than 25 feet of frontage along a #street#, a five-foot wide service corridor may be exempted from the requirements of this Section. Transparent glazing materials shall occupy at least 40 percent of the surface

area of the #street wall# of the lobby, measured between a height of two feet above the level of the adjoining sidewalk or other publicly accessible open area and a height ten feet above the level of the first finished floor above #curb level#.

Any permitted #non-residential use#, other than #accessory# off-street parking or storage, may be substituted for lobby area required pursuant to this Section, provided that the required width, depth and transparency shall apply to such #use#.

However, where #flood-resistant construction standards# prohibit glazing due to the location of the #building# in a zone subject to wave action as indicated on #flood maps#, the glazing requirements of this Section shall not apply.

(10/9/13)

64-63

Design Requirements for Residential Buildings in Commercial Districts

C1 C2 C3 C4 C5 C6

In the districts indicated, and in #Special Mixed Use Districts#, for all #residential buildings#, except #single-# and #two-family residences#, where #street walls# are within 50 feet of the #street line#, and where the level of the #lowest occupiable floor# is five feet or more above #curb level#, the provisions of Section 64-62 (Design Requirements for Other Buildings in Residence Districts) shall apply.

(10/9/13)

64-64

Design Requirements for Non-Residential and Mixed Buildings in Commercial and Manufacturing Districts

(10/9/13)

64-641

Transparency requirements

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

In the districts indicated, the provisions of this Section shall

apply to all #buildings#, other than:

(a) #residential buildings#; and

(b) in C8 Districts and #Manufacturing Districts#, other than
#Special Mixed Use Districts#, #buildings# containing
#predominantly# Use Group 16, 17 or 18 #uses#.

Where #street walls# are within 50 feet of the #street line#, and where #flood-resistant construction elevation# is ten feet or more above #curb level#, a portion of the #street wall# with a minimum of 20 feet in width shall provide transparent glazing materials occupying a minimum of 50 percent of the surface area of such #street wall# portion, measured between a height of two feet above the level of the adjoining sidewalk or other publicly accessible open area and a height 12 feet above the level of the first finished floor above #curb level#. The floor level behind such transparent glazing materials shall not exceed the level of the window sill for a depth of at least four feet, as measured perpendicular to the #street wall#. For #buildings# with an #aggregate width of street wall# of more than 65 feet, such transparent portion of the #street wall# shall be at least 30 percent of the #aggregate width of street wall#, but need not be wider than 35 feet.

However, where #flood-resistant construction standards# prohibit glazing due to the location of the #building# in a zone subject to wave action as indicated on #flood maps#, the glazing requirements of this Section shall not apply.

(10/9/13)

64-642

Transparency requirements for buildings utilizing alternative height measurement

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

In the districts indicated, for all #buildings# utilizing the provisions of Section 64-336 (Alternative height measurement in Commercial and Manufacturing Districts), paragraph (b), #street walls# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Furthermore, such transparent glazing materials shall occupy at least 50 percent of the surface area of such #street wall#, measured between a height of two feet above the level of the adjoining sidewalk or other publicly accessible open area and a height of 12 feet above the level of the first finished floor above #curb level#. The floor level behind such transparent glazing materials shall not

exceed the level of the window sill for a depth of at least four feet, as measured perpendicular to the #street wall#.

(10/9/13)

64-65

Screening Requirements for Parking Within or Below Buildings

The provisions of this Section shall apply to all #buildings#, other than:

- (a) #single# or #two-family residences#; and
- (b) in C8 Districts and #Manufacturing Districts#, other than #Special Mixed Use Districts#, #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#.

#Buildings# in existence prior to October 9, 2013, shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

Where the #flood-resistant construction elevation# is five or more feet above #curb level# and the #street wall# of a #building# is within 50 feet of the #street line#, for any level where off-street parking is provided within or below a #building#, such parking shall be screened from the #street line# with a #street wall# that is at least 50 percent opaque. Each one-foot square portion of such #street wall# shall comply individually with this requirement.

In case of a conflict between the provisions of this Section and the provisions of another Chapter, the more restrictive provisions shall apply.

(10/9/13)

64-70

SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

(10/9/13)

64-71

Non-Conforming Uses

(10/9/13)

64-711

Reconstruction of buildings damaged more than 50 percent

Section 52-53 (Buildings or Other Structures in All Districts) shall be modified to allow the reconstruction of a #non-conforming use# where a #building# containing such #use# is damaged to the extent of 50 percent or more due to the effects of #Hurricane Sandy#, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year following the City's adoption of new final Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

However, this provision shall not apply to #non-conforming residences# in C8 Districts or #Manufacturing Districts#, or to #non-conforming manufacturing uses# located in #Residence Districts# or #Commercial Districts# other than C8 Districts.

(10/9/13)

64-712

Single- and two-family buildings

For #non-conforming single-# and #two-family residences#, except #non-conforming residences# in C8 Districts or #Manufacturing Districts#, reconstruction shall be permitted, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than six years following the City's adoption of new final Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date ten years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

(10/9/13)

64-72

Non-Complying Buildings

(10/9/13)

64-721

Reconstruction of buildings damaged more than 75 percent

Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall be modified to allow the reconstruction of a #non-complying building# where such #building# is damaged to the extent of 75 percent or more due to the effects of #Hurricane Sandy#, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year following the City's adoption of new final Flood Insurance Rate Maps that superseded the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

(10/9/13)

64-722

Single- and two-family residences in required front yards

The provisions of Article V, Chapter 4, shall be modified in order to accommodate stair access in a #front yard#. #Single-# and #two-family residences# with #non-complying front yards# existing on October 28, 2012, may be relocated or reconstructed in a location further from the #front lot line# on the same #zoning lot#, and thereby create or increase an encroachment in a #side yard#, #rear yard# or #rear yard equivalent#, provided that:

- (a) any encroachment or further encroachment into a required #side# or #rear yard# or #rear yard equivalent# at the rear of the original #building# location is limited to a depth equal to the reduction of encroachment of the #building#, excluding stairs in the #front yard#;

- (b) a distance of at least eight feet shall be maintained between the rear wall of the #building# and all other #residences# on the same or adjoining #zoning lots#; and
- (c) at least four feet of a #rear yard# shall be free of any encroachment, measured perpendicular to the #rear lot line#, or, in a #rear yard equivalent#, at least eight feet shall be free of encroachment.

(7/23/15)

64-723

Non-complying single- and two-family residences

- (a) The provisions of Article V, Chapter 4, shall be modified to permit #single-# and #two-family residences# that are #non-complying# and existing on October 28, 2012, to be vertically elevated, or reconstructed to a higher elevation in order to raise the lowest horizontal structural member supporting the lowest floor containing habitable space that was located at or above the adjoining grade as of October 28, 2012, to #flood-resistant construction elevation#.

Such vertical elevation or reconstruction may create a new #non-compliance# as to height and setback, or increase any existing #non-compliances# as to height and setback, required #open space# and #yard# regulations to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#. However, all other provisions of Article V, Chapter 4, shall apply without modification.

This Section shall not preclude the construction of complying #enlargements# or other complying #buildings or other structures# on the #zoning lot#.

Furthermore, the provisions of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) shall not apply to such elevated, relocated or reconstructed #buildings#.

- (b) For #non-complying single-# and #two-family residences#, reconstruction shall be permitted, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than six years following the City's adoption of new final Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date ten years

after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

(10/9/13)

64-724

Special provisions for other buildings within flood zones

#Non-complying buildings# may be elevated or reconstructed to an increased height, which at all points does not exceed the difference between #flood-resistant construction elevation# and the applicable datum from which height is measured pursuant to the underlying regulations. Such elevation or reconstruction may create a new #non-compliance# or increase the degree of an existing #non-compliance#.

(10/9/13)

64-80

MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS

The following regulations shall apply in #flood zones# and shall modify regulations set forth in Article VI, Chapter 2 (Special Regulations Applying in Waterfront Areas).

(10/9/13)

64-81

Modification of Waterfront Public Access and Visual Corridor Regulations for Substantially Damaged Buildings

Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-811 shall not apply to the reconstruction of #buildings# that sustained substantial damage, as defined in Appendix G of the New York City Building Code, due to the effects of #Hurricane Sandy#, provided that:

- (a) such #buildings# had no more than 20,000 square feet of #floor area# prior to October 28, 2012;
- (b) the dimensions of the #building# footprint are no greater than the footprint that existed on October 28, 2012;

- (c) if such #building# is repositioned on the #zoning lot#, such repositioning does not newly encroach, or further encroach, into a required #yard#, #rear yard equivalent#, #visual corridor# or existing #public access area#, as defined in Article VI, Chapter 2; and
- (d) the reconstruction does not result in a change of #use# from that existing on October 28, 2012.

The provisions of this Section shall apply to #buildings# that are the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year after the adoption of new final Flood Insurance Rate Maps that supersede the maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

(10/9/13)

64-82

Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor

The provisions of paragraphs (a) and (b) of this Section shall apply to all #zoning lots#, without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

Within the area that has a one percent chance of flooding in a given year, as determined by the Federal Emergency Management Agency (FEMA) in #flood maps# or by earlier adopted Flood Insurance Rate Maps, certain provisions regarding #waterfront yards# and #visual corridors#, as defined in Section 62-11, and ground floor #uses#, are modified as follows:

- (a) #Waterfront yards#

Section 62-332 (Rear yards and waterfront yards) shall be modified to allow the level of a #waterfront yard# to be raised above the elevation of the top of the adjoining existing bulkhead, existing stabilized natural shore or mean high water line, as applicable, provided that:

- (1) where a #waterfront yard# terminates at a #lot line#, the grade of the #waterfront yard# shall be no higher than the grade of the adjacent #street# or #zoning lot#, except that natural grade need not be disturbed to comply with this requirement;
- (2) for #zoning lots# without a #shore public walkway#, as defined in Section 62-11, the maximum grade of the #waterfront yard#, measured parallel to the #shoreline#, shall not exceed three percent; and
- (3) for #zoning lots# with a #shore public walkway#, as defined in Section 62-11, the maximum grade shall be determined by the maximum permitted grade of the circulation path and the provisions of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS).

(b) #Visual corridors#

Section 62-512 (Dimensions of visual corridors) shall be modified so that the lowest level of a #visual corridor# shall be determined by establishing a plane connecting the two points along the #street lines# from which the #visual corridor# emanates at an elevation three feet above #curb level# with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard# raised pursuant to the provisions of paragraph (a) of this Section, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. #Visual corridors# that are not prolongations of mapped #streets# shall be determined by establishing a plane connecting an elevation three feet above #curb level# at the two points along the #lot line# from which the #visual corridor# emanates with the two points of intersection at the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard# raised pursuant to the provisions of paragraph (a) of this Section, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first.

(c) Ground floor #uses#

Section 62-341 (Developments on land and platforms), paragraph (c)(6), shall be modified so that "ground floor level" shall mean the lowest level permitted for habitable use as if it were "Post-FIRM Construction" as defined by Appendix G of the New York City Building Code, using elevation and wet flood-proofing techniques, provided that where such lowest permitted level would be less than five feet above the finished level of the adjacent sidewalk, such level need not be lower than five feet

above the finished level of the adjacent sidewalk.

(10/9/13)

64-90

SPECIAL APPROVALS

(10/9/13)

64-91

Modification of Certain Certification Requirements in the Special South Richmond Development District

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In the #Special South Richmond Development District#, Sections 107-22 (Designated Open Space), inclusive, and 107-23 (Waterfront Esplanade) shall not apply to the reconstruction or repair of #buildings# that were damaged due to the effects of #Hurricane Sandy#, provided that:

- (a) the dimensions of the #building# footprint are no greater than the footprint that existed on October 28, 2012; and
- (b) there is no increase in impervious surfaces on the #zoning lot#.

In addition, the provisions of Section 107-22, inclusive, shall not apply to a #site alteration# that is not a #development# or #enlargement# where the Commissioner of Buildings determines it is the minimum necessary to enable the reconstruction of a #building#.

These provisions shall not affect the terms of a certification previously made by the City Planning Commission. The provisions of this Section shall apply to #buildings# that are the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year after the adoption of new final Flood Insurance Rate Maps that supersede the maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

(10/9/13)

64-92

Special Permit for Modification of Certain Zoning Regulations

In order to allow for the alteration of existing #buildings# in compliance with #flood-resistant construction standards# and for #developments# and #enlargements# in compliance with #flood-resistant construction standards#, the Board of Standards and Appeals may permit modification of Section 64-60 (DESIGN REQUIREMENTS), the #bulk# regulations of Sections 64-30, 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable #bulk# regulations of the Zoning Resolution, except #floor area ratio# regulations, provided the following findings are made:

- (a) that there would be a practical difficulty in complying with #flood-resistant construction standards# without such modifications, and that such modifications are the minimum necessary to allow for an appropriate #building# in compliance with #flood-resistant construction standards#;
- (b) that any modification of #bulk# regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from #flood-resistant construction elevation#, whichever is less; and
- (c) the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with #flood-resistant construction standards#.

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

(7/23/15)

Appendix A

Special Regulations for Neighborhood Recovery

(7/23/15)

64-A00

GENERAL PROVISIONS

The provisions of this Resolution shall apply as modified by this Chapter and by the special regulations set forth in this Appendix. The provisions of this Appendix are optional, but when utilized, shall be applied in their entirety. This Appendix shall be in effect until July 23, 2020, at which time it shall automatically expire.

(7/23/15)

64-A01

Applicability of Special Regulations for Neighborhood Recovery

The provisions of this Appendix shall only be applicable to #buildings# containing #residential use# whose vertical elevation or reconstruction will result in a #single-# or #two-family residence# that complies with #flood-resistant construction standards#, where such #building# is located in a Neighborhood Recovery Area (Section 64-A80), inclusive.

(7/23/15)

64-A02

Special Requirements for Application

Prior to the approval of any application to the Department of Buildings pursuant to this Appendix, an applicant shall submit the following documents in order to establish that there was a #building# on the subject lot that contained a #residential use# on October 28, 2012:

- (a) an aerial photograph taken up to one year prior to October 28, 2012, establishing that a #building# existed on the subject lot on October 28, 2012; and
- (b) a 2012 tax bill or assessment roll for the subject lot stating that such #building# contained a #residential use#.

Where the documents specified in this Section are unavailable or inconclusive, the Department of Buildings may accept alternative documentation to satisfy the requirements of paragraphs (a) or (b).

(7/23/15)

64-A03**Zoning Lots in Neighborhood Recovery Areas**

The definition of #zoning lot# set forth in Section 12-10 (DEFINITIONS) shall apply in this Appendix. However, as an option, where a tax lot contained one or more #buildings# on October 28, 2012, or where a #building# or #buildings# occupied more than one tax lot on October 28, 2012, such tax lot may be provisionally considered a #zoning lot# for the sole purpose of demonstrating compliance with the #bulk# requirements of this Resolution, and shall be referred to as a #zoning lot# in this Appendix, provided that the proposed application will not affect compliance with any applicable provisions of the New York City Building Code or Fire Code with respect to access to the same or other #zoning lots# on the same #block#, unless a waiver or modification is obtained from the Department of Buildings or the Fire Department, respectively.

(7/23/15)

64-A10**SPECIAL REGULATIONS FOR ESTABLISHING NON-CONFORMANCE AND NON-COMPLIANCE**

(7/23/15)

64-A11**Special Regulations for Establishing Non-conformance of Residences**

In all #districts#, for a #zoning lot# that contained two or more #dwelling units# on October 28, 2012, and does not have lawful documentation indicating that more than one #dwelling unit# existed on the #zoning lot# on such date, the Board of Standards and Appeals may permit the vertical elevation or reconstruction of #buildings# containing such #dwelling units# and may establish #non-conformance# of such #buildings#, pursuant to Section 64-A71 (Special Permit for Establishing Non-conformance).

(7/23/15)

64-A12**Special Regulations for Establishing Non-compliance of Existing Buildings**

In all districts, a #building# containing #residences#, and any other structure that is attached to such #building#, including porches, stairs, terraces or balconies, that existed both on October 28, 2012, and on the date of application for a building permit, may be considered #non-complying# for the purpose of utilizing the applicable provisions of Article V, Chapter 4 and Article VI, Chapter 4 of this Resolution relating to #non-complying buildings or other structures# provided that:

- (a) a survey, prepared by a licensed land surveyor, specifying the location and height of such #building# and any other structures that are attached to such #building#, is submitted as documentation of such #non-compliance#; and
- (b) such #building# shall either be vertically elevated in compliance with the #bulk# provisions of Section 64-A20 (SPECIAL BULK REGULATIONS FOR THE VERTICAL ELEVATION OF EXISTING BUILDINGS), or be reconstructed in compliance with the #bulk# provisions of Section 64-A30 (SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012).

Upon completion and sign-off of work completed pursuant to the provisions of this Appendix, the #building# shall be considered #non-complying#.

(7/23/15)

64-A20

SPECIAL BULK REGULATIONS FOR THE VERTICAL ELEVATION OF EXISTING BUILDINGS

The provisions of this Section shall apply to the vertical elevation of #buildings# containing #residences# that existed on October 28, 2012. Except as specifically modified by the provisions of this Section, inclusive, the applicable #bulk# regulations of this Chapter, the regulations of Article V of this Resolution and the applicable zoning district shall remain in effect.

No #building# that is vertically elevated pursuant to this Section shall subsequently be #enlarged# pursuant to paragraph (b) of Section 54-313 (Single- or two-family residences with non-complying front yards or side yards) or Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences).

(7/23/15)

64-A21

Special Regulations for Rebuilt Portions of Vertically Elevated Buildings

A portion of a #building# that is being vertically elevated pursuant to this Appendix may be rebuilt, provided that:

- (a) the rebuilt portion does not exceed 75 percent of the existing #floor area# of such #building#; and
- (b) except as specifically allowed by this Chapter, no new #non-compliance# shall be created, nor shall the degree of any existing #non-compliance# be increased beyond that established pursuant to Section 64-A10 (SPECIAL REGULATIONS FOR ESTABLISHING NON-CONFORMANCE AND NON-COMPLIANCE).

If the rebuilt portion of a #building# exceeds 75 percent of the existing #floor area# of the #building#, such #building# shall be subject to the regulations of 64-A30 (SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012).

(7/23/15)

64-A22

Special Regulations for Space Partially Below Grade

For a #building# where the lowest floor containing habitable space is partially below adjoining grade, and at least one-half of the floor-to-ceiling height of such floor is above adjoining grade, such #building# may be vertically elevated in order to raise the lowest floor containing habitable space to the #flood-resistant construction elevation#, provided that:

- (a) the elevated #building# does not exceed two #stories#, except that attic space providing structural headroom of less than eight feet shall not be considered a #story# for the purposes of this Section; and
- (b) the height of such elevated #building#, including the apex of a pitched roof, does not exceed 25 feet, as measured from the #flood-resistant construction elevation#.

Any floor space that becomes #floor area# in excess of the maximum permitted #floor area ratio# for such #zoning lot#, as a result of the vertical elevation, shall be considered #non-complying floor area#. Such vertical elevation may increase any existing #non-compliances# with respect to required #open space# and #yard#

regulations to the extent that such #non-compliance# results from the elevation of the lowest floor to the #flood-resistant construction elevation#. All other provisions of Article V, Chapter 4 (Non-complying Buildings), shall apply without modification.

The level of the adjoining grade shall be the average elevation of the grade adjoining the building, before it is elevated, determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation.

(7/23/15)

64-A23

Special Regulations for Existing Buildings Located Over Water

For a #building# that will be vertically elevated and is located either partially or entirely seaward of the #shoreline#, such #building# may be relocated landward of the #shoreline# on the same #zoning lot#. Such relocation may create a new #non-compliance# or increase the degree of any existing #non-compliance# as to #side yards#, waterfront yards, #rear yards# or #rear yard equivalents#, provided that:

- (a) an open area of at least three feet shall be maintained between the exterior wall of the #building# and any #lot line#; and
- (b) except as specifically allowed by this Chapter, no new #non-compliance# shall be created, nor shall the degree of any existing #non-compliance# be increased, beyond that established pursuant to Section 64-A12 (Special Regulations for Establishing Non-compliance of Existing Buildings).

(7/23/15)

64-A24

Permitted Obstructions in Required Open Space, Yards and Courts

The provisions of Sections 23-12 (Permitted Obstructions in Open Space), 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 64-421 (Permitted obstructions) shall be modified such that:

- (a) mechanical equipment including, but not limited to, #accessory# heating and cooling equipment, fuel oil tanks and emergency generators shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or

#rear yard equivalent# and in #courts#, provided such equipment is:

- (1) located at least three feet from any #lot line#;
 - (2) screened on all sides by walls consisting of at least 50 percent opaque materials; and
 - (3) in compliance with the standards of either of the following provisions:
 - (i) all structures and screening are located no more than ten feet from the wall of a #building# and limited to a height of no more than 12 feet above #flood-resistant construction elevation#; or
 - (ii) is located on the roof of a #building or other structure#, provided that the height of such equipment and screening does not exceed six feet, as measured from the finished level of a flat roof or, for a sloping roof, as measured from the midpoint of such roof. Such equipment shall be located not less than 15 feet from any #street wall# of a #building or other structure#.
- (b) visual mitigation elements, provided pursuant to Section 64-A50 (SPECIAL DESIGN REQUIREMENTS) shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #yard# and in #courts#.

(7/23/15)

64-A30

SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012

The #bulk# regulations of this Section shall apply only to the permitted reconstruction of a #building# that existed on October 28, 2012, and results in a #single-# or #two-family detached residence#. Except as specifically modified by the provisions of this Section, inclusive, the #bulk# regulations of this Chapter and the applicable zoning district shall remain in effect. #Buildings# reconstructed pursuant to this Section shall not be considered #developments# or #enlargements#.

No #building# that is reconstructed pursuant to this Section shall subsequently be #enlarged# pursuant to paragraph (b) of Section 54-313 (Single- or two-family residences with non-complying front yards

or side yards) or Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences).

(7/23/15)

64-A31

Special Regulations for Minimum Required Open Space, Maximum Lot Coverage and Maximum Floor Area

(7/23/15)

64-A311

Lot coverage and open space

R1-2A R2A R3-1 R3-2 R4 R4-1 R4A

In the districts indicated, for #zoning lots# that do not meet the required minimum #lot area# or #lot width# of the applicable district, #lot coverage# and #open space# shall be governed by the #yard# requirements set forth in Section 64-A35 (Special Yard Regulations).

(7/23/15)

64-A312

Floor area

R2X R3 R4 R4-1 R4A

In the districts indicated, the #floor area ratio# set forth in the table in paragraph (b) of Section 23-141 (Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts) may be increased by 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.

(7/23/15)

64-A313

Special open space, lot coverage and floor area regulations for small

lots

R1 R2 R3 R4 R5 R6

In the districts indicated, for #zoning lots# with a #lot area# of less than 1,800 square feet, #open space#, #lot coverage# and #floor area ratio# regulations shall not apply. In lieu thereof, the #yard# requirements set forth in Section 64-A35 (Special Yard Regulations) and the height and setback requirements of Section 64-A36 (Special Height and Setback Regulations) shall govern.

(7/23/15)

64-A32

Special Regulations for Maximum Number of Dwelling Units and Minimum Size of Dwelling Units

(7/23/15)

64-A321

Maximum number of dwelling units

R1 R2 R3 R4 R5 R6

In the districts indicated, the provisions of Section 23-22 (Maximum Number of Dwelling Units or Rooming Units) shall not apply. In lieu thereof, not more than one #single-family detached residence# or, where permitted in the applicable zoning district pursuant to Section 22-12 (Use Group 2), one #two-family detached residence#, may be reconstructed. However, any #two-family detached residence# may only be reconstructed if such #zoning lot# contained two or more #dwelling units# on October 28, 2012, as indicated on the certificate of occupancy or upon approval by the Board of Standards and Appeals pursuant to Section 64-A71 (Special Permit for Establishing Non-conformance).

(7/23/15)

64-A322

Minimum size of dwelling units

R3 R4-1 R4A

In the districts indicated, the minimum size of a #dwelling unit# as set forth in paragraph (b) of Section 23-23 shall not apply to the permitted reconstruction of a #two-family detached residence#.

(7/23/15)

64-A33

Special Regulations for Minimum Lot Area or Lot Width for Residences

In all districts, including #lower density growth management areas#, either one #single-family detached residence# or, where permitted in the applicable zoning district pursuant to Section 22-12 (Use Group 2) one #two-family detached residence#, may be reconstructed upon a #zoning lot# that:

- (a) has less than the prescribed minimum #lot area# or #lot width# as required by the applicable district regulations; and
- (b) if reconstructed as a #two-family detached residence#, either:
 - (1) complies with the maximum number of #dwelling units# requirement of the applicable zoning district; or
 - (2) such #zoning lot# contained two or more #dwelling units# on October 28, 2012, as indicated on the certificate of occupancy or upon approval by the Board of Standards and Appeals pursuant to Section 64-A71 (Special Permit for Establishing Non-conformance).

(7/23/15)

64-A34

Permitted Obstructions in Required Open Space, Yards and Courts

The provisions of Sections 23-12 (Permitted Obstructions in Open Space), 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 64-421 (Permitted obstructions) shall be modified as follows:

- (a) mechanical equipment, including, but not limited to, #accessory# heating and cooling equipment, fuel oil tanks and emergency generators, shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent# and in #courts#, provided that such equipment is:

- (1) located at least three feet from any #lot line#;
- (2) screened on all sides by walls consisting of at least 50 percent opaque materials; and
- (3) in compliance with the standards of either of the following provisions:
 - (i) all structures and screening are located no more than 10 feet from the wall of a #building# and limited to a height of no more than 12 feet above #flood-resistant construction elevation#; or
 - (ii) is located on the roof of a #building# or other structure, provided that the height of such equipment and screening does not exceed six feet, as measured from the finished level of a flat roof or, for a sloping roof, as measured from the midpoint of such roof. Such equipment shall be located not less than 15 feet from any #street wall# of a #building or other structure#.
- (b) eaves, gutters or downspouts shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #yard# and in #courts#, provided that such eave, gutter or downspout does not project further than 16 inches into such required #open space#, #yard# or #court#.
- (c) visual mitigation elements, provided pursuant to Section 64-A50 (SPECIAL DESIGN REQUIREMENTS) shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #yard# and in #courts#.

(7/23/15)

64-A35

Special Yard Regulations

(7/23/15)

64-A351

Special provisions for front yards

R1 R2 R3 R4 R5

- (a) In the districts indicated, the #front yard# provisions of the

applicable district shall apply, except that in R4 and R5 Districts, a #front yard# may have a depth of any dimension equal to or exceeding ten feet.

- (b) In the districts indicated, where an enclosed garage fronts upon a #street#, there shall be an unobstructed area at ground level, between the garage door and the #street line#, which is at least eight and one half feet in width by 18 feet in depth, except no such space shall be required in R5D Districts. Where an unenclosed #accessory# off-street parking space is provided in an open area on a #zoning lot#, or provided beneath an elevated #building#, an unobstructed area at ground level which is at least eight and one half feet in width by 18 feet in depth shall be provided between the #street line# and such space.
- (c) For #buildings# that are reconstructed pursuant to this Section 64-A30, inclusive, the provisions regulating the depth of #front yards# in relation to adjacent #buildings#, set forth in paragraphs (b) and (c) of Section 23-45, shall not apply.

(7/23/15)

64-A352

Special provisions for narrow lots

R1 R2 R3 R4 R5 R6

- (a) In the districts indicated, the #side yard# provisions of the applicable district shall apply, except that the required total width of #side yards# for a #single-# or #two-family detached residence# may be reduced by four inches for each foot by which the width of a #zoning lot# is less than that required under the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences). In no event shall the required width of a #side yard# be less than three feet. For #zoning lots# with less than 21 feet in #lot width#, the required total width of #side yards# shall be six feet.
- (b) In the #Special South Richmond Development District#, the provisions of Section 107-42 (Minimum Lot Area and Lot Width for Residences) and Section 107-462 (Side yards) shall not apply. In lieu thereof, the regulations of the applicable underlying #Residence District# shall apply pursuant to Section 23-32 (Minimum Lot Area or Lot Width for Residences) and Section 23-46 (Minimum Required Side Yards) and may be modified, as applicable, by the regulations of this Appendix.
- (c) For the permitted reconstruction of #detached buildings# the

provisions of paragraph (c) of Section 23-461 (Side yards for single- or two-family residences) shall not apply, provided such open area does not serve as access to required #accessory# off-street parking.

(7/23/15)

64-A353

Special provisions for shallow lots

R1 R2 R3 R4 R5 R6

In the districts indicated, if at any point the depth of a #zoning lot# is less than 95 feet, the depth of a required #rear yard# or waterfront yard may be reduced by six inches for each foot by which the mean lot depth is less than 95 feet. In no event shall the required depth of a rear yard be less than ten feet.

(7/23/15)

64-A354

Special provisions for corner lots

For #corner lots# in R1-2 Districts, if one #front yard# has a depth of 20 feet, then the other #front yard# may have a depth of 15 feet. For #corner lots# in R3 Districts, if one #front yard# has a depth of 15 feet, then the other #front yard# may have a depth of ten feet.

In all districts, for #corner lots# with less than the minimum #lot area# required pursuant to the applicable district regulations, the following provisions shall apply:

- (a) one #front yard# shall be provided along the full length of either #front lot line#;
- (b) the remaining #front lot line# shall be treated as a #side lot line#; and
- (c) any #side lot line# that is parallel to, or within 45 degrees of being parallel to the #front lot line# selected pursuant to paragraph (a) of this Section, shall be treated as a #rear lot line# and a #rear yard# shall be provided along the full length of such #lot line#.

The #rear# and #side yards# provided pursuant to this Section may be reduced pursuant to Sections 64-A352 (Special provisions for narrow

lots) and 64-A353 (Special provisions for shallow lots).

(7/23/15)

64-A36

Special Height and Setback Regulations

R1 R2 R3 R4 R5 R6

In the districts indicated, the height and setback regulations of the applicable district shall not apply. In lieu thereof, all #buildings# shall be subject to the height and setback provisions set forth in paragraph (b) of Section 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts), except that the maximum height of a perimeter wall before setback shall be 19 feet, the maximum height of a ridge line shall be 25 feet and all heights shall be measured from the #flood-resistant construction elevation#. In no event shall any #building# exceed two #stories#, except that attic space providing structural headroom of less than eight feet shall not be considered a #story# for the purposes of this Section.

(7/23/15)

64-A40

SPECIAL PARKING PROVISIONS

(7/23/15)

64-A41

Waiver of Requirements for Certain Zoning Lots

R1 R2 R3 R4 R5 R6

In the districts indicated, the requirements set forth in Section 25-22 (Requirements Where Individual Parking Facilities Are Provided) shall be waived for a #single-# or #two-family residence# on an #interior zoning lot# that has a #lot width# along a #street# of less than 25 feet, and where the #flood-resistant construction elevation# is less than six feet above #curb level#.

(7/23/15)

64-A42

For Elevated Buildings

The provisions of Section 64-52 (For Elevated Buildings) shall be modified to allow the #accessory# off-street parking spaces, required pursuant to that section, to be located anywhere on the #zoning lot#.

(7/23/15)

64-A50

SPECIAL DESIGN REQUIREMENTS

R1 R2 R3 R4 R5 R6

In the districts indicated, the provisions of Section 64-61 (Design Requirements for Single- and Two-Family Residences) shall apply, except as expressly modified by this Section. Visual mitigation elements shall be required unless more than 50 percent of the #street wall# is within 18 inches of the #street line#.

(7/23/15)

64-A51

Special Regulations for Corner Lots

The design requirements set forth in Section 64-61 shall apply separately along each #street frontage# of a #corner lot#, except as modified below:

- (a) For #corner lots#, where the level of the #lowest occupiable floor# is nine feet or more above #curb level#, and more than 50 percent of the #street wall# of a #building# is within six feet of a #street line#, only one visual mitigation element shall be required along such #street# frontage.
- (b) For #corner lots#, where trees or shrubs are provided as visual mitigation elements along both #street frontages# pursuant to paragraph (d) of Section 64-61, the required total length of planted areas shall be reduced to a minimum of 45 percent of the aggregate length of #street walls#, provided that the planting bed is continuous for the minimum required length, measured along such #street walls#, and at least six feet of planting bed is provided facing each #street#.

(7/23/15)

64-A52

Special Regulations for Narrow Lots

For #interior zoning lots# that have a #lot width# less than 25 feet, the design requirements of paragraph (d) of Section 64-61 shall be modified to require the total length of planted areas to be greater than 40 percent of the #lot width# and to be planted to screen at least 40 percent of the length of the #street wall#.

(7/23/15)

64-A53

Special Regulations for Zoning Lots with Shallow Yards

For #zoning lots# where more than 50 percent of the #street wall# of a #building# is located within six feet of a #street line#, one or more of the following visual mitigation elements may be provided in lieu of paragraph (d) of Section 64-61:

(a) Climbing vines

Where provided as a visual mitigation element, climbing vines shall be planted along 40 percent of the aggregate width of #street walls# in a planting bed that is at least 18 inches in width, measured perpendicular to the #street wall# and allows a soil depth of at least two feet. A framework for the climbing vines shall be provided for the full length of the planting bed to a height of at least four feet. Such framework may be freestanding or attached to the #building#.

(b) Green wall

Where provided as a visual mitigation element, a green wall or landscaped fence shall extend along 40 percent of the aggregate width of #street walls# to a height of at least four feet. Hanging plants, potted plants or plant material shall be distributed along the entire length of such green wall or landscaped fence. The supporting structure may be freestanding or attached to the #building# and shall be considered a permitted obstruction in any required #yard#, #court# or #open space#.

(c) Planter box or raised planting bed

Where provided as a visual mitigation element, planter boxes or raised planting beds may be used in place of planting beds at grade. The top of such planter boxes shall be located between 18

and 36 inches above adjacent grade. Raised planting beds shall be at least 18 inches in height and shall not exceed 36 inches above adjacent grade. For planter boxes and raised planting beds, the minimum soil width shall be at least one foot, measured perpendicular to the street line, and the minimum soil depth shall be 18 inches. The planted area may be comprised of any combination of groundcover, perennials, annuals, shrubs, trees or other living plant material, and must attain a height of at least six inches. Planter boxes may be freestanding or attached to the #building#.

(7/23/15)

64-A60

NON-CONFORMING AND NON-COMPLYING BUILDINGS

(7/23/15)

64-A61

Special Regulations for Non-conforming Single- or Two-Family Residences in Manufacturing Districts

The provisions of Section 64-712 (Single- and two-family buildings), shall be modified to allow the vertical elevation or reconstruction of a #non-conforming single-# or #two-family residence# in a #Manufacturing District#. Reconstructions of such #residences# shall utilize the applicable #bulk# regulations of an R4-1 District, as modified by Section 64-A30 of this Appendix.

(7/23/15)

64-A70

SPECIAL APPROVALS

The special permit and variance provisions of this Resolution shall apply to properties in the Neighborhood Recovery Areas.

(7/23/15)

64-A71

Special Permit for Establishing Non-conformance

In all districts, for a #zoning lot# that contained two or more #dwelling units# on October 28, 2012, and does not have a certificate of occupancy, or other lawful documentation, indicating that more than one #dwelling unit# existed on the #zoning lot# on such date, the Board of Standards and Appeals may permit the vertical elevation or reconstruction of up to two #dwelling units# on such #zoning lot# in accordance with this Appendix, and all applicable requirements of the New York City Construction Codes, provided that the Board of Standards and Appeals determines that more than one #dwelling unit# existed on the site on October 28, 2012, based on evidence submitted to the Board of Standards and Appeals, which may include, but shall not be limited to, Department of Finance tax records, utility bills or an affidavit from a licensed architect or engineer that documents an on-site inspection of the #zoning lot# performed under the auspices of a governmental agency.

Such #buildings# which are vertically elevated shall comply with the #bulk# provisions of Section 64-A20, and such #buildings# that are reconstructed shall comply with the #bulk# provisions of Section 64-A30.

Upon completion and sign-off of work completed under the provisions of this Appendix, such #building# shall be considered #non-conforming#.

(7/23/15)

64-A80

NEIGHBORHOOD RECOVERY AREA MAPS

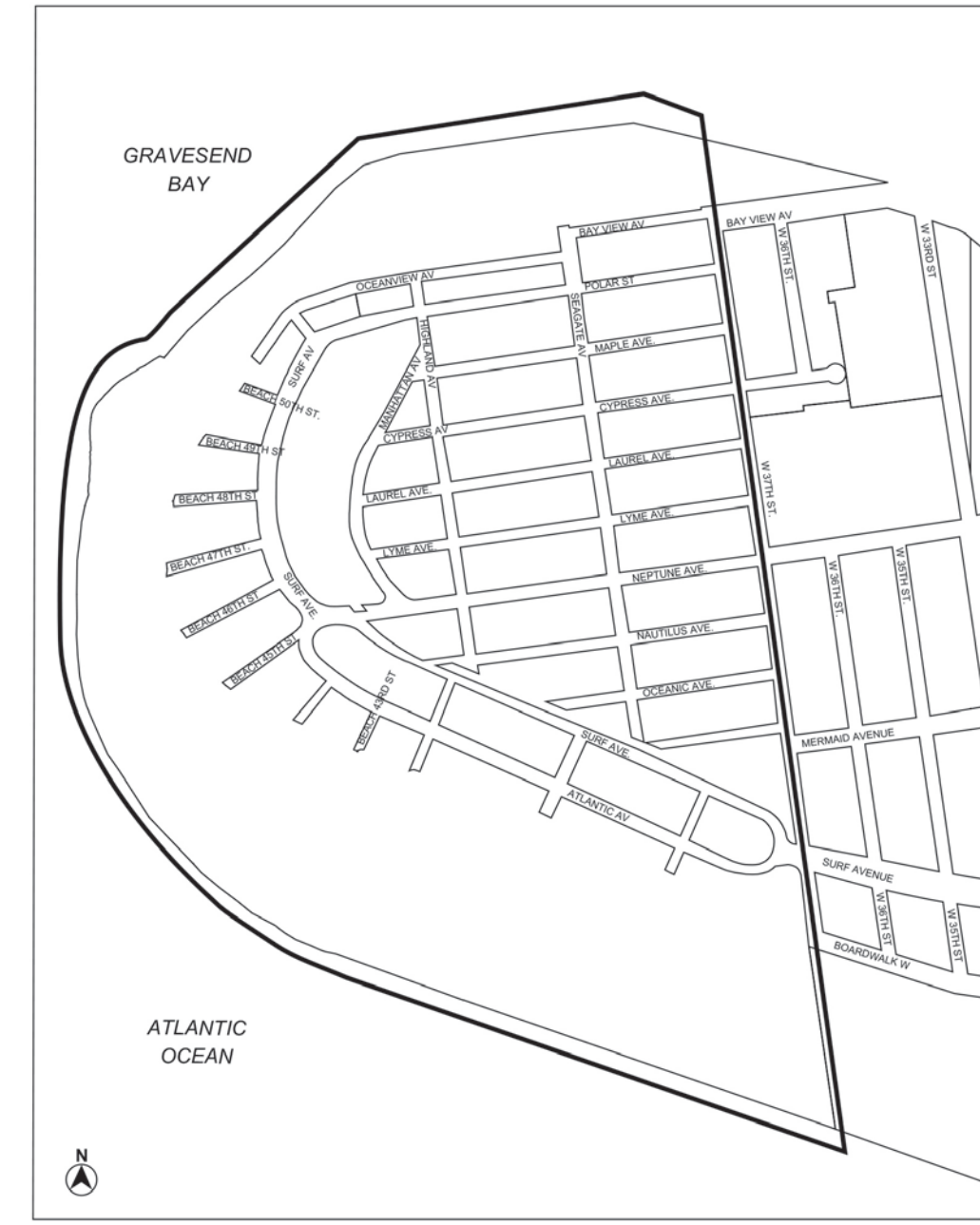
Neighborhoods that experienced a high concentration of damage to #single#- and #two-family residences# from Hurricane Sandy are defined as Neighborhood Recovery Areas.

(7/23/15)

64-A81

Neighborhood Recovery Areas in Brooklyn

(a) within Community District 13

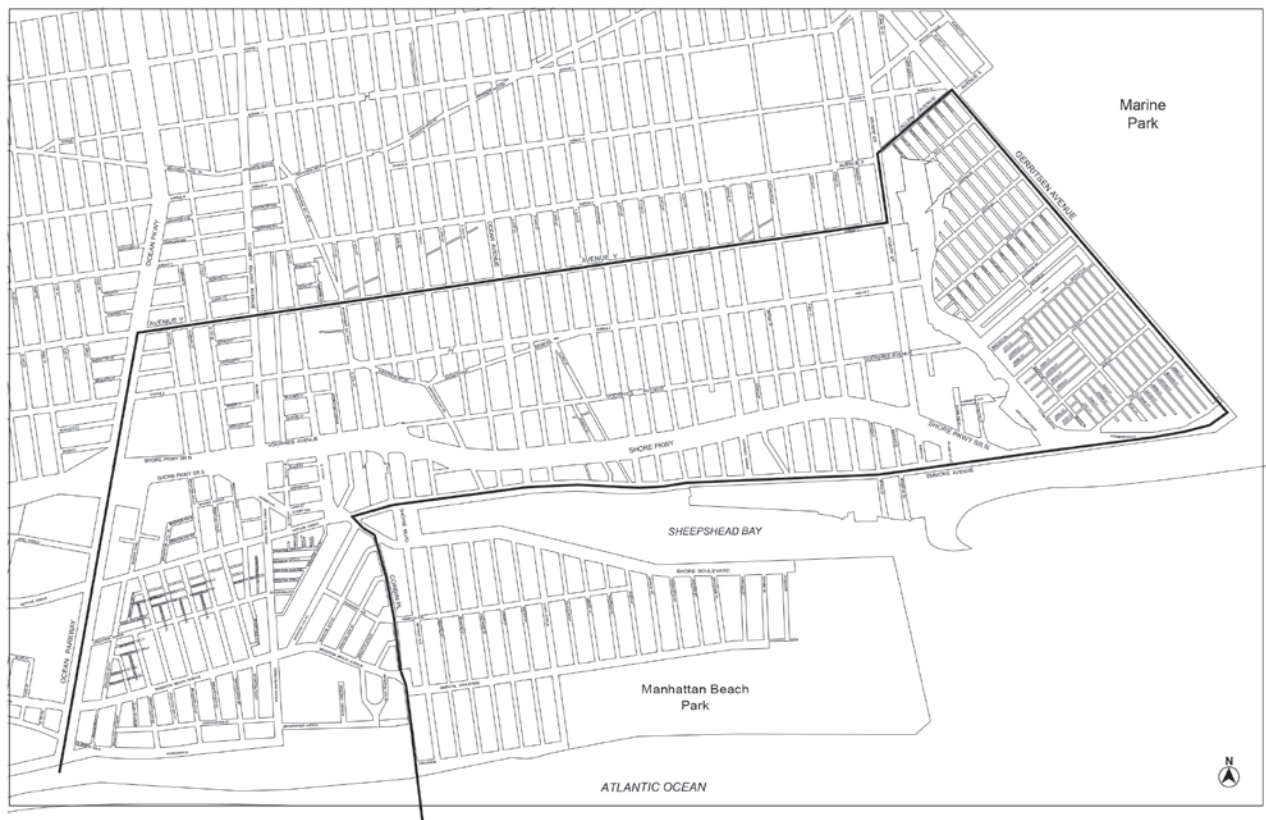


Neighborhood Recovery Area Blocks within Community District 13:

6955, 6956, 6957, 6958, 6959, 6960, 6971, 6972, 6973, 6974, 6975, 6976, 6977, 6998, 6999,

7000, 7001, 7002, 7003, 7024, 7025, 7026, 7027, 7028, 7029, 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044.

(b) within Community Districts 13 and 15;



Nighborhood Recovery Area Blocks within Community Districts 13 and 15:

7220, 7222, 7223, 7224, 7239, 7242, 7243, 7244, 7245, 7260, 7261, 7262, 7263, 7264,

7430, 7431, 7433, 7434, 7435, 7436, 7437, 7438, 7439, 7440, 7441, 7442, 7443, 7444, 7445, 7446, 7447, 7449, 7452, 7454, 7455, 7456, 7457, 7458, 7459, 7460, 7462, 7463, 7464, 7465, 7466, 7467, 7468, 7469, 7470, 7471, 7472, 7473, 7474, 7475, 7476, 7477, 7478, 7479, 7481,

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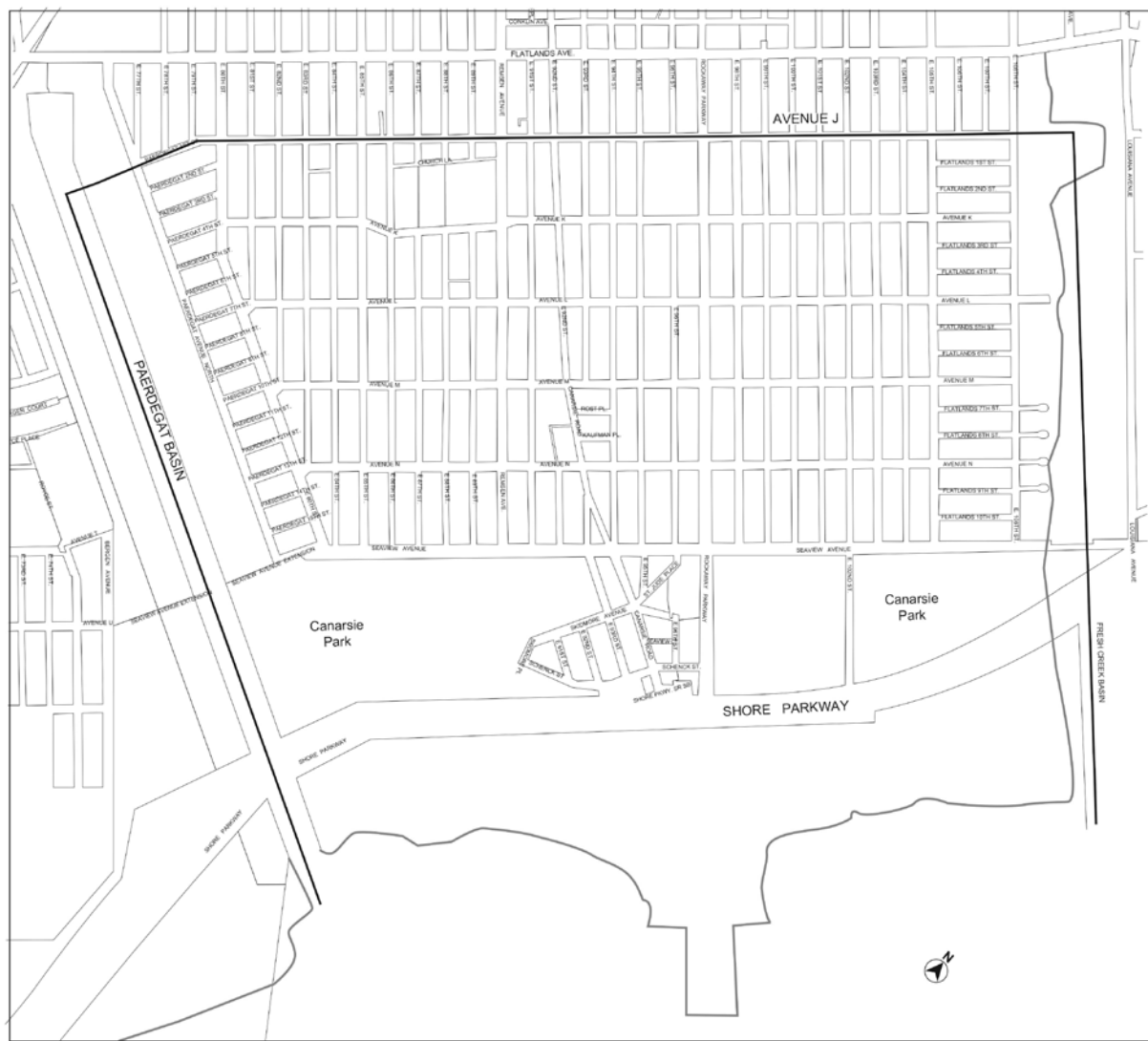
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8800, 8801, 8802, 8803, 8804, 8805, 8806, 8807, 8808, 8809, 8810,

8811, 8812, 8813, 8815, 8830, 8833, 8834, 8835, 8837, 8839, 8840,
8841, 8842, 8843, 8844, 8845, 8856, 8866, 8876, 8883, 8885, 8891,
8896,

8900, 8907, 8914, 8923, 8925, 8932, 8939, 8946, 8955.

(c) within Community District 18



Neighborhood Recovery Area Blocks within Community District 18:

8012, 8029, 8030, 8031, 8032, 8033, 8034, 8035, 8036, 8037, 8038,
8039, 8040, 8041, 8043, 8044, 8046, 8047, 8048, 8049, 8050, 8051,
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8063, 8064, 8065, 8066, 8067, 8068, 8069, 8070, 8071, 8072, 8073,
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8298, 8299,

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8312, 8316, 8317, 8318, 8321, 8322, 8323, 8324, 8326, 8327, 8328,
8329, 8330, 8331, 8334.

(7/23/15)

64-A82

Neighborhood Recovery Areas in Queens

(a) within Community District 10;



Neighborhood Recovery Area Blocks within Community District 10:

11469, 11472,

11572, 11583, 11588, 11589, 11590, 11591,

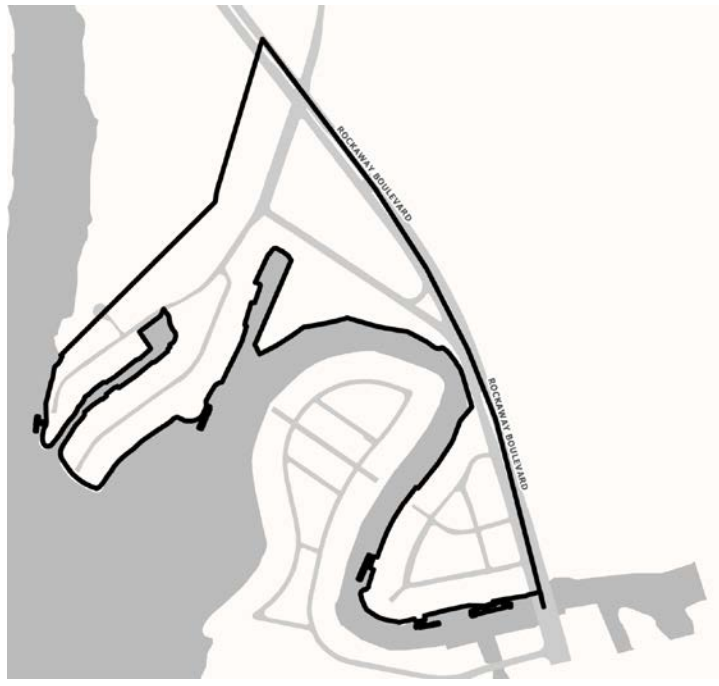
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14199,

14200, 14201, 14203, 14204, 14205, 14206, 14207, 14209, 14210, 14211,
14212, 14225, 14228, 14231, 14234, 14238, 14239, 14240, 14241, 14242,
14243, 14244, 14245, 14246, 14247, 14248, 14249, 14250, 14251, 14252,
14253, 14254, 14255, 14260.

(b) within Community District 13;



Neighborhood Recovery Area Blocks within Community District 13:

13895, 13910, 13911, 13912, 13913, 13914, 13921, 14260.

(c) within Community District 14



Neighborhood Recovery Area Blocks within Community District 14:

15100,

15300, 15301, 15302, 15303, 15304, 15305, 15306, 15308, 15311, 15312,
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16320, 16321, 16322, 16323, 16324, 16325, 16340.

(7/23/15)

64-A83

Neighborhood Recovery Areas in Staten Island

In Staten Island, any areas designated by New York State as part of the NYS Enhanced Buyout Area Program are excluded from a Neighborhood Recovery Area.

(a) within Community District 2



Neighborhood Recovery Area Blocks within Community District 2:

3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118,
3119, 3120, 3121, 3122, 3123, 3124, 3125, 3128,

3220, 3221, 3222, 3223, 3224, 3235, 3236, 3237, 3238, 3239, 3243,
3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256,
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3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3284,

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3394, 3395, 3396, 3397, 3398,

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3427, 3472, 3475, 3478, 3481, 3491,

3500, 3525, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546,
3547, 3548, 3549, 3550, 3551, 3555, 3556, 3557, 3558, 3559, 3560,
3561, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3583,
3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591,

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3652, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664,
3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3679,
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3691, 3692, 3696, 3697, 3698, 3699,

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3871, 3873, 3875, 3879, 3881, 3882, 3883, 3884, 3885, 3886, 3887,
3888, 3889, 3891, 3893,

3930,

4031, 4033, 4035, 4037, 4038, 4039, 4040, 4041, 4043, 4045, 4046,
4047, 4048, 4049, 4050, 4064, 4065, 4066, 4067, 4068, 4069, 4076,

4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087,
4088, 4089, 4091, 4092, 4093, 4105.

(b) within Community District 3



Neighborhood Recovery Area Blocks within Community District 3:

3983,

4000, 4001, 4002, 4007, 4015, 4016, 4017, 4018, 4019, 4020, 4021,
4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4049, 4051,
4052, 4053, 4054, 4055, 4056, 4057, 4058, 4063, 4070, 4071, 4073,
4074,

4105, 4108, 4130, 4131, 4160,

4668, 4669, 4672, 4673, 4674, 4675, 4676, 4678, 4679, 4680, 4681,
4682, 4683, 4684, 4685, 4686, 4687, 4688, 4689, 4690, 4691, 4692,
4693, 4694, 4695,

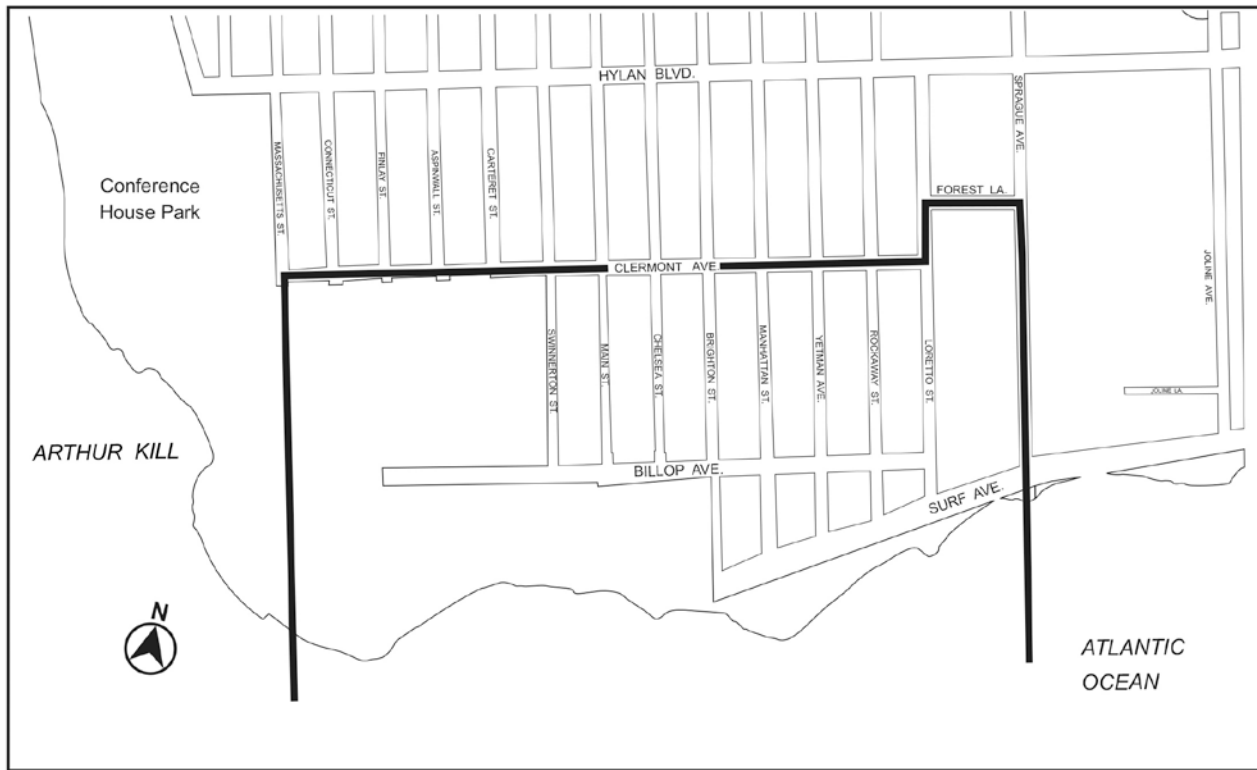
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4736, 4737, 4738, 4739, 4740, 4746, 4754, 4758, 4759, 4760, 4761,
4762, 4767, 4768, 4772, 4773, 4774, 4775, 4776, 4781, 4782, 4785,
4787, 4788, 4791, 4792, 4793,

4802, 4803, 4805, 4994,

5067, 5190, 5195, 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207,
5208, 5209, 5212, 5298, 5299,

5302, 5303, 5306, 5307, 5308, 5309, 5310, 5311, 5312, 5313, 5314,
5315, 5316, 5317, 5318, 5319, 5320, 5321, 5322, 5409, 5410, 5411,
5412, 5415, 5418.

(c) within Community District 3



Neighborhood Recovery Area Blocks within Community District 3:

7722,

7857, 7858, 7859, 7860, 7861, 7862, 7863, 7880, 7881, 7883, 7884,
7885,

7905, 7906.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VII: Administration

Chapter 1 – Enforcement, Administration and Amendments

Effective date of most recently amended section of Article VII Chapter 1: 04/30/12

Date of file creation: Web version of Article VII Chapter 1: 02/10/14

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(4/30/12)

**Article VII
Administration**

**Chapter 1
Enforcement, Administration and Amendments**

(12/15/61)

**71-00
ENFORCEMENT AND ADMINISTRATION**

The Commissioner of the Department of Buildings shall administer and enforce this Resolution, except as otherwise specifically provided in the New York City Charter and in this Resolution.

The Department of Environmental Protection shall have exclusive jurisdiction to administer and enforce all provisions of this Resolution relating to air pollution, specifically including the performance standards regulating #smoke#, #dust# and other #particulate matter#, odorous matter, and #toxic or noxious matter# emitted into the atmosphere, in accordance with rules and regulations adopted by the Department of Environmental Protection.

(4/30/12)

**71-10
PROCEDURE FOR AMENDMENTS**

The City Planning Commission shall adopt resolutions to amend the text of this Resolution or the #zoning maps# incorporated therein, and the City Council shall act upon such amendments, in accordance with the provisions of the New York City Charter.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VII: Administration

Chapter 2 - Interpretations and Variances

Effective date of most recently amended section of Article VII Chapter 2: 02/02/11

Date of file creation: Web version of Article VII Chapter 2: 02/10/14

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(12/15/61)

Chapter 2

Interpretations and Variances

(12/15/61)

72-00

POWERS OF THE BOARD OF STANDARDS AND APPEALS

(2/2/11)

72-01

General Provisions

The Board of Standards and Appeals (referred to hereinafter as the Board) shall have the power, pursuant to the provisions of the New York City Charter and of this Resolution, after public notice and hearing:

- (a) to hear and decide appeals from and to review interpretations of this Resolution;
- (b) to hear, decide, and determine, in a specific case of practical difficulties or unnecessary hardship, whether to vary the application of the provisions of this Resolution;
- (c) to hear and decide applications for such special permits as are set forth in this Resolution and are more specifically enumerated in Section 73-01 (General Provisions);
- (d) to adopt, amend, or repeal such rules or regulations as may be necessary to carry into effect the provisions of this Resolution;
- (e) to hear and decide applications for such authorizations as are set forth in this Resolution and enumerated in Section 72-30; and
- (f) to make such administrative determinations and findings as may be set forth in this Resolution or pursuant to Section 72-40 (AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS) or to Section 72-41 (Continuation of Certain Adult Establishments).
- (g) to waive #bulk# regulations affected by unimproved #streets#

where a #development#, #enlargement# or alteration consists in part of construction within such #streets# and where such #development#, #enlargement# or alteration would be #non-complying# absent such waiver, provided the Board has granted a permit pursuant to Section 35 of the General City Law and has prescribed conditions which require the portion of the #development# or #enlargement# to be located within the unimproved #streets# to be compliant and conforming to the provisions of this Resolution. Such bulk waivers shall only be as necessary to address #non-compliance# resulting from the location of the #development# or #enlargement# within and outside the unimproved #streets#, and the #zoning lot# shall comply to the maximum extent feasible with all applicable zoning regulations as if such unimproved #streets# were not mapped. Where such #zoning lots# with #private roads# access fewer than 20 #dwelling units#, such #bulk# waivers may be granted by the Board only where the #zoning lots# are fully compliant with the regulations for #private roads# set forth in Article II, Chapter 6. However, for #zoning lots# with #private roads# that access at least 20 #dwelling units#, or for #zoning lots# with #private roads# that access fewer than 20 #dwelling units# for which a modification or waiver of the requirements for #private roads#, pursuant to Section 26-26, is necessary, such #bulk# waivers shall be permitted only by authorization of the City Planning Commission, pursuant to Section 26-27 (Waiver of Bulk Regulations for Developments with Unimproved Streets).

(12/15/61)

72-10

APPEALS FOR INTERPRETATION

(12/15/61)

72-11

General Provisions

The Board of Standards and Appeals shall hear and decide appeals from or may, on its own initiative, review any rule or regulation, order, requirement, decision, or determination of the Commissioner of Buildings, of any duly authorized officer of the Department of Buildings, or of the Commissioner of any agency which, under the provisions of the New York City Charter, has jurisdiction over the #use# of land or over the #use# or #bulk# of #buildings or other structures#, subject to the requirements

of this Resolution.

On such an appeal or review, the Board may reverse, affirm, in whole or in part, or modify, such rule, regulation, order, requirement, decision, or determination and may make such rule, regulation, order, requirement, decision, or determination as in its opinion should have been made in the premises in strictly applying and interpreting the provisions of this Resolution, and for such purposes the Board shall have the power of the officer from whose ruling the appeal or review is taken.

However, there shall be no appeal to or review by the Board from an interpretation of this Resolution made by the Board of Environmental Protection of the Department of Environmental Protection, or any other agency for which the New York City Charter establishes a board empowered to adopt rules and regulations for such agency.

(12/15/61)

72-12

Street Layout Varying from Maps

Where the street layout actually on the ground varies from the street layout as shown on the #zoning maps#, the designation as shown on such maps shall be applied by the Board of Standards and Appeals, after public notice and hearing, in such a way as to carry out the intent and purpose of this Resolution.

(12/15/61)

72-20

VARIANCES

(2/2/11)

72-21

Findings Required for Variances

When in the course of enforcement of this Resolution, any officer from whom an appeal may be taken under the provisions of Section 72-11 (General Provisions) has applied or interpreted a provision of this Resolution, and there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such provision, the Board of Standards and Appeals may, in

accordance with the requirements set forth in this Section, vary or modify the provision so that the spirit of the law shall be observed, public safety secured and substantial justice done.

Where it is alleged that there are practical difficulties or unnecessary hardship, the Board may grant a variance in the application of the provisions of this Resolution in the specific case, provided that as a condition to the grant of any such variance, the Board shall make each and every one of the following findings:

- (a) that there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular #zoning lot#; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the #use# or #bulk# provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the #zoning lot# is located;
- (b) that because of such physical conditions there is no reasonable possibility that a #development#, #enlargement#, extension, alteration or change of #use# on the #zoning lot# in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such #zoning lot#; this finding shall not be required for the granting of a variance to a non-profit organization;
- (c) that the variance, if granted, will not alter the essential character of the neighborhood or district in which the #zoning lot# is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare;
- (d) that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however, where all other required findings are made, the purchase of a #zoning lot# subject to the restrictions sought to be varied shall not itself constitute a self-created hardship; and
- (e) that within the intent and purposes of this Resolution, the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a

lesser variance than that applied for.

It shall be a further requirement that the decision or determination of the Board shall set forth each required finding in each specific grant of a variance, and in each denial thereof which of the required findings have not been satisfied. In any such case, each finding shall be supported by substantial evidence or other data considered by the Board in reaching its decision, including the personal knowledge of, or inspection by, the members of the Board. Reports of other City agencies made as a result of inquiry by the Board shall not be considered hearsay, but may be considered by the Board as if the data therein contained were secured by personal inspection.

(12/15/61)

72-22

Conditions or Restrictions

The Board of Standards and Appeals may prescribe such conditions or restrictions applying to the grant of a variance as it may deem necessary in the specific case, in order to minimize the adverse effects of such variance upon other property in the neighborhood. Such conditions or restrictions shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Resolution, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

(7/18/95)

72-23

Lapse of Variances

A variance granted under the provisions of this Resolution shall automatically lapse if substantial construction, in accordance with the plans for which such variance was granted, has not been completed within four years from the date of granting such variance by the Board of Standards and Appeals or, if judicial proceedings have been instituted to review the Board's decision to grant any variance, the four-year lapse period shall commence upon the date of entry of the final order in such proceedings, including appeals.

(4/9/81)

72-30

AUTHORIZATIONS

(4/9/81)

72-31

General Provisions

The Board of Standards and Appeals shall have the power to issue authorizations on such matters as are set forth in this Section. The Board shall hear and decide applications for authorizations in an administrative proceeding in the same manner in which it hears appeals for interpretation pursuant to Section 72-10.

(2/2/11)

72-40

AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS

The Board of Standards and Appeals may permit any #non-conforming adult establishment# or any #non-conforming sign#, other than #advertising signs#, for an #adult establishment# to continue for a limited period of time beyond that provided for in Sections 52-734 (Non-conforming signs for adult establishments) or 52-77 (Termination of Adult Establishments), provided that:

- (a) an application is made by the owner of such establishment to the Board of Standards and Appeals at least 120 days prior to the date on which such establishment or #sign# must terminate;
- (b) the Board shall find, in connection with such establishment or #sign#, that:
 - (1) the applicant had made, prior to the #non-conformity#, substantial financial expenditures related to the #non-conformity#; and
 - (2) the applicant has not recovered substantially all of the financial expenditures related to the #non-conformity#; and

- (3) the period for which such establishment or #sign# may be permitted to continue is the minimum period sufficient for the applicant to recover substantially all of the financial expenditures incurred related to the #non-conformity#.

For the purpose of this Section, "financial expenditures" shall mean the capital outlay made by the applicant to establish the #adult establishment# or #sign#, exclusive of the fair market value of the #building# in which such #use# or #sign# is located and exclusive of any improvements unrelated to the #non-conforming adult establishment# or #non-conforming accessory business sign# for #adult establishments#.

This Section shall not apply to #commercial# establishments described in Section 72-41 (Continuation of Certain Adult Establishments).

(2/2/11)

72-41

Continuation of Certain Adult Establishments

Any #commercial# establishment in existence as of August 8, 2001 which: (i) subsequent to September 18, 1995, and prior to August 8, 2001, made financial expenditures so as to avoid becoming subject to the provisions of Section 32-01 or 42-01 (Special Provisions for Adult Establishments); and (ii) is defined as an #adult establishment# pursuant to the amendments to the definition of #adult establishment# in Section 12-10 adopted on October 31, 2001, shall terminate as an #adult establishment# within one year from October 31, 2001. Notwithstanding the foregoing, the Board of Standards and Appeals may permit such #adult establishment# to continue for a limited period beyond such one year period, provided that:

- (a) an application is made by the owner of such establishment to the Board of Standards and Appeals at least 120 days prior to the date on which such establishment must terminate;
- (b) the Board shall find, in connection with such establishment, that:
 - (1) the applicant had made, subsequent to September 18, 1995 and prior to August 8, 2001, substantial financial expenditures so as to avoid becoming subject to the provisions of Section 32-01 or 42-01;

- (2) the applicant has not recovered substantially all such financial expenditures; and
- (3) the period for which such establishment may be permitted to continue is the minimum period sufficient for the applicant to recover substantially all of such financial expenditures.

For purposes of this Section, "financial expenditures" shall mean the following: (i) any capital outlay for improvements made in connection with the configuration or reconfiguration of the amount of #floor area# and #cellar# space within such establishment accessible to customers either: (a) containing books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides or other visual matter characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or (b) allocated to one of the activities described in paragraphs (b) (c) or (d) of Section 1. of the definition of #adult establishment# in Section 12-10; and (ii) any purchases of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual matter, which are not characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

The provisions of Sections 52-77 and 72-40 shall not apply to #commercial# establishments subject to this Section.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VII: Administration

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

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(12/15/61)

Chapter 3

Special Permits by the Board of Standards and Appeals

(12/15/61)

73-00

SPECIAL PERMIT USES AND MODIFICATIONS

(4/22/09)

73-01

General Provisions

In harmony with the general purpose and intent of this Resolution and in accordance with the provisions set forth in this Chapter, the Board of Standards and Appeals may, in an appropriate case:

- (a) grant special permits for specified #uses# in specific districts (referred to hereinafter as special permit #uses#);
- (b) permit specified modifications of the #use# or #bulk# regulations of this Resolution;
- (c) permit the renewal of revoked building permits as provided in Sections 11-31 to 11-33, inclusive, relating to Building Permits Issued before Effective Date of Amendment; or
- (d) permit the renewal of a variance, exception, or permit issued by the Board prior to December 15, 1961, in accordance with the provisions of Section 11-41 relating to Exceptions, Variances, or Permits Previously Authorized;

provided that, in each specific case, the requirement for findings as set forth in this Chapter (or in the Sections referred to in paragraph (c) or (d) of this Section) shall constitute a condition precedent to the grant of such special permit, modification, or renewal.

In addition to meeting the requirements, conditions, and safeguards prescribed by the Board as set forth in this Chapter, each such special permit #use# shall conform to and comply with all of the applicable district regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along

district boundaries, #accessory signs#, #accessory# off-street parking and off-street loading, and all other applicable provisions of this Resolution, except as otherwise specifically provided in this Chapter or as they may be modified in accordance with paragraph (b) of this Section. In the case of required #accessory# off-street parking, such #use# shall satisfy the requirements specified for such #uses# in Sections 25-31, 36-21 or 44-21 (General Provisions) except that, where no parking requirement is specified therein, such #use# shall satisfy the requirements set forth in this Chapter.

In the #waterfront area#, the powers of the Board to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-131 (Applicability of Article VII, Chapter 3).

(12/15/61)

73-02

Further Requirements

It shall be a further requirement that the decision or determination of the Board of Standards and Appeals shall set forth each required finding in each specific grant of a special permit #use#, modification or renewal and, in each denial thereof, which of the required findings have not been satisfied. In any such case, each finding shall be supported by substantial evidence or other data considered by the Board in reaching its decision, including the personal knowledge of or inspection by the members of the Board.

(12/18/80)

73-03

General Findings Required for All Special Permit Uses and Modifications

The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit #uses# or modifications of #use#, parking, or #bulk# regulations as specifically provided in this Chapter, provided in each case:

- (a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each

such special permit #use# or modification of #use#, parking or #bulk# regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit #use# or modification of #use#, parking or #bulk# regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit #use# or modification of #use#, parking or #bulk# regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.

- (b) In all cases the Board shall deny a special permit whenever such proposed special permit #use# or modification of #use#, parking or #bulk# regulations will interfere with any public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.
- (c) When under the applicable findings the Board is required to determine whether the special permit #use# or modification of #use#, parking or #bulk# regulations is appropriately located in relation to the #street# system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit #use# or modification of #use#, parking or #bulk# regulations in relation to secondary or local #streets# and such classification of #streets# is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such #street#.
- (d) For applications relating to Sections 73-243, 73-48 and 73-49, the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit #use# or modification of #use#, parking or #bulk# regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have

the power to substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.

- (e) If a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit #uses# or modification of #use# parking or #bulk# regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit #use# or modification of #use# parking or #bulk# regulations.
- (f) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.
- (g) The Board may permit the #enlargement# or #extension# of any existing #use#, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for #enlargement# or #extension# within the permitted districts, the Board shall make all of the required findings applicable to the special permit #use#, except that:
 - (1) in the case of colleges or universities in R1 or R2 Districts, the Board may waive all such required findings set forth in Section 73-121 (Colleges or universities); and
 - (2) in the case of public utility #uses#, the Board may waive all such required findings set forth in Sections 73-14 (Public Service Establishments) or 73-16 (Public Transit, Railroad or Electric Utility Substations).

No such #enlargement# or #extension# shall create a new #non-compliance# or increase the existing degree of #non-compliance# with the applicable #bulk# regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.

73-04

Conditions and Safeguards

The Board of Standards and Appeals may prescribe such conditions and safeguards to the grant of special permit (#uses#) as it may deem necessary in the specific case, in order to minimize the adverse effects of such special permit upon other property and the community at large. Such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Resolution, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

(7/22/71)

73-10

SPECIAL PERMIT USES

(4/28/94)

73-11

General Provisions

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-12 to 73-36, inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and safeguards thereon.

In the #Special Midtown District#, the powers of the Board to permit special permit #uses# are modified by the provisions of Sections 81-13 (Special Permit Use Modifications) and 81-061 (Applicability of Chapter 3 of Article VII).

Except as permitted pursuant to this Chapter, in R3, R4 or R5 Districts, the following #uses# shall be subject to the height and setback requirements of an R2 District:

Camps

Public utility or public service facilities

Radio and television towers, non-#accessory#

Riding academies or stables.

(9/9/04)

73-12

Community Facility Uses in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts

In R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, the Board of Standards and Appeals may permit specified #community facility uses# in accordance with the provisions of this Section.

(12/15/61)

73-121

Colleges or universities

The Board of Standards and Appeals may permit colleges or universities including professional schools but excluding business colleges or trade schools in R1 or R2 Districts, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#; and
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#.

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

(2/2/11)

73-122

College or school student dormitories or fraternity or sorority student houses

The Board of Standards and Appeals may permit college or school student dormitories or fraternity or sorority student houses in R1 or R2 Districts, provided that the following findings are made:

- (a) that such #use# does not exceed the maximum #floor area ratio# for #residential use# as set forth in Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio);
- (b) that the amount of #open space# and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood;
- (c) that, notwithstanding the provisions of Section 25-33 (Waiver of Requirements for Spaces below Minimum Number), at least one #accessory# off-street parking space is provided for each six beds; and
- (d) that such #use# conforms to all the other applicable Off-Street Parking Regulations as set forth in Article II, Chapter 5.

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

(2/2/11)

73-123

Non-commercial clubs

The Board of Standard and Appeals may permit non-commercial clubs, except swimming pool clubs or clubs with swimming pools located less than 500 feet from any #lot line#, in R1 or R2 Districts, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;
- (c) that such #use# complies with the minimum required #open space ratio# and maximum #floor area ratio# for #residential use# as set forth in Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio);
- (d) that not more than half the #open space# provided is occupied by driveways, private streets, open #accessory#

off-street parking spaces or active outdoor recreation facilities; and

- (e) that the amount of #open space# provided and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, screening or landscaping.

(12/15/61)

73-124

Welfare centers

The Board of Standard and Appeals may permit welfare centers in R1 or R2 Districts, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#; and
- (b) that such #use# is conveniently accessible to the people it serves.

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

(1/18/11)

73-125

Ambulatory diagnostic or treatment health care facilities

In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, excluding #lower density growth management areas#, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited in each case to a maximum of 10,000 square feet of #floor area#, provided that the Board finds that the amount of open area and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood.

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

(2/2/11)

73-126

Certain community facility uses in lower density growth management areas

In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts in #lower density growth management areas#, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited in each case to a maximum of 10,000 square feet of #floor area#, provided that such facilities are located on #zoning lots# that comply with the minimum #lot area# and #lot width# regulations of Section 23-35 (Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas).

In addition, for #buildings# in R3, R4 and R5 Districts in #lower density growth management areas# subject to the provisions of paragraph (b) of Section 24-011 (Exceptions to the bulk regulations of this Chapter) the Board may permit the #development# of a #building# pursuant to the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts).

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

- (a) the amount and type of open area and its distribution on the #zoning lot# is compatible with the character of the neighborhood;
- (b) the distribution of #bulk# on the #zoning lot# will not unduly obstruct access of light and air to adjoining properties or #streets#; and
- (c) the scale and placement of the #building# on the #zoning lot# relates harmoniously with surrounding #buildings#.

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

(2/2/11)

73-13

Open Uses in R1 or R2 Districts

In R1 or R2 Districts, the Board of Standard and Appeals may permit outdoor tennis courts or ice skating rinks, provided that the Board finds that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#.

The Board shall prescribe the following conditions:

- (a) that such #use# and any #accessory# facilities affixed to the land are not located closer than 20 feet to any #lot line#; and
- (b) that all lighting is directed away from nearby #zoning lots# containing #residences#.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for screening or for landscaping.

(2/2/11)

73-14

Public Service Establishments

In all #Residence Districts#, the Board of Standard and Appeals may permit electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet, potable water pumping stations, or telephone exchanges or other communications equipment structures, provided that the following findings are made:

- (a) that such #use# will serve the residential area within which it is proposed to be located; that there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and
- (b) in the case of such electric or gas utility substations or potable water pumping stations, that the site for such #use# has a minimum #lot area# of 4,500 square feet.

The Board may prescribe appropriate conditions or safeguards to

minimize adverse effects on the character of the surrounding area, including requirements that electric utility substations shall meet the performance standards for an M1 District; that such electric or gas utility substations or potable water pumping stations shall be surrounded with fences, barriers, or other safety devices; or that any such #use# shall be landscaped.

(12/15/61)

73-15

Other Public Utility Facilities

In all #Residence Districts#, the Board of Standard and Appeals may permit public utility stations for oil or gas metering or regulating, or terminal facilities located at river crossings for access to electric, gas or steam lines, provided that the Board finds that the proposed location, design and method of operation will not have a detrimental effect on the privacy and quiet of the neighborhood and the safety of its inhabitants.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for construction of fences, barriers or other safety devices, or for landscaping.

(2/2/11)

73-16

Public Transit, Railroad or Electric Utility Substations

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the Board of Standard and Appeals may permit electric utility substations (including transformers, switches, or auxiliary apparatus) or public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet, and in the case of electric utility substations to a site of not less than 10,000 square feet, provided that the following findings are made:

- (a) that such #use# will serve either the residential community within which it is proposed to be located or the residential community immediately adjacent, and that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;

- (b) in the case of public transit or railroad electric substations, that the site for such #use# has a minimum frontage of 50 feet and a minimum #lot area# of 4,500 square feet;
- (c) that the site for such #use# is so located in #Residence Districts# as to minimize the adverse effects on the integrity of existing and future development, or is so located in #Commercial Districts# as to minimize the interruption of the continuity of retail frontage;
- (d) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and
- (e) that such #use# will conform to the performance standards applicable to M1 Districts.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing, for the construction of fences, barriers, or other safety devices, for screening of apparatus, or for landscaping.

(12/15/61)

73-17

Camps, Overnight or Outdoor Day

In all #Residence Districts#, and in C1, C2 or C3 Districts, the Board of Standards and Appeals may permit overnight or outdoor day camps, whether commercial or philanthropic, for a term not to exceed five years, provided that the Board finds that such #use# will not cause excessive traffic congestion.

The Board shall prescribe the following conditions:

- (a) that a minimum of 150 square feet of #lot area# is provided for each child enrolled in the camp;
- (b) that along any #rear# or #side lot lines#, #yards# are provided, each with a minimum depth (or width) of 40 feet, within which no camp equipment is affixed to the land;
- (c) that in #Residence Districts# or C3 Districts the #zoning lot# is screened along the #rear# and #side lot lines#, and in C1 or C2 Districts along any #rear# or #side lot line# adjoining a #Residence District#, by a strip at least four feet wide, densely planted with shrubs or trees which are at

least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; and

- (d) that in the case of outdoor day camps, for each 6,000 square feet of #lot area#, one #accessory# off-street parking space of 500 square feet is provided to accommodate buses used in the transportation of campers, in addition to the #accessory# off-street parking requirement established for such #uses# under the applicable provisions of Sections 25-31 or 36-21 (General Provisions).

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

(12/15/61)

73-18

Riding Academies or Stables

In all #Residence Districts#, and in C2, C6 or C7 Districts, the Board of Standards and Appeals may permit riding academies or stables operated as a recreation service, for a term not to exceed five years, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the essential character of the surrounding area;
- (b) that adequate horseback riding facilities are available on the same #zoning lot# or within 600 feet of such #zoning lot#;
- (c) that the location and operation of such #use# will not be such as to result in any serious traffic hazards or conflicts on nearby #streets#; and
- (d) that in #Residence Districts#, no stables or riding areas are located within 40 feet of any #side# or #rear lot line#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation, for screening, or for landscaping.

(11/19/87)

73-19

Schools

In C8 or M1 Districts, the Board of Standards and Appeals may permit #schools# which have no #residential# accommodations except #accessory# accommodations for a caretaker, provided that the following findings are made:

- (a) that within the neighborhood to be served by the proposed #school# there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as of right, because appropriate sites in such districts are occupied by substantial improvements;
- (b) that such #school# is located not more than 400 feet from the boundary of a district wherein such #school# is permitted as-of-right;
- (c) that an adequate separation from noise, traffic and other adverse effects of the surrounding non-#Residential Districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#; and
- (d) that the movement of traffic through the #street# on which the #school# is located can be controlled so as to protect children going to and from the #school#. The Board shall refer the application to the Department of Traffic for its report with respect to vehicular hazards to the safety of children within the block and in the immediate vicinity of the proposed site.

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

(8/19/76)

73-20

THEATERS

(2/2/11)

73-201

In C1 Districts

In C1 Districts, the Board of Standards and Appeals may permit theaters with a capacity of not more than 500 persons in a new or existing #building#. In C1-5, C1-6, C1-7, C1-8 and C1-9 Districts, motion picture theaters shall have a minimum of four square feet of waiting area within the #zoning lot# for each seat. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. The Board shall not apply these requirements to any additional motion picture theater created by the subdivision of an existing motion picture theater.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of nearby residential areas.

(2/2/11)

73-202

In M1-5A or M1-5B Districts

In M1-5A or M1-5B Districts, the Board of Standards and Appeals may permit theaters for a term not to exceed five years, provided that the following findings are made:

- (a) that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhoods;
- (b) that such #use# will not cause undue congestion in local #streets#; and
- (c) that such #use# provides a waiting area of adequate size to prevent obstruction of #street# areas and other #uses# within the same or other #building#.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows; provision of sound-lock vestibules; specification of acoustical insulation; maximum size of establishment; number, kinds of amplification of musical instruments or voices; shielding of flood lights; adequate screening; curb cuts, or parking.

(12/15/61)

73-21

Automotive Service Stations

(4/8/98)

73-211

Location in C2, C4, C6 or C7 Districts

In any C2, C4, C6 or C7 District whose longer dimension is 375 feet or more (exclusive of land in #streets#), the Board of Standards and Appeals may permit #automotive service stations#, provided that the following findings are made:

- (a) that the site for such #use# has a minimum area of 7,500 square feet; and
- (b) that the site for any such #use# which is not located on an arterial highway or a major #street# has a maximum area of 15,000 square feet.

The Board shall prescribe the following conditions:

- (1) that any facilities for lubrication, minor repairs or washing are located within a #completely enclosed building#;
- (2) that the site is so designed as to provide reservoir space for five waiting automobiles within the #zoning lot# in addition to spaces available within an enclosed lubritorium or at the pumps;
- (3) that entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the #automotive service station# will cause a minimum of obstruction on #streets# or sidewalks;
- (4) that, along any #rear lot line# or #side lot line# adjoining a #Residence District#, the #zoning lot# is screened, as the Board may prescribe, by either of the following methods:
 - (i) a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

- (ii) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of its face is open; and
- (5) that #signs#, other than #advertising signs#, shall be subject to the applicable district #sign# regulations, provided that:
 - (i) in C2 Districts, the provisions of Sections 32-642 (Non-illuminated signs) and 32-643 (Illuminated non-flashing signs) shall be modified to permit non-#illuminated# or #illuminated# non-#flashing signs# with a total #surface area# not exceeding 150 square feet on any #zoning lot#; and
 - (ii) the provisions set forth in Section 32-652 (Permitted projection in all other Commercial Districts) may be modified in accordance with the provisions of Section 73-212 (Projection of accessory signs).

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and to protect #residential zoning lots# which are adjoining or across the #street#.

(12/15/61)

73-212

Projection of accessory signs

In C2, C4, C6 or C8 Districts, the Board of Standards and Appeals may permit not more than one #sign accessory# to an #automotive service station#, to project across a #street line# more than the amount permitted in Section 32-652 (Permitted projection in all other Commercial Districts), but in no case more than four feet, provided that the following findings are made:

- (a) That projection in the amount permitted is required for adequate advance identification of such #automotive service station# to motorists on heavily traveled #streets# in the interests of traffic safety.
- (b) That such #sign# conforms to all other applicable district #sign# regulations, and its total #surface area# is not more than 30 square feet.

(2/2/11)

73-22

Commercial Beaches

In C3 Districts, the Board of Standards and Appeals may permit #commercial# beaches for a term not to exceed five years, provided that the Department of Health has certified that the waters may be used for bathing purposes and do not violate safe and acceptable standards of water pollution, and provided further that the Board shall make the following findings:

- (a) that such #use# is so located as to minimize interference with the movement and navigation of ships or boats;
- (b) that no more than 20 percent of the shore line in any one mapped district is used for such #use#;
- (c) that no #accessory# stands for the sale of food or drink shall be located within 100 feet of a #Residence District# boundary, and that the total #floor area# of all such stands shall not exceed 200 square feet; and
- (d) that such #use# will not create such traffic congestion as to impair the residential character of the area. The Board shall refer the application to the Department of Traffic for a report as to whether the #use# will create such detrimental traffic congestion that it impairs such residential character.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, or requirements for the shielding of floodlights or adequate screening.

(2/2/11)

73-23

Commercial Swimming Pools

In C3 Districts, the Board of Standards and Appeals may permit #commercial# swimming pools with a pool area of not more than 5,000 square feet for a term not to exceed five years, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the essential character or the future use or development of the nearby residential neighborhood; and
- (b) that such pool is not located within 200 feet of the shore line.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or adequate screening.

(12/18/80)

73-24

Eating or Drinking Places

(2/2/11)

73-241

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3, C5, M1-5A or M1-5B Districts

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3, C5, M1-5A or M1-5B Districts, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less, for a term not to exceed five years, provided that the following findings are made:

- (a) that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhood;
- (b) that such #use# will not cause undue congestion in local #streets#;
- (c) that in M1-5A and M1-5B Districts, eating and drinking places shall be limited to not more than 5,000 square feet of floor space;
- (d) that in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C5, M1-5A and M1-5B Districts, such #use# shall take place in a #completely enclosed building#; and
- (e) that the application is made jointly by the owner of such

#building# and the operators of such eating or drinking establishment.

The Board may modify the regulations relating to #signs# in C3 Districts to permit a maximum total #surface area# of 50 square feet of non-#illuminated# or #illuminated# non-#flashing signs#, provided that any #illuminated sign# shall not be less than 150 feet from the boundary of any #Residence District#.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of floodlights, adequate screening, curb cuts or parking.

(2/2/11)

73-242

In C3 Districts

In C3 Districts, the Board of Standards and Appeals may permit eating or drinking establishments (including those which provide outdoor table service or musical entertainment but not dancing, with a capacity of 200 persons or less, and including those which provide music for which there is no cover charge and no specified showtime) for a term not to exceed five years, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the essential character or the future use or development of the nearby residential neighborhood; and
- (b) that such #use# will generate a minimum of vehicular traffic to and through local #streets# in residential areas.

The Board may modify the regulations relating to #signs# in C3 Districts to permit a maximum total #surface area# of 50 square feet of non-#illuminated# or #illuminated# non-#flashing signs#, provided that any #illuminated sign# shall not be less than 150 feet from the boundary of any #Residence District#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or adequate screening.

(2/8/90)

73-243

In C1-1, C1-2 and C1-3 Districts

In C1-1, C1-2 and C1-3 Districts, (except in Special Purpose Districts) the Board of Standards and Appeals may permit eating or drinking places (including those which provide musical entertainment but not dancing, with a capacity of 200 persons or less, and those which provide outdoor table service) with #accessory# drive-through facilities for a term not to exceed five years, provided that the following findings are made:

- (a) the drive-through facility contains reservoir space for not less than 10 automobiles;
- (b) the drive-through facility will cause minimal interference with traffic flow in the immediate vicinity;
- (c) the eating or drinking place with #accessory# drive-through facility fully complies with the #accessory# off-street parking regulations for the indicated zoning district, including provision of the required number of #accessory# off-street parking spaces for the indicated zoning district (for the purpose of this finding, the waiver provisions of Sections 36-231 and 36-232 shall be inapplicable);
- (d) the character of the commercially zoned #street# frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle, based upon the level of motor vehicle generation attributable to the existing #commercial uses# contained within such area and to the subject eating or drinking place (excluding the #accessory# drive-through facility portion);
- (e) the drive-through facility shall not have an undue adverse impact on #residences# within the immediate vicinity of the subject premises; and
- (f) there will be adequate buffering between the drive-through facility and adjacent #residential uses#.

In connection therewith, the Board may modify the requirement of Section 32-411 insofar as it relates to the #accessory# drive-through facility. The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

(3/20/13)

73-244

In C2, C3, C4*, C6-4, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District**

In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the following findings are made:

- (a) that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to the Board to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#;
- (b) that the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary;
- (c) that such #use# will not cause undue vehicular or pedestrian congestion in local #streets#;
- (d) that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhoods;
- (e) that such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code; and
- (f) that the application is made jointly by the owner of the #building# and the operators of such eating or drinking establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable

windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

Any violation of the terms of a special permit may be grounds for its revocation.

* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary

** In C6-4 Districts mapped within that portion of Community District 5, Manhattan, bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue

(2/2/11)

73-25

Boatels

In C3 Districts, the Board of Standards and Appeals may permit #boatels# provided that the following findings are made:

- (a) that such #use# is so located as not to impair the essential character or the future use or development of the nearby residential neighborhood; and
- (b) that any restaurant permitted in connection with such #use# satisfies the conditions for issuance of special permits to eating or drinking places, as set forth in Section 73-24.

The Board may modify the regulations relating to #signs# in C3 Districts to permit a maximum total #surface area# of 50 square feet of non-#illuminated# or #illuminated# non-#flashing signs# on each of not more than three #street# or water frontages.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements with respect to the location of #illuminated signs#, the shielding of floodlights or adequate screening.

(2/2/11)

73-26

Children's Amusement Parks

In C8 or M1 Districts, the Board of Standards and Appeals may permit children's amusement parks with an area of at least 10,000 square feet but not more than 75,000 square feet, for a term not to exceed five years, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area;
- (b) that the principal vehicular access for such #use# is not located on a local #street# or on an arterial highway;
- (c) that such #use# is not located within 400 feet of a #Residence District#;
- (d) that vehicular entrances and exits for such #use# are provided separately, and that no entrance is located less than 50 feet from any exit; and
- (e) that such #use# will not cause traffic congestion or other adverse effects which interfere with the appropriate use of land in the district or in any adjacent district, and that such #use# is so located as to minimize vehicular traffic to and through local #streets# in residential areas.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, or requirements for shielding of floodlights, adequate screening, or surfacing all access roads or driveways.

(2/2/11)

73-27

Funeral Establishments

In C1 or C4 Districts, the Board of Standards and Appeals may permit funeral establishments provided that the following findings are made:

- (a) that there are serious difficulties involved in locating within a district wherein such #use# is permitted as-of-right and from which it could serve the needs of its prospective clientele, which make it necessary to locate such #use# within a C1 or C4 District;

- (b) that the site for such #use# is so located as to cause minimum interruption of the continuity of the frontage devoted to retail shopping #uses#. In determining whether the #use# will cause only minimum interruption of such retail frontage, the Board may make a favorable finding on the ground that there exists a substantial number of other incompatible #uses# interrupting such frontage within 200 feet on either side of the proposed site (not including land in #streets#); and
- (c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas.

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

(12/15/61)

73-28

Newspaper Publishing

In C6 Districts, the Board of Standards and Appeals may permit newspaper publishing establishments provided that the following findings are made:

- (a) that such #use# will not cause undue traffic congestion in local #streets#;
- (b) that such #use# is not located within 200 feet of a #Residence District#; and
- (c) that such #use# shall conform to all performance standards applicable in M1 Districts.

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

(12/15/61)

73-29

Utilization of Explosives in Manufacturing Processes

In all #Manufacturing Districts#, the Board of Standards and Appeals may permit the utilization of Class IV explosives, as defined in Section 42-272 (Classifications), in manufacturing processes or other production and storage #accessory# thereto, provided that the following findings are made:

- (a) that such manufacture is carried on within #completely enclosed buildings or other structures# whose exterior walls are of incombustible materials;
- (b) that such #buildings or other structures# are protected throughout by an automatic fire extinguishing system which meets all requirements set forth in the Administrative Code of the City of New York; and
- (c) that such utilization and the storage #accessory# thereto complies with all additional applicable provisions of the Administrative Code and all rules and regulations of the Fire Department.

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

(12/15/61)

73-30

Radio or Television Towers

In all districts, the Board of Standards and Appeals may permit non-#accessory# radio or television towers, provided that it finds that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood.

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

(12/15/61)

73-31

Sand, Gravel or Clay Pits

(4/23/64)

73-311

General provisions

In all districts, the Board of Standards and Appeals may permit, for a term not to exceed 10 years, the extraction of sand, gravel, or clay from a #zoning lot# which is limited in size to a maximum of 50 acres and which is located not less than 1,000 feet from the nearest boundary of any #zoning lot# 10 acres or more in area used for such extraction, provided that the Board finds that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area, and provided that the following conditions are met:

- (a) that the applicant submits a site plan showing the proposed extent and depth of the area to be excavated, together with the certification of the Department of Buildings that the proposed method of operations and the final elevation of the pit will not undermine or cause settlement to nearby #streets#, sewers, #buildings or other structures#, or installations;
- (b) that the applicant submits a plan for the rehabilitation of the #zoning lot# to be undertaken after the completion of the excavation operations which is satisfactory to the Board, and posts a bond, in an amount to be determined by the Board, for the performance of such rehabilitation;
- (c) that the entire perimeter of the #zoning lot#, except for necessary truck roads, is fenced, including locked gates, so as to prevent children from gaining access to the excavated areas;
- (d) that one #accessory# off-street parking space is provided for every 2,000 square feet of #lot area# or for every three employees, whichever shall require a lesser number of spaces; and
- (e) that the performance standards for M1 Districts shall apply to such operations in all districts other than M2 or M3 Districts, where the applicable performance standards shall govern.

(12/15/61)

73-312

Conditions on operation

The Board of Standards and Appeals shall impose the following conditions on the method of operation of such #uses#:

- (a) that all drilling, blasting, or excavation operations shall be limited to Mondays through Fridays between the hours of 8:00 a.m. and 5:00 p.m.;
- (b) that the emission of process dust either from the area of operations or from the excavated materials themselves shall be minimized by frequent watering or by such other means as the Board shall direct;
- (c) that the warning notices respecting unlawful entry shall be posted on the fence, and that a watchman shall be stationed on the premises to police the entire area after normal working hours and on weekends and holidays; and
- (d) that excavation operations shall be undertaken in such manner as to avoid the creation of undrained pockets and the formation of stagnant pools. When topographical conditions make such compliance impossible, all pools of water resulting from surface drainage shall be sprayed in accordance with the requirements of the Department of Health to eliminate breeding places for mosquitoes or other insects.

The Board may prescribe additional appropriate conditions and safeguards to protect the public health, safety, and general welfare during the period between the cessation of operations and the final rehabilitation of the site in accordance with approved plans.

(10/11/62)

73-32

Manufacture of Gaseous or Liquid Oxygen

In M3 Districts, the Board of Standards and Appeals may permit the manufacture of gaseous or liquid oxygen provided that such manufacture complies with all the applicable provisions of the Administrative Code of the City of New York and all rules and regulations of the Fire Department.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including adequate buffering.

(8/22/69)

73-33

Storage of Non-flammable Liquids

In M1 Districts, the Board of Standards and Appeals may permit the storage of non-flammable liquids in tanks to be located no closer than 100 feet from a #Residence District# boundary.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including adequate buffering.

(2/13/70)

73-34

Fire Stations in Prefabricated Temporary Structures

In all #Residence Districts# except R1, R2, R3 and R4 Districts, the Board of Standards and Appeals may permit, for a term of five years, fire stations in prefabricated temporary structures, provided that such #use# is located in a high fire incidence area as designated by the Fire Department.

For fire stations in prefabricated temporary structures, in all #Residence Districts# except R1, R2, R3 and R4 Districts and in all #Commercial# and #Manufacturing Districts#, the Board may permit modifications of the applicable regulations in Sections 23-40 to 23-55, inclusive, Sections 33-20 to 33-31, inclusive, and Sections 43-20 to 43-22, inclusive, relating to Yard Regulations.

(4/8/98)

73-35

Amusement Arcades

In C4-1 Districts, or in M2 or M3 Districts which contain shopping centers on March 4, 1976, the Board of Standards and Appeals may permit amusement arcades to be located within shopping centers for a term of one year, provided the following findings are made:

(a) that the application for the special permit is a joint

application made by the management of such shopping center and the operator of the proposed amusement arcade;

- (b) that such amusement arcade will be beneficial to the other #uses# located within the shopping center; and
- (c) that the #use# is so located within the shopping center that no entrance and no #sign# fronts upon or faces a #street#.

The special permit may be renewed for subsequent one year terms provided the Board finds that the facts upon which the special permit was granted have not substantially changed.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on hours of operation or requirements for security and supervision.

(2/2/11)

73-36

Physical Culture or Health Establishments

- (a) In C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board of Standards and Appeals may permit #physical culture or health establishments# as defined in Section 12-10, including gymnasiums (not permitted under Use Group 9) or massage establishments other than #adult physical culture establishments#, for a term not to exceed ten years, provided the following findings are made:
 - (1) that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area; and
 - (2) that such #use# contains:
 - (i) one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball courts, tennis courts; or
 - (ii) a swimming pool of a minimum 1,500 square feet; or
 - (iii) facilities for classes, instruction and programs

for physical improvement, body building, weight reduction, aerobics or martial arts; or

- (iv) facilities for the practice of massage by New York State licensed masseurs or masseuses.

Therapeutic or relaxation services may be provided only as #accessory# to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.

- (b) In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the Board may permit #physical culture or health establishments# located on the roof of a #commercial building# or the #commercial# portion of a #mixed building#, provided the following additional findings are made:

- (1) that such #use# shall be an incidental part of a permitted #physical culture or health establishment# located within the same #commercial# or #mixed building#;
- (2) that such #use# shall be open and unobstructed to the sky;
- (3) that such #use# shall be located on a roof not less than 23 feet above #curb level#;
- (4) that the application for such #use# shall be made jointly by the owner of the #building# and the operator of such #physical culture or health establishment#; and
- (5) that the Board shall prescribe appropriate controls to minimize adverse impacts on the surrounding area, including but not limited to, requirements for the location, size and types of signs, limitations on the manner and/or hours of operation, shielding of floodlights, adequate screening, and the control of undue noise including the amplification of sound, music or voices.

- (c) No special permit shall be issued pursuant to this Section unless:

- (1) the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from

the Department of Investigation which the Board shall determine to be satisfactory; and

- (2) the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.

The Board shall retain the right to revoke the special permit, at any time, if it determines that the nature or manner of operation of the permitted #use# has been altered from that authorized.

The Board may prescribe appropriate conditions and safeguards including location of #signs# and limitations on the manner and/or hours of operation in order to minimize adverse effects on the character of the surrounding community.

(7/22/71)

73-40

MODIFICATIONS OF USE OR PARKING REGULATIONS

(12/17/87)

73-41

General Provisions

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-42 to 73-53, the Board of Standards and Appeals shall have the power to permit modification of #use# or parking regulations of this Resolution, and shall have the power to impose appropriate conditions and safeguards thereon.

(1/28/65)

73-42

Enlargement of Uses across District Boundaries

In all districts, the Board of Standards and Appeals may permit the expansion of a conforming #use# located within a #building or other structure# into a district where such #use# is not permitted, provided that the #enlarged use# is contained within a single #block# and the expansion of either the depth or the width of the conforming #use# is no greater than 50 percent of either

the depth or width, respectively, of that portion of the #zoning lot# located in the district where such #use# is a conforming #use#, but in no case shall the area of the expansion exceed 50 percent of the area of the #zoning lot# located in the district where such #use# is a conforming #use#, and provided further that the following findings are made:

- (a) there is no reasonable possibility of expanding such #use# within the existing district where it is a conforming #use#;
- (b) such conforming #use# was in existence prior to January 6, 1965, or the date of any applicable subsequent amendment to the #zoning maps#; and
- (c) such expanded #use# is not so situated or of such character or size as to impair the essential character or the future use or development of the surrounding area.

In the case of a #use# which, at the time of application to the Board under the provisions of this Section, is already partially located in the more restricted district, where it is a #non-conforming use#, or which has extended into such district in accordance with the provisions of Section 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot), the maximum expansion to be permitted under the provisions of this Section shall be computed as 50 percent of the width or depth of that portion of the #zoning lot# located within the mapped boundary of the district where such #use# is a conforming #use#, and shall be measured from such mapped district boundary.

In every case where the Board permits such expansion, the #building or other structure#, or portion thereof, situated on the expanded portion of the #zoning lot# shall comply on such expanded portion with the applicable #bulk# regulations of the district in which such #use# is a conforming #use# and, subject to such compliance on the expanded portion of the #zoning lot#, the Board may permit such conforming #use#, even when located in an existing #building or other structure# which is #non-complying#, to expand across the district boundary in accordance with the provisions of this Section.

All the applicable regulations of the district in which such #use# is a conforming #use# shall apply on the entire #zoning lot#, or any portion thereof, to be occupied by such #use# and any special regulation applying along district boundaries shall apply along #rear# and #side lot lines# of the expanded #zoning lot#.

Where #yard# regulations are applicable, the Board may permit the expanded area to include, in addition to area permitted under

other provisions of this Section, such area as is necessary for the required #yards#. However, such additional area shall not be counted as #lot area# for purposes of #bulk# computations.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the district including requirements for adequate screening.

(9/9/04)

73-43

Reduction of Parking Spaces for Houses of Worship or Places of Assembly

The Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for houses of worship or places of assembly, in accordance with the applicable provisions of Sections 73-431 and 73-432 for the reduction of parking spaces.

(9/9/04)

73-431

Reduction of parking spaces for houses of worship

In all districts, the Board of Standards and Appeals may permit a waiver of, or a reduction in, the number of required #accessory# off-street parking spaces for houses of worship, provided:

- (a) the house of worship will be operated or utilized in such a manner as to reduce demand for on-site parking; and
- (b) such reduction is commensurate with the reduced demand for on-site parking.

Factors to be considered by the Board may include, without limitation, the size of the congregation, the frequency and time of worship services and other events, and the proximity of public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

(2/2/11)

73-432

Reduction of parking spaces for places of assembly

In all #Commercial# and #Manufacturing Districts#, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for #uses# in parking requirement category D (Places of Assembly) whenever such #uses# are located on the same #zoning lot# as other #uses#, proportionate to the extent that the Board finds:

- (a) that the spaces #accessory# to such other #uses# will remain available for #use# by persons visiting the place of assembly during the entire period that such place of assembly remains in #use#; and
- (b) that, in accordance with submitted schedules of the times of operation for all #uses# on the #zoning lot#, there will be no conflict in the #use# of such #accessory# off-street parking spaces, and that the provision of the full quota of required off-street parking spaces for places of assembly is therefore not needed. The permit to reduce such spaces shall be automatically revoked whenever there is a change in the nature of the conditions upon which such reduced requirements were based, including changes in #use#, availability of spaces or hours of operation.

(9/9/04)

73-44

Reduction of Parking Spaces for Ambulatory Diagnostic or Treatment Facilities Listed in Use Group 4 and Uses in Parking Requirement Category B1

In the districts indicated, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required by the provisions of Section 36-21 or 44-21 (General Provisions) for ambulatory diagnostic or treatment facilities listed in Use Group 4 and #uses# in parking requirement category B1 in Use Group 6, 7, 8, 9, 10, 11, 14 or 16 to the applicable number of spaces specified in the table set forth at the end of this Section, provided that the Board finds that occupancy by ambulatory diagnostic or treatment facilities listed in Use Group 4 or #uses# in parking category B1 is contemplated in good faith on the basis of evidence submitted by the applicant. In such a case the Board shall require that the certificate of occupancy issued for the #building# within which

such #use# is located shall state that no certificate shall thereafter be issued if the #use# is changed to a #use# listed in parking category B unless additional #accessory# off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius.

REDUCED ACCESSORY OFF-STREET
PARKING SPACES REQUIRED FOR AMBULATORY DIAGNOSTIC
OR TREATMENT FACILITIES LISTED IN USE GROUP 4 AND
COMMERCIAL USES IN PARKING REQUIREMENT CATEGORY B1

Parking Spaces Required per Number of Square Feet of #Floor Area#*	Districts
1 per 400	C1-1 C2-1 C3 C4-1
1 per 600	C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
1 per 800	C1-3 C2-3 C4-3 C7 C8-2

- * For ambulatory diagnostic or treatment facilities listed in Use Group 4, parking spaces required per number of square feet of #floor area# or #cellar# space, except #cellar# space #used# for storage

(5/8/13)

73-45

Modification of Off-Site Parking Provisions

In all districts, the Board of Standards and Appeals may modify the provisions regulating the location of #accessory# off-street parking spaces provided off the site, in accordance with the provisions of this Section which are applicable in the specified district. However, in no event shall #accessory# off-street parking spaces be permitted off-site in a #public parking garage#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply.

In all cases, the Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

(2/2/11)

73-451

For residences

The Board of Standards and Appeals may permit off-site spaces #accessory# to #residences# or to #non-profit hospital staff dwellings# to be located in any district except an R1 or R2 District, or at a greater distance from the #zoning lot# than the maximum distance specified in the applicable district regulations, provided that the following special findings are made:

- (a) that the required #accessory# on-street parking spaces cannot reasonably be provided on the #zoning lot# because of physical conditions including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions;
- (b) that within the maximum permitted radius for off-site parking or within a district other than a #Residence District#, there is substantial difficulty in obtaining a site of sufficient size to accommodate the required #accessory# off-street parking spaces because such sites are occupied by substantial improvements;
- (c) that where such spaces are located at a greater distance from the #zoning lot# than the maximum distance permitted by the district regulations, such distance is not greater than as shown in the following table for the specified districts; and

Maximum Distance (in feet)	Districts							
1,200				R3	R4	R5	R6	R7-1 R7B
	C1-1	C1-2	C1-3	C2-1	C2-2	C2-3	C3	
					C4-1	C4-2	C4-3	
1,500				R7-2	R7A	R7X	R8	R9 R10
	C1-4	C1-5	C1-6	C1-7	C1-8	C1-9		
				C2-4	C2-5	C2-6	C2-7	C2-8
				C4-4	C4-5	C4-6	C4-7	C5 C6

- (d) that where such off-site spaces are located in a #Residence District#, they are so located as not to impair the essential character or the future use or development of the

nearby residential neighborhood.

(6/27/63)

73-452

For community facilities in Residence Districts

The Board of Standards and Appeals may permit off-street parking spaces #accessory# to a #community facility use# other than a #non-profit hospital staff dwelling#, which #use# is located in an R1, R2, R3 or R4 District, to be provided off-site and located in any district, or may permit off-street parking spaces #accessory# to a #community facility use# other than a #non-profit hospital staff dwelling#, which #use# is located in any other #Residence District#, to be provided off-site and located in an R1, R2, R3 or R4 District or located in any other #Residence District# at a greater distance from the #zoning lot# than the maximum distance specified in Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), provided that in such instances, all such spaces shall be not further than 600 feet from the nearest boundary of the #zoning lot# containing such #use#, and provided further that the following special findings are made:

- (a) that where such spaces are located in an R1 or R2 District, the #community facility use# to which they are #accessory# is a #use# permitted as-of-right in such district;
- (b) that there is no way to arrange such spaces on the same #zoning lot# as such #use#;
- (c) that such spaces are so located as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontage; and
- (d) either that such spaces are located on an adjoining #zoning lot# or a #zoning lot# directly across the #street# from such #use# or, if such spaces are not so located, that there is substantial difficulty in obtaining a site of sufficient size to accommodate the required #accessory# off-street parking spaces on an adjoining #zoning lot# or a #zoning lot# directly across the #street# from such #use# or in a location where such off-site spaces would be permitted as-of-right, because such sites are occupied by substantial improvements.

(6/27/63)

73-453

For non-residential uses in Commercial or Manufacturing Districts

For non-#residential uses#, other than #non-profit hospital staff dwellings#, the Board of Standards and Appeals may extend the maximum permitted radius for off-site parking spaces located in #Commercial# or #Manufacturing Districts#, as specified in Sections 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), 36-43 (Off-Site Spaces for Commercial or Community Facility Uses) or 44-32 (Off-Site Spaces for All Permitted Uses), from 600 to 1,200 feet, whenever the Board finds:

- (a) that the required #accessory# off-street parking spaces cannot reasonably be provided on the #zoning lot# because of physical conditions including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions; and
- (b) that, within 600 feet of a boundary of the #zoning lot#, there is substantial difficulty in obtaining a site of sufficient size to accommodate the required #accessory# off-street parking spaces because such sites are occupied by substantial improvements.

(9/9/04)

73-454

For houses of worship

The Board of Standards and Appeals may modify, as applicable, the provisions of Sections 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), 25-542 (Shared parking facilities for houses of worship), 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), 36-442 (Shared parking facilities for houses of worship), 44-32 (Off-Site Spaces for All Permitted Uses) or 44-332 (Shared facilities for houses of worship), relating to the maximum permitted distance of the location of #accessory# off-street parking spaces for houses of worship, provided that in such instances all such spaces shall be not further than 1,000 feet from the nearest boundary of the #zoning lot# containing such house of worship, upon finding that:

- (a) such spaces conform to all applicable regulations of the district in which they are located; and
- (b) the location of such spaces will not result in undue traffic

congestion in the area.

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

(2/2/11)

73-46

Waiver of Requirements for Conversions

In R6 or R7-1 Districts, in C1 or C2 Districts mapped within R6 or R7-1 Districts, or in C4-2 or C4-3 Districts, where the number of #accessory# off-street parking spaces required for additional #dwelling units# created by #conversions# of any kind exceeds the number of spaces which may be waived as of right under the provisions of Sections 25-262 (For conversions), 36-363 (For conversions in C1 or C2 Districts governed by surrounding Residence District bulk regulations) or 36-364 (For conversions in C4 Districts), the Board of Standards and Appeals may waive all or part of the required spaces, provided that the Board finds that there is neither a practical possibility of providing such spaces:

- (a) on the same #zoning lot# because of insufficient #open space# and the prohibitive cost of structural changes necessary to provide the required spaces within the #building#; nor
- (b) on a site located within 1,200 feet of the nearest boundary of the #zoning lot# because all sites within such radius are occupied by substantial improvements.

(5/8/13)

73-47

Rental of Accessory Off-Street Parking Spaces to Non-Residents

In C1 or C5 Districts, for a term not to exceed five years, the Board of Standards and Appeals may permit off-street parking spaces #accessory# to #residences# or #non-profit hospital staff dwellings# to be rented for periods of less than one week, to persons who are not occupants of such #residences# or #non-profit hospital staff dwellings#, provided that such rental of spaces conforms to the provisions set forth in Section 36-46 (Restrictions on Use of Accessory Off-Street Parking Spaces) and

that the following special findings are made:

- (a) that the number of spaces to be rented or the location of access, thereto, is such as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages;
- (b) that the total number of spaces to be rented to non-residents does not exceed 100; and
- (c) that where the total number of spaces to be rented to non-residents exceeds 20, reservoir space is provided at the vehicular entrance to accommodate 10 automobiles or 20 percent of the spaces so rented, whichever amount is less.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for the shielding of floodlights.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply.

(5/8/13)

73-48

Exceptions to Maximum Size of Accessory Group Parking Facilities

The Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts# or for hospital and related facilities in #Residence Districts# in accordance with the provisions of this Section provided that such provisions shall not apply to #accessory# off-street parking spaces provided in #public parking garages# in accordance with the provisions of Section 36-57 or 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply.

(2/2/11)

73-481

For hospitals and related facilities in Residence Districts

The Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces for hospitals and related facilities in all #Residence Districts#, provided that the following findings are made:

- (a) that such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (b) that such facility has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 20 automobiles; and
- (c) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for locations of entrances and exits or for shielding of floodlights.

(6/27/63)

73-482

In Commercial or Manufacturing Districts

The Board of Standards and Appeals may permit #accessory group parking facilities# with more than 150 spaces in #Commercial# or #Manufacturing Districts#, provided either that such facilities have separate entrances and exits on two or more #streets# or that the following findings are made:

- (a) that such facility, if #accessory# to a non-#residential use#, other than a #non-profit hospital staff dwelling#, has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles; and
- (b) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby.

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

area, including limitations on #signs# or requirements for locations of entrances or for shielding of floodlights.

(6/27/63)

73-49

Roof Parking

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the Board of Standards and Appeals may permit the parking or storage of motor vehicles on the roof of a #public parking garage# with a total of 150 spaces or less and, in all districts, the Board may permit modifications of the applicable provisions of Sections 25-11, 36-11 or 44-11 (General Provisions) so as to permit #accessory# off-street parking spaces to be located on the roof of a #building#. As a condition of permitting such roof parking, the Board shall find that the roof parking is so located as not to impair the essential character or the future use or development of adjacent areas.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for setback of roof parking areas from #lot lines#, or for shielding of floodlights.

(6/12/96)

73-50

Special Provisions Applying Along District Boundaries

In appropriate cases, for #zoning lots# with single frontage, the Board of Standards and Appeals may permit primary business entrances, #show windows#, or #signs# not otherwise permitted under the provisions of Section 32-51 or 42-44 (Limitations on Business Entrances, Show Windows or Signs), provided that in no case shall any such primary business entrance, #show window# or #sign# be permitted within 10 feet of a #Residence District# boundary.

In addition, in appropriate cases, the Board may waive the requirements for #rear yards# or #side yards# set forth in Sections 33-29 or 43-30 (Special Provisions Applying along District Boundaries) or the requirements for #front yards# as set forth in Section 34-233 (Special provisions applying along district boundaries).

It is further provided that, in appropriate cases, the Board may waive in whole or in part the #front yard# requirement set forth in Section 43-304 (Required front yards along district boundary located in street) after finding that such waiver will not have an adverse effect on the surrounding area. The Board shall prescribe appropriate conditions and safeguards to preserve and enhance the character of the surrounding area, and to ensure the maintenance of resulting #front yards#.

(6/22/63)

73-51

Modification of Supplementary Use Regulations

In C1, C2, C3, C4, C5, C6 or C7 Districts, the Board of Standards and Appeals may permit public utility radio or television facilities which do not comply with the applicable provisions of Section 32-42 (Location within Buildings) to be located on the top #story# or the roof of a #building# and may prescribe appropriate conditions and safeguards to minimize adverse effects on #uses# occupying lower #stories# or on the character of the surrounding area.

In addition, the Board may permit public utility antennas, microwave platforms and dishes or other radio or television equipment to penetrate the maximum height limit or the #sky exposure plane# set forth in Section 33-43 (Maximum Height of Walls and Required Setbacks) or 33-44 (Alternate Front Setbacks) provided that such equipment shall not exceed 20 feet in height.

(6/25/64)

73-52

Modifications for Zoning Lots Divided by District Boundaries

Whenever a #zoning lot# existing in single ownership on December 15, 1961, or on the effective date of any applicable subsequent amendment to the #zoning maps# is divided by a boundary between two or more districts in which different #uses# are permitted, the Board of Standards and Appeals may permit a #use# which is a permitted #use# in the district in which more than 50 percent of the #lot area# of the #zoning lot# is located to #extend# not more than 25 feet into the remaining portion of the #zoning lot#, where such #use# is not a permitted #use#, provided that the following findings are made:

- (a) that, without any such extension, it would not be economically feasible to use or #develop# the remaining portion of the #zoning lot# for a permitted #use#; and
- (b) that such extension will not cause impairment of the essential character or the future use or development of the surrounding area.

Where such an extension of a #use# is permitted, the Board may permit the #bulk#, off-street parking and loading, and all other regulations of the district in which more than 50 percent of the #lot area# of the #zoning lot# is located, to apply for the distance, not exceeding 25 feet, that such #use# is permitted to #extend# into the remaining portion of the #zoning lot#.

Any portion of the #zoning lot# beyond such distance shall be subject to all the regulations of the district in which it is located, and shall not be counted as #lot area# for a #building or other structure#, or portion thereof, used for such #extended use#.

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

(2/2/11)

73-53

Enlargements or Extensions of Certain Manufacturing or Related Uses

- (a) In all districts, the Board of Standards and Appeals may modify #use# and #bulk# regulations to permit the #enlargement# or #extension# of #floor area# of a conforming or #non-conforming use# listed in Section 15-50 (REFERENCED COMMERCIAL AND MANUFACTURING USES), provided that:
 - (1) such #use# is not subject to termination pursuant to Section 52-70, et seq.;
 - (2) the #use# for which such special permit is being sought has been lawfully located on the #zoning lot# on which the expansion is to occur, or a portion thereof, for five years or more;
 - (3) the #building# in which such #use# is located has not previously been #enlarged#, pursuant to Sections 11-412, 43-121 or 72-21;

- (4) the #use# is not listed in Use Group 18; and
 - (5) in a #Residence District#, such #enlargement# or #extension# shall be permitted in existing #floor area# or on a vacant portion of a #zoning lot# only when no lawful #residential use# has occupied such #floor area# or vacant portion of a #zoning lot# at any time during the five years prior to the date of application for such special permit.
- (b) Any #enlargement# or #extension# permitted pursuant to this Section shall be subject to the following requirements:
- (1) the permitted #enlargement# or #extension# may be the greater of:
 - (i) 45 percent of the #floor area# occupied by such #use# on December 17, 1987; or
 - (ii) 2,500 square feet additional to the #floor area# occupied by such #use# on December 17, 1987.

In no event shall the amount of #enlargement# or #extension# under paragraph (b)(i) of this Section exceed 10,000 square feet additional to the #floor area# occupied by such #use# on December 17, 1987;

- (2) unless the #zoning lot# is located within an M2 or M3 District, more than 300 feet from a #Residence District# boundary, any #enlarged# or #extended# portion, or activity generated by such #enlargement# or #extension#, including storage and processing, shall be in #completely enclosed buildings#;
- (3) in the case of a #non-conforming use#, such #enlarged# or #extended use# shall conform to all performance standards applicable in a M1 District located at the boundary with a #Residence District#; however, conforming #uses# shall conform to the applicable performance standards of the district in which they are located;
- (4) no open #uses# of any kind, including storage or processing, shall be permitted within 30 feet of a #rear lot line# that is located within a #Residence District# or within 30 feet of the #rear lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;

- (5) no #enlargement# or #extension# that exceeds 16 feet above #curb level# shall be permitted within 30 feet of the #rear lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;
 - (6) no #enlargement# or #extension# that exceeds 16 feet above #curb level# shall be permitted within eight feet of the #side lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;
 - (7) no open #uses# of any kind, including storage or processing, shall be permitted within eight feet of the #side lot line# that coincides with a #rear lot line# of a #zoning lot# in a #Residence District#;
 - (8) no #enlargement# or #extension#, or open #uses# of any kind, including storage or processing, shall be permitted within eight feet of the #lot line# which coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District; and
 - (9) no #side yard# shall be required in an R6, R7, R8, R9 or R10 District or in a #Commercial or #Manufacturing District#; however, if such #side yard# is provided, it must be at least eight feet in width.
- (c) In granting such special permit, the Board shall find:
- (1) that such #enlargement# or #extension# will not generate significant increases in vehicular or pedestrian traffic nor cause congestion in the surrounding area;
 - (2) that there will be adequate parking for any vehicles generated by such #enlargement# or #extension#;
 - (3) that any required #side yard# shall be suitably landscaped or fenced as the Board shall prescribe;
 - (4) that any #accessory# parking or loading generated by such #enlargement# or #extension# shall be suitably buffered from adjacent #uses# by methods that the Board shall prescribe; and
 - (5) that the special permit, if granted, will not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future use or development of the surrounding area.

The Board may prescribe appropriate conditions and safeguards

including, if appropriate, limitations on hours of parking and delivery, requirements for off-street loading, and location of curb cuts to minimize adverse effects of the #enlargement#, #extension# or existing #uses# on the character of the surrounding area, and to protect #residential# or #commercial zoning lots#.

(7/22/71)

73-60

MODIFICATIONS OF BULK REGULATIONS

(8/26/92)

73-61

General Provisions

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-62 to 73-68 inclusive, the Board of Standards and Appeals shall have the power to permit modification of the #bulk# regulations of this Resolution, and shall have the power to impose appropriate conditions and safeguards thereon.

In the #Special Midtown District#, the powers of the Board to permit modification of the #bulk# regulations are made inapplicable in accordance with the provisions of Section 81-061 (Applicability of Chapter 3 of Article VII).

(2/2/11)

73-62

Modification of Bulk Regulations for Buildings Containing Residences

(2/2/11)

73-621

Enlargement, change of use, or extension within buildings containing residential uses

For a complying or #non-complying building# existing on December 15, 1961, or in R2X, R3, R4 or R5 Districts on June 30, 1989, and containing #residential uses#, the Board of Standards and Appeals may permit an #enlargement#, a change of #use# or (in the case of a #mixed building#) an #extension#, provided that such #enlargement#, change of #use# or #extension# shall not create any new #non-compliance# or increase the amount or degree of any existing #non-compliance# except as provided in this Section.

In the districts and for the #buildings# for which an #open space ratio# is required, the #open space ratio# permitted under this Section shall not be less than 90 percent of the #open space ratio# required under the applicable #bulk# regulations set forth in Article II or III of this Resolution. In the districts and for the #buildings# to which a maximum #lot coverage# applies, the maximum #lot coverage# permitted under this Section shall not exceed 110 percent of the maximum #lot coverage# permitted under the applicable #bulk# regulations set forth in Article II or III of this Resolution. In all districts, the #floor area ratio# permitted under this Section shall not exceed the #floor area ratio# permitted under such regulations by more than 10 percent. In R2X, R3 or R4 Districts, the additional #floor area# permitted pursuant to this Section may be computed using a base #floor area ratio# including the #floor area# permitted under a sloping roof with a structural headroom between five and eight feet when such space is provided in the #building#.

(2/2/11)

73-622

Enlargements of single- and two-family detached and semi-detached residences

The Board of Standards and Appeals may permit an #enlargement# of an existing #single-# or #two-family detached# or #semi-detached residence# within the following areas:

- (a) Community Districts 10, 11 and 15, in the Borough of Brooklyn; and
- (b) R2 Districts within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue, Community District 14, in the Borough of Brooklyn.

Such #enlargement# may create a new #non-compliance#, or increase the amount or degree of any existing #non-compliance#, with the applicable #bulk# regulations for #lot coverage#, #open space#, #floor area#, #side yard#, #rear yard# or perimeter wall

height regulations, provided that:

- (1) any #enlargement# within a #side yard# shall be limited to an #enlargement# within an existing #non-complying side yard# and such #enlargement# shall not result in a decrease in the existing minimum width of open area between the #building# that is being #enlarged# and the #side lot line#;
- (2) any #enlargement# that is located in a #rear yard# is not located within 20 feet of the #rear lot line#; and
- (3) any #enlargement# resulting in a #non-complying# perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the #enlarged building# is adjacent to a #single-# or #two-family detached# or #semi-detached residence# with an existing #non-complying# perimeter wall facing the #street#. The increased height of the perimeter wall of the #enlarged building# shall be equal to or less than the height of the adjacent #building's non-complying# perimeter wall facing the #street#, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23-631, paragraph (b), shall continue to apply.

The Board shall find that the #enlarged building# will not alter the essential character of the neighborhood or district in which the #building# is located, nor impair the future use or development of the surrounding area. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

(2/2/11)

73-63

Enlargement of Non-Residential Buildings

For a complying or #non-complying non-residential building# existing on December 15, 1961, the Board of Standards and Appeals may permit an #enlargement#, provided that such #enlargement# shall not create any new #non-compliance# or increase the amount or degree of any existing #non-compliance# except as provided in this Section.

In all districts, the #floor area ratio# permitted under this Section shall not exceed the #floor area ratio# permitted under the applicable #bulk# regulations set forth in Article II, III or IV of this Resolution by more than 10 percent, or 10,000 square feet, whichever is less.

(9/9/04)

73-64

Modifications for Community Facility Uses

On a #zoning lot# occupied by any of the #community facility uses# specified in this Section, and in all districts where such #uses# are permitted as-of-right or by special permit, the Board of Standards and Appeals may permit #developments# or #enlargements# for such #uses#, which do not comply with certain applicable district #bulk# regulations, in accordance with the provisions of this Section.

Such specified #community facility uses# are:

College or school student dormitories or fraternity and sorority student houses

Colleges or universities, including professional schools, but excluding business colleges or trade schools

Community centers

Houses of worship, rectories, parish houses or seminaries

Libraries, museums or non-commercial art galleries

Monasteries, convents or novitiates

#Non-profit hospital staff dwellings#

Non-profit or voluntary hospitals and related facilities

Philanthropic or non-profit institutions with or without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

#Schools#.

(2/2/11)

73-641

Integration of new buildings or enlargements with existing buildings

For any such new #building# or #enlargement#, subject to the required findings set forth in this Section, the Board of Standards and Appeals may permit modifications of the applicable regulations in Sections 24-38, 33-28 or 43-28 (Special Provisions for Through Lots), or in Sections 24-51 to 24-55, inclusive, Sections 33-41 to 33-45, inclusive, or Sections 43-41 to 43-45, inclusive, relating to Height and Setback Regulations, or in Sections 24-61 to 24-65, inclusive, Section 33-51, or Section 43-51, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, provided that on December 15, 1961, the applicant owned the #zoning lot# or any portion thereof, and continuously occupied and used one or more #buildings# located thereon for a specified #community facility use#, from December 15, 1961, until the time of application.

As a condition of granting such modification, the Board shall find:

- (a) that such modification is required in order to enable such #use# to provide an essential service to the community;
- (b) that without such modification there is no way to design and construct the new #buildings# or #enlargements# in satisfactory physical relationships to the existing #buildings# which are to remain upon the site, so as to produce an integrated development; and
- (c) that such modification is the minimum modification necessary to permit the development of such integrated community facility, and thereby creates the least detriment to the character of the neighborhood and the use of nearby #zoning lots#.

(2/2/11)

73-642

Temporary failure to comply

In any district where such a specified #community facility use# is permitted, and on any #zoning lot# where one or more #buildings# occupied by such #use# exist on the date of application for the special permit, the Board of Standards and Appeals may permit #development# or #enlargements# which, only because of the continued existence of such #buildings# on a temporary basis, fail to comply with one or more of the applicable district #bulk# regulations, provided that the Board finds that continued use of the existing #buildings# is essential

as a service to the community until the new construction makes it possible to replace the facilities contained therein.

The Board shall prescribe as a condition of such permit that such existing #buildings# will be removed within a stated period of time not to exceed two years after completion of the #development# or #enlargement#.

(2/2/11)

73-643

Community centers

In any such #development# or #enlargement# consisting of a community center serving primarily the residents of the #zoning lot#, the Board of Standards and Appeals may permit the density regulations set forth in Sections 24-20 (APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES) or 35-40 (APPLICABILITY OF DENSITY REGULATIONS) to be modified, provided that the total number of #dwelling units# permitted by these Sections and all other applicable #bulk# regulations set forth in Articles II and III of this Resolution shall not be increased by more than 10 percent.

(3/8/62)

73-65

Enlargement of Public Utility Facilities

The Board of Standards and Appeals may permit an #enlargement# which does not comply with the applicable district #bulk# regulations for any #building or other structure# existing on December 15, 1961, within which any one of the following public utilities is located:

Electric or gas utility substations

Telephone exchanges or other communications equipment structures

Water or sewage pumping stations;

provided that the following findings are made:

- (a) that the growth of the utility service demand in the area served by the #building or other structure# requires such

#enlargement# to house the additional facilities needed to fulfill the demand;

- (b) that the network of lines, pipes or other distribution facilities located below the surface of the #streets# is so integrated with the operations carried on within such #building# that the provision of such additional facilities at another location would cause substantial duplication of plant and facilities and inconvenience to the public; and
- (c) that #non-compliance#, if any, with the applicable #yard# or height and setback regulations is the minimum made necessary by essential engineering requirements.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and shall require that the certificate of occupancy shall be limited to such #use#.

(7/23/64)

73-66

Height Regulations around Airports

The Board of Standards and Appeals may permit the construction, #enlargement#, or reconstruction of a #building or other structure# in excess of the height limits established under Sections 61-21 (Restriction on Highest Projection of Building or Structure) or 61-22 (Permitted Projection within any Flight Obstruction Area), provided that the applicant submits a site plan, with elevations, showing the proposed #building or other structure# in relation to such maximum height limits, and that the Board finds that such proposed #building or other structure#, #enlargement#, or reconstruction would not constitute a hazard (either under the existing layout of the airport or under any planned reorientation or lengthening of the airport runways) to the safety of the occupants of such proposed #building#, to other #buildings# in the vicinity or to the safety of air passengers, and would not disrupt established airways.

The Board shall refer the application to the Federal Aeronautics Administration for a report as to whether such construction will constitute a danger to the safety of air passengers or disrupt established airways.

(10/29/07)

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:

- (a) that the additional floor space permitted is needed in order to prevent excessive on-street parking demand and relieve traffic congestion; and
- (b) that the hazards or disadvantages to the community at large resulting from the additional floor space permitted are outweighed by the advantages to be derived by the community therefrom under the conditions and safeguards imposed.

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

(2/2/11)

73-68

Height and Setback and Yard Modifications

In C5-5, C6-8 and C6-9 Districts, the Board of Standards and Appeals may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, relating to Rear Yard Regulations, or in Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations.

The Board may grant such modifications upon consideration that the applicable height and setback or #rear yard# regulations cannot be complied with by some method feasible for the applicant to pursue because of size or irregular shape of the lot, size or irregular shape of the #block#, and width of #streets#. The Board shall also consider the characteristics of surrounding development.

The Board shall require, where appropriate, sufficient safeguards to ensure the free flow of pedestrian and vehicular traffic in

the general area. The Board may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

(4/30/08)

73-69

Rear Yard Modifications

The Board of Standards and Appeals may permit modifications to the #rear yards# required pursuant to Sections 23-543, 24-393, 33-303 or 43-313 (For zoning lots with multiple rear lot lines) for #zoning lots# existing on April 30, 2008, provided the following findings are made:

- (a) that due to the irregular shape of the #zoning lot#, compliance with the #rear yard# regulations would create site planning constraints and adversely affect the layout and development of the site; and
- (b) that the requested reduction in #rear yard# depth is the least amount necessary to grant relief.

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

(7/18/95)

73-70

LAPSE OF PERMIT

A special permit for a specified #use# or for a modification of the #use# or #bulk# regulations granted under the provisions of this Resolution shall automatically lapse if substantial construction, in accordance with the plans for which such permit was granted, has not been completed within four years from the date of granting such permit by the Board of Standards and Appeals or, if judicial proceedings have been instituted to review the Board's decision, the four-year lapse period shall commence upon the date of entry of the final order in such proceedings, including appeals.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VII: Administration

Chapter 4 - Special Permits by the City Planning Commission

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(12/15/61)

Chapter 4

Special Permits by the City Planning Commission

(12/15/61)

74-00

POWERS OF THE CITY PLANNING COMMISSION

(4/22/09)

74-01

General Provisions

In harmony with the general purpose and intent of this Resolution and in accordance with the provisions set forth in this Chapter, the City Planning Commission may, after public notice and hearing, grant special permits in specific districts for the #uses# listed in this Chapter, whose location or control requires special consideration or major planning factors, or for specified modifications of the #use# or #bulk# regulations of this Resolution, provided that in each specific case the requirement for findings as set forth in this Chapter shall constitute a condition precedent to the grant of such special permit.

In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such special permit #use# or #building or other structure# permitted hereunder shall conform to and comply with all of the applicable regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory signs#, #accessory# off-street parking and off-street loading, and all other applicable provisions of this Resolution except as otherwise specifically provided in this Chapter.

In addition, the Commission, with the concurrence of the Board of Estimate, shall also have the power to permit the renewal of an exception or permit issued prior to December 15, 1961, in accordance with the provisions of Section 11-41 relating to Exceptions, Variances or Permits Previously Authorized.

In the #Special Midtown District#, the powers of the Commission to permit special permit #uses# are modified by the provisions of Section 81-13 (Special Permit Use Modifications), and the powers of the Commission to permit modification of the #bulk# regulations or

grant bonus #floor area# for certain amenities are made inapplicable or modified in accordance with the provisions of Section 81-062 (Applicability of Chapter 4 of Article VII).

In the #waterfront area#, the powers of the Commission to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-132 (Applicability of Article VII, Chapters 4, 8 and 9).

Except as permitted pursuant to this Chapter, in R3, R4 or R5 Districts, the following #uses# shall be subject to the height and setback requirements of an R2 District:

Fire stations

Police stations

Public transit, railroad or electric utility substations limited to sites of not less than 40,000 square feet and not more than 10 acres

Sewage disposal plants.

(8/24/67)

74-02

Further Requirements

It shall be a further requirement that the decision or determination of the City Planning Commission shall set forth each required finding in each specific grant of a special permit #use#, or modification of the #use# or #bulk# regulations, and in each denial thereof which of the required findings has not been satisfied. In any such case, each finding shall be supported by substantial evidence or other data considered by the Commission in reaching its final decision, including the personal knowledge of or inspection by the members of the Commission.

In no case shall a special permit for a proposed sewage treatment plant or pumping station under Section 74-73 of this Chapter be denied without a prior public hearing by the Commission. Such public hearing must be held by the Commission and decision given within six months of the date of filing of the request for such special permit with the Commission.

(7/26/62)

74-20

REQUIREMENTS FOR APPLICATIONS

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

(8/16/79)

74-21

Conditions and Safeguards

The City Planning Commission may prescribe such conditions and safeguards to the grant of special permits as it may deem necessary in the specific case, in order to minimize the adverse effects of such special permit upon other property and the community at large. Such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Resolution, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

(12/15/61)

74-30

SPECIAL PERMIT USES

(11/13/69)

74-31

General Provisions

The City Planning Commission shall have the power to permit in the districts indicated, the special permit #uses# set forth in this Chapter and to prescribe appropriate conditions and safeguards thereon, provided that in each specific case:

- (a) The Commission shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use#, and shall find that the hazards or disadvantages to the community at large through the location of such #use# at the particular site are outweighed by the advantages to be derived by the community from the grant of such special permit #use#.

The Commission shall in each case determine that the adverse effects, if any, on the privacy, quiet, light and air in the neighborhood of such #use# will be minimized by appropriate conditions governing location of the site, design and method of operation.

- (b) In all cases, the Commission shall deny a special permit #use# whenever such #use# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate or City Planning Commission, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit #use#.
- (c) Where, under the applicable findings, the Commission is required to determine whether the special permit #use# is appropriately located in relation to the #street# system, the Commission shall make such determination on the basis of the Master Plan of Arterial Highways and Major Streets. Whenever the Commission is required to make a finding on the location of a proposed special permit #use# in relation to secondary or local #streets# and such classification of #streets# is not shown on the Master Plan, the Commission shall thereupon establish the appropriate classification of such #streets#.
- (d) All applications relating to Sections 74-41 to 74-70, inclusive, and Section 74-80 shall be referred by the Commission to the Department of Traffic for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location, and when so required in the specific Section, the Commission shall refer the application to a designated agency for a report on the issue in question. If such agency shall report thereon within one month from the date of referral, the Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such agency with respect to the issue referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.

- (e) The Commission may authorize any special permit #use# for such term of years as it deems appropriate.
- (f) The Commission may permit the #enlargement# or #extension# of any existing #use# which, if new, would be permitted by special permit in the specified districts under the provisions of Section 74-01 (General Provisions) and other applicable provisions of this Chapter, provided that before granting any such permit for #enlargement# or #extension# within the permitted districts, the Commission shall make all of the required findings applicable to the special permit #use#, except that:
 - (1) in the case of #public parking garages# or #public parking lots#, the Commission may waive all such applicable required findings set forth in Section 74-51 or 74-52, except that the capacity of any such garage or lot in a C1 District shall not exceed 100 spaces; and
 - (2) in case of electric utility substations or public transit or railroad electric substations, the Commission may waive all such required findings set forth in Section 74-61, except that the requirements with respect to site size shall not be waived.

No such #enlargement# or #extension# shall create a new #non-compliance# or increase the degree of #non-compliance# with the applicable #bulk# regulations.

(12/21/05)

74-40

USE PERMITS

(12/10/13)

74-41

Arenas, Auditoriums, Stadiums or Trade Expositions

C4 C6 C7 C8 M1 M2 M3

- (a) The City Planning Commission may permit arenas, auditoriums or stadiums with a capacity in excess of 2,500 seats, or trade expositions with a rated capacity in excess of 2,500 persons, provided that the following findings are made:

- (1) that the principal vehicular access for such #use# is not located on a local #street# but is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
 - (2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
 - (3) that such #use# is not located within 200 feet of a #Residence District#;
 - (4) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent traffic congestion;
 - (5) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and
 - (6) that due consideration has been given to the proximity of bus and rapid transit facilities to serve such #use#.
- (b) In Community District 7 in the Borough of the Bronx, the City Planning Commission may permit an indoor arena with a maximum seating capacity of 6,000 within 200 feet of a #Residence District# and, in conjunction with such arena, permit modifications of the provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-655 (Height of signs in all other Commercial Districts), and 36-62 (Required Accessory Off-street Loading Berths), provided that:
- (1) the provisions of paragraphs (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6) of this Section are met;
 - (2) open space surrounding such arena will be located and arranged to provide adequate pedestrian gathering areas to minimize disruption to the surrounding areas;
 - (3) the arena includes noise attenuation features and measures which serve to reduce arena-related noise in the surrounding area, including at nearby #residences#;
 - (4) where Sections 32-64 (Surface Area and Illumination Provisions) and 32-655 (Height of Signs in all other Commercial Districts) are modified, a #signage# plan has been submitted showing the location, size, height and illumination of all #signs# on the #zoning lot#, and the

Commission finds that all such #signs#, and any illumination from or directed upon such #signs#, are located and arranged so as to minimize any negative effects from the arena #use# on nearby #residences#; and

- (5) where Section 36-62 (Required Accessory Off-street Loading Berths) is modified, a loading plan has been submitted that addresses the operational needs of all servicers of the arena and shows the number, location and arrangement of all loading berths on the #zoning lot#, and the Commission finds that such loading plan is adequate to address the loading demand generated by the arena #use# and has received assurances that the arena operator will implement such plan in accordance with its terms.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, requirements for soundproofing of arenas or auditoriums, shielding of floodlights, screening of open #uses# or surfacing all access roads or driveways. The Commission may also prescribe requirements for pedestrian-accessible open areas surrounding the arena, auditorium or stadium, including #accessory# directional or building identification #signs# located therein. In addition, within Pennsylvania Station Subarea B4 of the #Special Hudson Yards District#, design changes to existing #plazas# located within such pedestrian-accessible open areas may be made without a certification by the Chairperson of the Commission pursuant to Section 37-625, and the design standards of Sections 37-70, inclusive, shall not apply to such #plazas#.

(2/2/11)

74-42

Drive-in Theaters

In C7 or C8 Districts or any #Manufacturing District#, the City Planning Commission may permit drive-in theaters, limited to a maximum capacity of 500 automobiles, provided that the following findings are made:

- (a) that the principal vehicular access for such #use# is not located on a local #street# or an arterial highway but is located on a major or secondary #street# within one-quarter mile of an arterial highway;
- (b) that such #use# is so located as to draw a minimum of

vehicular traffic to and through local #streets# in nearby residential areas;

- (c) that such #use# is not located within 200 feet of a #Residence District#;
- (d) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion; and
- (e) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

(2/2/11)

74-43

Racetracks

In C8 Districts or any #Manufacturing District#, the City Planning Commission may permit racetracks, provided that the following findings are made:

- (a) that the principal vehicular access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street#, or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;
- (d) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and
- (e) that, in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

In addition, the City Planning Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the requirements established in this Resolution with respect to other major traffic generating #uses#.

(2/2/11)

74-44

Children's Amusement Parks

In C8 or M1 Districts, the City Planning Commission may permit children's amusement parks with an area of at least 75,000 square feet, but not more than 10 acres, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area;
- (b) that the principal vehicular access for such #use# is not located on a local #street# or on an arterial highway, but is located on a major or secondary #street# within one-quarter mile of an arterial highway or a major #street#;
- (c) that such #use# will not produce traffic congestion or other adverse effects which interfere with the appropriate use of land in the district or in any adjacent district, and that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (d) that such #use# is not located within 400 feet of a #Residence District#; and
- (e) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The City Planning Commission may prescribe appropriate conditions

and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

(2/2/11)

74-45

Swimming Pool Clubs or Certain Non-Commercial Clubs

In all #Residence Districts#, the City Planning Commission may permit a non-commercial outdoor swimming pool club, or any non-commercial club with an outdoor swimming pool located less than 500 feet from any #lot line#, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the essential character or future use or development of the nearby residential neighborhood;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;
- (c) that such #use# has adequate reservoir space at the vehicular entrance to prevent the congestion of automobiles on the #streets#;
- (d) that in R1, R2, R3 or R4 Districts, the pool or any #accessory# facilities affixed to the land are not located closer than 100 feet or, in the case of an #accessory# outdoor tennis court, such tennis court shall not be closer than 20 feet, to any #side# or #rear lot line# coincident with a #side# or #rear lot line# of an adjoining #zoning lot# in a #Residence District#, and not located closer than 50 feet to any #street line#, and that any planned temporary enclosure such as an air-supported structure be indicated on the plans submitted with this application, and in no event shall such a structure be located closer than 50 feet from any #street# or #lot line#, if such a structure is planned subsequent to the approval of the special permit, then an amended application subject to the same approvals of this Section shall be submitted; and
- (e) that for every 200 square feet of #lot area# used for the pool and its #accessory# facilities, one #accessory# off-street parking space is provided.

The City Planning Commission may prescribe appropriate conditions

and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or the hours of operation, or requirements for shielding of floodlights, screening or surfacing of all access roads or driveways.

(1/8/97)

74-46

Indoor Interactive Entertainment Facilities

In C4, C6, C7, C8 Districts and M1 Districts, except in M1-1, M1-5A, M1-5B Districts and M1 Districts with a suffix "D," the City Planning Commission may permit, for a term not to exceed five years, indoor interactive entertainment facilities with eating and drinking, consisting of mechanical, electronic or computer-supported games subject to the following conditions:

- (a) there shall be a minimum of 1,000 square feet of #floor area# per game. This requirement shall not apply within the Theater Subdistrict of the #Special Midtown District#;
- (b) the entrance to such #use# shall be a minimum of 200 feet from the nearest #Residence District# boundary;
- (c) in C4 and C6 Districts, a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms;
- (d) parking shall be provided in accordance with the parking regulations for Use Group 12A (Parking Category D); and
- (e) the application is made jointly by the owner of the #building# and the operators of such indoor interactive entertainment facility.

In addition to the above conditions, the Commission shall find that:

- (1) such #use# will not impair the character or the future use or development of the surrounding area;
- (2) there is a reasonable plan to prevent the gathering of crowds and the formation of lines on the #street#;
- (3) such #use# will not cause undue vehicular or pedestrian

congestion in local #streets#; and

- (4) such #use# will not cause the sound level in any affected conforming #residential use# or #joint living-work quarters for artists# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code.

The City Planning Commission shall prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including, but not limited to: location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of mechanical amplification, shielding of flood lights, adequate screening, curb cuts or parking.

(7/26/01)

74-47

Amusement Arcades

In C6 Districts only, the City Planning Commission may permit amusement arcades to be located within department stores of a minimum 150,000 square feet of #floor area#, railroad terminal #buildings# other than Grand Central Station, bus terminal #buildings# or office #buildings# of a minimum 500,000 square feet of #floor area#. Such amusement arcades shall not occupy more than one location in one #building# and shall not occupy more than 4,000 square feet of area and the arcade shall be located at least 500 feet from any #Residence District# or any C1 or C2 District, or for #zoning lots# located wholly or partially within the Fulton Mall Subdistrict of the #Special Downtown Brooklyn District#, such amusement arcade may be separated from any #Residence District# or any C1 or C2 District by a #street# that has a width greater than 110 feet and such amusement arcade shall be located below #street# level. An application for an amusement arcade pursuant to this Section shall contain plans of the location and arrangement of the proposed #use# and duplicate copies of the application filed with the Department of Consumer Affairs for an arcade license. Such amusement arcades may be permitted for renewable terms, subject to annual certification as to compliance with the conditions of this permit, provided the Commission finds that:

- (a) the application for such special permit is a joint application made by the owner of the #building# and the operator of the proposed amusement arcade;
- (b) such amusement arcade will not have a deleterious effect on the other #uses# located within the #building# and the

surrounding area; and

- (c) the #use# is so located within the #building# that no entrance nor any #sign# of the amusement arcade fronts upon or faces a #street#.

No special permit shall be issued pursuant to this Section unless the Commission has received a report from the Department of Consumer Affairs concerning the applicant, including any prior experience with the said Department and recommendations as to the operation of the arcade so as to protect the consumer.

This permit shall become effective upon the issuance of an appropriate license from the Department of Consumer Affairs, whose requirements concerning the location, number and arrangement of machines, hours of operation and requirements for supervision or security shall be incorporated within the special permit and govern those aspects of the special permit.

The Commission may renew the special permit for subsequent terms provided the Commission finds that the facts upon which the permit was granted have not substantially changed. With respect to any special permit or subsequent renewals under this Section, the provisions of Section 74-31 (General Provisions), paragraph (d), shall not apply.

The Commission shall retain the right to revoke the special permit, at any time, if it determines that the nature or manner of operation of the permitted #use# has been altered from that authorized. The Commission and the Department of Consumer Affairs shall notify each other of any permit or license revocation hereunder.

Revocation of a special permit or a Department of Consumer Affairs license shall cause a revocation of the related license or special permit respectively. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

(5/5/04)

74-48

Scientific Research and Development Facility

In C6 Districts, the City Planning Commission may permit a scientific research and development facility containing laboratories for medical, biotechnological, chemical or genetic research, including space for production, storage and distribution

of scientific products generated through research and may modify height and setback regulations for the facility. Such facility shall conform to the performance standards applicable to M1 Districts and occupy a #zoning lot# that either contains a minimum #lot area# of 40,000 square feet or comprises an entire #block#. No #residential use# is to be located anywhere on a #zoning lot# containing such a facility.

As a condition for granting a special permit, the Commission shall find that the scientific research and development facility:

- (a) will not unduly affect the essential character or impair the future use and development of the surrounding area;
- (b) will be located so as to draw a minimum of vehicular traffic to and through local #streets#;
- (c) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage; and
- (d) that the modification of such height and setback regulations will not unduly obstruct the access of light and air to adjoining properties or public #streets#.

To minimize traffic congestion in the area, the Commission shall require the provision of off-street loading berths conforming to the requirements set forth in Section 36-62 (Required Accessory Off-Street Loading Berths) for #commercial uses#.

The Commission may also require the provision of #accessory# off-street parking facilities to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#. The size and location of such parking and loading facilities shall comply with the applicable provisions of Section 36-00.

All applications for the grant of a special permit pursuant to this Section shall be referred to the Commissioner of Health of the City of New York or its successor for a report and recommendations on matters relating to health, safety and general welfare of the public with regard to the proposed facility. If the report is received within 45 days from the date of referral, the Commission shall, in its determination, give due consideration to the report and its recommendations. If such agency does not report within 45 days, the Commission may make a final determination without reference thereto.

In order to promote and protect the public health, safety and general welfare, the City Planning Commission may impose additional conditions and safeguards and more restrictive performance

standards where necessary.

(2/2/11)

74-49

Residential Use in C4-1 Districts in Staten Island

In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a #block# and in other C4-1 Districts for #zoning lots# that, had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date, the City Planning Commission may permit #residences#, provided such #residences# comply with the #bulk# regulations for R5 Districts as set forth in Article II, Chapter 3, or Article III, Chapter 5, as applicable.

In order to grant such permit, the Commission shall find that such #residences# are part of a superior site plan, such #residences# are compatible with the character of the surrounding area, and that the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate safeguards and conditions to minimize the adverse effect of any #residences# permitted under this Section on the character of the surrounding area.

(12/15/61)

74-50

OFF-STREET PARKING ESTABLISHMENTS

(1/11/62)

74-51

Public Parking Garages or Public Parking Lots outside High Density Central Areas

(2/2/11)

74-511

In C1 Districts

In C1-1, C1-2, C1-3 or C1-4 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (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:

- (a) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (b) that such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 automobiles or 20 percent of the spaces so provided, whichever amount is less;
- (c) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (d) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for the shielding of floodlights or for setback of any roof parking area from #lot lines#.

(5/8/13)

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 (Width of Curb Cuts and Location of Access to the Street) 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:

- (a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;
- (d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
- (e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

(2/2/11)

74-513

In C7 Districts

In C7 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# of any capacity, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (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:

- (a) that the principal vehicular access for such #use# is located on an arterial highway, or major #street#, or a secondary #street# within one-quarter mile or an arterial highway or major #street#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;
- (d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
- (e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

(5/8/13)

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 (Width of Curb Cuts and Location of Access to the Street) 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:

- (a) that such #use# will not be incompatible with, or adversely affect the growth and development of, #uses# comprising vital and essential functions in the general area within which such #use# is to be located;
- (b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (d) that such #use# has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;
- (e) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

- (f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (g) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

(5/8/13)

74-53

Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments

The City Planning Commission may permit #group parking facilities accessory# to #uses# in #large-scale residential developments# or #large-scale community facility developments# or #large-scale general developments# with more than the prescribed maximum number of parking spaces set forth in Sections 25-12, 36-12 and 44-12 (Maximum Size of Accessory Group Parking Facilities) or may permit modifications of the applicable provisions of Sections 25-11, 36-11 and 44-11 (General Provisions) so as to permit off-street parking spaces #accessory# to such #uses# to be located on the roof of a #building#.

As a condition of permitting such exceptions or modifications, the Commission shall make the following findings:

- (a) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (b) that such #use# has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent

of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

- (c) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby; and
- (d) that where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, or to the #Long Island City area#, as defined in Section 16-02 (Definitions), where the regulations set forth in Article I, Chapter 6, shall apply.

(10/9/69)

74-54

Rear Yard Modifications

In C4, C6, C7, C8, M1, M2 or M3 Districts, for #public parking garages# with more than 150 spaces, the City Planning Commission may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, and Sections 43-26 to 43-31, inclusive, relative to #rear yard# regulations, provided the following findings are made:

- (a) that the #public parking garage# will alleviate excessive on-street parking demand and thereby relieve traffic congestion in the area; and
- (b) that because of site limitations such modification is necessary for the proper design and operation of the #public parking garage#.

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

(2/2/11)

74-55

Off-street Parking Requirement for Youth-oriented or Senior Citizen-oriented Community Centers and Non-profit Neighborhood Settlement Houses

In C1-2 and C2-2 Districts, for youth-oriented or senior citizen-oriented community centers and non-profit neighborhood settlement houses, the City Planning Commission may permit modifications of the parking requirement of Section 36-21, provided the following findings are made:

- (a) that, because of site limitations, such a reduction is necessary for the proper design and operation of such community centers and non-profit neighborhood settlement houses; and
- (b) that available off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by such #community facility#.

(2/2/11)

74-56

Open Automobile Rental Establishments

In C2 Districts within a one-half mile radius of the main entrance of La Guardia Airport, located at the intersection of Grand Central Parkway and the 94th Street Bridge, the City Planning Commission may permit open automobile rental establishments on #zoning lots# having a frontage of at least 200 feet on Ditmars Boulevard, provided that the following findings are made:

- (a) that such open #use# will not be incompatible with, or adversely affect the growth and development of, appropriate #uses# in the general area within which such open #use# is to be located;
- (b) that such open #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that such open #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

- (d) that such open #use# has adequate reservoir space at the vehicular entrances to accommodate either ten automobiles or five percent of the total parking spaces provided by the open #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than fifty automobiles;
- (e) that the #streets# providing access to such open #use# will be adequate to handle the traffic generated thereby;
- (f) that acoustic barriers be installed around the parking areas to minimize noise impacts on surrounding properties;
- (g) that visual barriers be installed and properly maintained to screen the parking area from surrounding properties; and
- (h) that #accessory# automotive repairs, maintenance and car washing are within an enclosed #building#.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, requirements for shielding of floodlights and for locations of entrances and exits.

(12/15/61)

74-60

PUBLIC SERVICE OR TRANSPORTATION FACILITIES

(9/10/07)

74-61

Public Transit, Railroad or Electric Utility Substations

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit electric utility substations (including transformers, switches, or auxiliary apparatus) or public transit or railroad electric substations, limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:

- (a) that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;
- (b) that the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future

development;

- (c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and
- (d) that such #use# will conform to the performance standards applicable to M1 Districts.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for landscaping or screening.

(2/2/11)

74-62

Railroad Passenger Stations

- (a) Except as provided in paragraph (b) of this Section, the City Planning Commission may permit the construction of railroad passenger stations in all districts, provided that the following findings are made:
 - (1) that the principal access for such #use# is not located on a local #street#;
 - (2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas; and
 - (3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes

established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

- (b) In Community Districts 4 and 5 in the Borough of Manhattan, the City Planning Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

- (1) that the principal access for such railroad passenger station is not located on a local #street#;
- (2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;
- (4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;
- (5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and
- (6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:
 - (i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and
 - (ii) the design of the facility will blend harmoniously with the surrounding area or that a process has been

created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the City Planning Commission. The proposed site plan shall be referred to the affected Community Board, City Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to 60 days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency

by the Chairperson for comment.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) of this Section.

(12/15/61)

74-63

Bus Stations

(2/2/11)

74-631

New bus stations with 10 or more berths

In C4, C6 or #Manufacturing Districts#, the City Planning Commission may permit the construction of a bus station with 10 or more berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

- (a) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare, and is consistent with the master plan of the city;
- (b) that the principal access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
- (c) that such #use# is not located within 200 feet of a #Residence District#, or is otherwise separated from nearby residential areas by topographical or physical conditions of the land;
- (d) that vehicular entrances and exits for such facility are provided separately and are located not less than 100 feet apart; and
- (e) that access to such #use# is located on a #street# not less than 60 feet in width.

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

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The City Planning Commission shall require, in any event, no less than 20 spaces for the temporary parking of automobiles.

(12/15/61)

74-632

New bus stations with fewer than 10 berths

In C1, C2, C4, C6, C7 or C8 Districts, or in any #Manufacturing District#, the City Planning Commission may permit bus stations with fewer than 10 berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

- (a) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare, and is consistent with the master plan of the City;
- (b) that the principal access of such #use# is not located on a local #street#;
- (c) that vehicular entrances and exits for such facility are provided separately and are located not less than 50 feet apart; and
- (d) that access to such #use# is located on a #street# not less than 60 feet in width.

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

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required

spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 10 spaces for the temporary parking of automobiles.

(12/15/61)

74-633

Existing bus stations

All bus stations lawfully existing on December 15, 1961 are permitted to continue for the duration of the term for which such #use# has been authorized but the #enlargement#, #extension#, reconstruction or relocation of any bus station heretofore or hereafter constructed shall not be permitted except in accordance with the provisions set forth in Sections 74-631 or 74-632.

(2/2/11)

74-634

Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan

The City Planning Commission may grant, by special permit, a #floor area# bonus not to exceed 20 percent of the basic maximum #floor area ratio# permitted by the underlying district regulations, and may waive or modify the provisions of Article III, Chapter 7 (Special Regulations), and the #street wall# continuity provisions of Sections 81-43 (Street Wall Continuity Along Designated Streets), 91-31 (Street Wall Regulations) or 101-41 (Special Street Wall Location Regulations) for #developments# or #enlargements# located on #zoning lots# where major improvements to adjacent subway stations are provided in accordance with the provisions of this Section. For the purposes of this Section, "adjacent" shall mean that upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway. Subway stations where such improvements may be constructed are those stations located within the #Special Midtown District# as listed in Section 81-292 (Subway station improvements), the #Special Lower Manhattan District# as listed in Section 91-43 (Special Permit for Subway Station Improvements), the #Special Downtown Brooklyn District# as listed in Section 101-211 (Special permit for subway station improvements), the #Special Union Square District# as listed in Section 118-60 and those stations listed in the following table:

Station	Line
8th Street	Broadway-60th Street
23rd Street	Broadway-60th Street
23rd Street	Lexington Avenue
28th Street	Lexington Avenue
33rd Street	Lexington Avenue
34th Street-Penn Station	8th Avenue
59th Street/Lexington Avenue (60th St)	Lexington Avenue and Broadway-60th Street

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

(a) Pre-application requirements

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

(b) Requirements for application

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

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

(c) Conditions

- (1) Within the #Special Midtown District#, for a #development# or #enlargement# within the Theater Subdistrict on a #zoning lot# containing a theater designated as listed pursuant to Section 81-742 (Listed theaters), the Commission shall find that the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) have been met.
- (2) Within the #Special Midtown District#, for a #development# or #enlargement# located on a #zoning lot# divided by a Theater Subdistrict Core boundary, as defined in Section 81-71 (General Provisions), the amount of #lot area# eligible for bonus #floor area# shall not exceed an amount equal to twice the #lot area# of that portion of the #zoning lot# located outside the Theater Subdistrict Core.

(d) Findings

- (1) In determining the amount of #floor area# bonus, the City Planning Commission shall consider the degree to which:
 - (i) the general accessibility and security of the subway station will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators; and
 - (ii) significant improvements to the station's environment by provision for direct daylight access, or improvements to noise control, air quality, lighting or rider orientation and satisfactory integration of the #street# level entryway into the #development# or #enlargement# will occur.
- (2) In determining modifications to the requirements of Article III, Chapter 7 (Special Regulations), the Commission shall find that the provisions of a subway improvement cannot be accommodated without modification to these requirements.
- (3) In determining modifications to the #street wall# continuity provisions of Section 81-43 in the #Special Midtown District#, Section 91-31 (Street Wall Regulations) in the #Special Lower Manhattan District# or Section 101-41 in the #Special Downtown Brooklyn District#, the Commission shall find that the modification will permit the proposed design to provide

for access of daylight and air to the subway platform, mezzanine or concourse and that the advantages of such access outweigh the disadvantages incurred by the interruption of #street wall# and retail continuity.

(e) Procedural requirements

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

- (1) a letter from New York City Transit stating that the drawings and other documents submitted by the applicant have been determined by New York City Transit to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the subway improvement in accordance with such submission is feasible; and
- (2) a legally enforceable instrument running with the land and signed by the applicant and all parties in interest, other than parties in interest who have waived and subordinated their interests, containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and provide capital maintenance for the improvement, establish a construction schedule and provide a performance bond for completion of the improvement.

(f) Recordation & completion procedures

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

The applicant shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue

such permanent certificate of occupancy, until the bonused subway improvement has been completed in accordance with the approved plans and such completion has been certified by New York City Transit.

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

(12/15/61)

74-64

Trucking Terminals or Motor Freight Stations

In C8 Districts, the City Planning Commission may permit trucking terminals or motor freight stations with sites in excess of 20,000 square feet, provided that the following findings are made:

- (a) that the principal access for such #use# is not on a local #street# but is located within one-quarter mile of a secondary or major #street#;
- (b) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart;
- (c) that such #use# is not located within 200 feet of a #Residence District# boundary; and
- (d) that access to such #use# is located on a #street# not less than 60 feet in width.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, screening, and surfacing all access roads or driveways.

(12/15/61)

74-65

Airports

In all #Manufacturing Districts#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of airports and their facilities, in any case where the applicant has submitted a site plan showing the location and dimensions of all

runways, in addition to all other information required in Section 74-20 (REQUIREMENTS FOR APPLICATION), provided that the following findings are made:

- (a) that the airport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and
- (b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aeronautics Administration, for the report of such agency as to whether such airport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region; and whether a new, reoriented, or lengthened runway will interfere with the flight pattern of any nearby airport.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and in the event that the application is granted, the Commission may adopt a resolution to amend the #zoning maps# so that for a depth of at least one-quarter mile around the entire perimeter of the airport, any adjacent #Residence District# shall be mapped as an R1, R2, or R3 District, and any adjacent #Commercial# or #Manufacturing District# shall be mapped as a C1, C2, C3, C4-1, C7, C8-1, C8-2, M1-1, M1-2, M1-4, M2-1, M2-3 or M3 District.

The City Planning Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

(7/23/64)

74-66

Heliports

In C3, C4, C5, C6, C7 or C8 Districts or in any #Manufacturing District#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of heliports and their facilities where the applicant has submitted a site plan showing the location of landing areas, in addition to all other

information required in Section 74-20 (REQUIREMENTS FOR APPLICATIONS), provided that the following findings are made:

- (a) that the heliport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and
- (b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aeronautics Administration for the report of such agency as to whether the heliport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

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

The City Planning Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in the Resolution with respect to other major traffic-generating facilities.

(2/2/11)

74-67

Fire or Police Stations

In all #Residence Districts#, the City Planning Commission may permit fire or police stations, provided that the following findings are made:

- (a) that such #use# will serve the residential area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as-of-right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and
- (b) in the case of fire stations, that such #use# is so located as to minimize the movement of fire apparatus through local #streets# in residential areas.

For any such #use#, the Commission may permit appropriate modifications of the applicable regulations of Article II, Chapter 3, provided that such #use# complies with all the applicable district #bulk# regulations for #community facility buildings# as set forth in Article II, Chapter 4.

The City Planning Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements for landscaping.

(2/22/90)

74-68

Development Within or Over a Right-of-Way or Yards

(7/26/01)

74-681

Development within or over a railroad or transit right-of-way or yard

- (a) In all districts, when a #development# or #enlargement#, including large-scale developments pursuant to Section 74-74, 78-00 et seq. or 79-00 et seq. is located partially or entirely within a railroad or transit right-of-way or yard and/or in #railroad or transit air space#, the City Planning Commission may permit:
 - (1) that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform to be included in the #lot area# for such #development# or #enlargement#;
 - (2) any portion of the right-of-way or yard where railroad or transit #use# has been permanently discontinued or terminated to be included in the #lot area# for such #development# or #enlargement#;
 - (3) notwithstanding the applicable district regulations, certain #uses# may be located beneath a portion of a permanent platform, including a platform street as follows:
 - (i) any #use accessory# to a primary #use# located on the #zoning lot#;

- (ii) a #public parking garage# or #public parking lot# provided the findings set forth in Section 74-52 and hereby made applicable, are met for such garage or lot;
- (iii) a railroad passenger station (pursuant to Section 74-62) or a railroad including right-of-way, freight terminal, yard or appurtenance, or a facility or service used or required in railroad operations;
- (iv) a public transit yard, vehicle storage, warehouse, trucking terminal or motor freight station (without limitation on #lot area# per establishment).

(b) As a condition for granting a special permit, the Commission shall find that:

- (1) the #streets# providing access to all #uses# pursuant to paragraph (a) of this Section are adequate to handle traffic resulting therefrom;
- (2) the distribution of #floor area# and the number of #dwelling units# or #rooming units# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development# or #enlargement#, including any portion of the #development# or #enlargement# located beyond the boundaries of such railroad or transit right-of-way or yard;
- (3) all #uses#, #developments# or #enlargements# located on the #zoning lot# or below a platform do not adversely affect one another;
- (4) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to, the right-of-way for such transportation #use#.

(c) For any #development# or #enlargement# located within or over railroad or transit right-of-way or yard:

- (1) the application to be filed with the Commission for special permit approval pursuant to this Section shall include a site plan showing:
 - (i) the total #lot area# of that portion of a railroad or transit right-of-way or yard to be covered by a

platform; and/or

- (ii) the total #lot area# of such right-of-way or yard that has been permanently discontinued or terminated;
- (2) ownership of rights to #develop# in #railroad or transit air space# or within a railroad or transit right-of-way or yard where such #use# has been permanently discontinued or terminated, shall meet the requirements of the #zoning lot# definition in Section 12-10 (DEFINITIONS);
- (3) where the railroad or transit right-of-way or yard is to be covered over by a permanent platform, such platform shall be unperforated except for such suitably protected openings as may be required for utilities, ventilation, drainage or other necessary purposes;
- (4) the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations pertaining to, but not limited to, height and setback, #floor area#, #lot coverage#, #open space#, #yards#, and minimum distance between #buildings#;
- (5) the Commission may permit #buildings# to be connected by a bridge or tunnel, within a portion of a #street#, provided that the street volume occupied by such bridge or tunnel is not mapped and owned by the City, and provided that such structure is used exclusively for pedestrian or vehicular circulation; however, in no event shall such a bridge or tunnel be considered as #lot area# or generate any #floor area#; and in the case of a bridge, the Commission shall find that such bridge will:
 - (i) provide adequate vertical clearance at all points measured from #curb level# to the soffit;
 - (ii) not rest upon columns or other supports that intrude upon the #street#;
 - (iii) provide illumination of at least five foot candles at the #curb level# for the #street# area beneath the bridge;
 - (iv) not unduly obstruct any significant scenic view; and
 - (v) provide adequate light and air to the #street# or

surrounding public spaces or #streets#.

In the case of a tunnel, the Commission may permit #buildings# to be connected by a tunnel under a #street#, provided the Commission finds that the tunnel is used exclusively for vehicular circulation and is necessary to achieve improved vehicle circulation within the #development# and on adjoining #streets#.

- (d) The Commission shall require the provision of adequate #accessory# off-street parking spaces and loading berths necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by any #use# permitted on the #zoning lot#, and shall determine the required number of parking spaces and loading berths in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and may require where the #development# or #enlargement# includes an active railroad or transit #use#, that the structural design of such #development# or #enlargement# make due allowance for changes within the layout of tracks or other structures within such #railroad or transit air space# or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

Prior to granting a special permit, the City Planning Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use that portion of the #railroad or transit air space# or railroad or transit right-of-way or yard where the railroad or transit #use# has been permanently discontinued or terminated.

(10/7/08)

74-682

Developments over streets

In R9 or R10 Districts when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# owned by a non-profit institution pursuant to State-enabling legislation enacted in 1971, the City Planning Commission may, by special permit, allow in such demapped air-space, the #development# or #enlargement# of #buildings# which are an expansion of an existing hospital,

college, university or functionally-related facility. In connection therewith, the Commission may also permit modification of off-street loading and #bulk# regulations, except #floor area ratio# regulations, under the applicable district regulation, provided that the requirements set forth in the 1973 Agreement among the City of New York, the Society of the New York Hospital, and the New York Society for the Relief of the Ruptured and Crippled, maintaining the Hospital for Special Surgery and the Rockefeller University are met; and that such demapped air space shall be considered as part of the adjoining #zoning lot#, except that any #building# located in demapped air space shall utilize only unused #floor area# from the portion of the adjoining #zoning lot# not within the demapped air space.

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

- (a) for #development# or #enlargements# in such demapped air space and for modification of #bulk# regulations, that the location and distribution of new #bulk# shall result in a good site plan in relation to the existing #buildings# on-site and in the area; and
- (b) for modification of off-street loading requirements, when such non-profit institution includes more than one #building# on two or more #zoning lots#, the City Planning Commission may determine the required number of loading berths as if such non-profit institution were located on a single #zoning lot#, and may permit such loading berths to be located anywhere within such institution without regard for #zoning lot lines#, provided that such loading berths shall be:
 - (1) adequate to serve the requirements of the institution;
 - (2) accessible to all the #uses# in such institution without the need to cross any #street# at grade; and
 - (3) located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# within or surrounding such institution.

The #curb level# of a #zoning lot# of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations relating to #open space#, #yards#, level of #yards#, equivalent #rear yards#, #rear yard# setback, minimum distance between #buildings#, and the front height and setback.

The Commission may impose additional conditions and safeguards,

consistent with the requirements set forth in the 1973 Agreement, to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area.

(2/2/11)

74-69

Seaplane Bases

In all districts, the City Planning Commission may permit seaplane bases provided that the following findings are made:

- (a) that such #use# and the take-off and landing operations it serves are so located as not to impair the essential character or future #use# or #development# of the surrounding area; and
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the seaplane base is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

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

The City Planning Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution.

(2/2/11)

74-70

NON-PROFIT HOSPITAL STAFF DWELLINGS

In all #Residence Districts#, or in C1, C2, C3, C4, C5, C6 or C7 Districts, the City Planning Commission may permit #non-profit hospital staff dwellings# located on a #zoning lot#, no portion of which is located more than 1,500 feet from the non-profit or

voluntary hospital and related facilities, provided that the following findings are made:

- (a) that the #bulk# of such #non-profit hospital staff dwelling# and the density of population housed on the site will not impair the essential character or the future use or development of the surrounding area; and
- (b) that the number of #accessory# off-street parking spaces provided for such #use# will be sufficient to prevent undue congestion of #streets# by such #use#.

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

(10/21/76)

74-71

Landmark Preservation

(2/2/11)

74-711

Landmark preservation in all districts

In all districts, for #zoning lots# containing a landmark designated by the Landmarks Preservation Commission, or for #zoning lots# with existing #buildings# located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modification of the #use# and #bulk# regulations, except #floor area ratio# regulations, provided that:

- (a) The following conditions are met:
 - (1) any application pursuant to this Section shall include a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings#, and that such #use# or #bulk# modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;
 - (2) any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report

from the Landmarks Preservation Commission stating that such #bulk# modifications relate harmoniously to the subject landmark #building# or #buildings# in the Historic District, as applicable; and

- (3) the maximum number of #dwelling units# shall be as set forth in Section 15-111 (Number of permitted dwelling units).

(b) In order to grant a special permit, the City Planning Commission shall find that:

- (1) such #bulk# modifications shall have minimal adverse effects on the structures or #open space# in the vicinity in terms of scale, location and access to light and air; and
- (2) such #use# modifications shall have minimal adverse effects on the conforming #uses# within the #building# and in the surrounding area.

The City Planning Commission may prescribe appropriate additional conditions and safeguards which will enhance the character of the #development# and #buildings# on the #zoning lot#.

(2/4/14)

74-712

Developments in Historic Districts

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

- (a) In M1-5A and M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements#, has not more than 20 percent of the #lot area# occupied by existing #buildings#, or has #street# frontages on two or more #wide streets# and not more than 40 percent of the #lot area# occupied by existing #buildings#, the Commission may modify #use# regulations to permit #residential development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Section 32-15 (Use Group 6), provided:
 - (1) the #use# modifications shall meet the following conditions, that:

- (i) #residential development# complies with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) pertaining to R8 Districts;
 - (ii) total #floor area ratio# on the #zoning lot# shall be limited to 5.0;
 - (iii) the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet;
 - (iv) all #signs# for #residential# or #commercial uses# permitted by this Section shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and
 - (v) eating and drinking establishments of any size, as set forth in Use Groups 6A and 12A, are not permitted; and
- (2) the Commission shall find that such #use# modifications:
- (i) have minimal adverse effects on the conforming #uses# in the surrounding area;
 - (ii) are compatible with the character of the surrounding area; and
 - (iii) for modifications that permit #residential use#, result in a #development# that is compatible with the scale of the surrounding area.

- (b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5A and M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than 20 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that such #bulk# modifications comply with the findings set forth below.

In addition, in M1-5A and M1-5B Districts, the Commission may also modify #bulk# regulations, except #floor area ratio# regulations, for #development# on a #zoning lot# that has #street# frontages on two or more #wide streets# and that, as of December 15, 2003, has more than 20 percent but not more than 40 percent of the #lot area# occupied by existing

#buildings#, provided the #development# contains no #residences# and the Commission finds that such #bulk# modifications:

- (1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and
- (2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

(12/17/81)

74-72

Bulk Modification

(2/2/11)

74-721

Height and setback and yard regulations

- (a) In C4-7, C5-2, C5-3, C5-4, C6-1A, C6-4, C6-5, C6-6, C6-7 or M1-6 Districts, the City Planning Commission may permit modification of the height and setback regulations, including tower coverage controls, for #developments# or #enlargements# located on a #zoning lot# having a minimum area of 40,000 square feet or occupying an entire #block#.

In C5-3, C6-6 and C6-7 Districts on such #zoning lots#, the Commission also may modify #yard# and court regulations, and regulations governing the minimum required distance between #buildings# and/or the minimum required distance between #legally required windows# and walls or #lot lines#, provided that the Commission finds that such modifications:

- (1) provide a better distribution of #bulk# on the #zoning lot#;
- (2) result in a better relationship of the #building# to open

areas, adjacent #streets# and surrounding development;
and

- (3) provide adequate light and air for #buildings# on the #zoning lot# and neither impair access to light and air to #legally required windows# in adjacent #buildings# nor adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties.

As a condition of this special permit, if any open area extending along a #side lot line# is provided at any level, such open area shall be at least eight feet in width.

- (b) In a C6-4 District, the Commission may modify the supplementary #use# regulations of Section 32-422 (Location of floors occupied by commercial uses) for #developments# or #enlargements# on #zoning lots# occupying an entire #block# with a base #commercial floor area ratio# of 10.0, provided the following conditions are met:

- (1) that the non-#residential uses# are located in a portion of a #mixed building# that has separate access to the #street# with no openings of any kind to the #residential# portion of the #building# at any #story#;
and
- (2) that the non-#residential uses# are not located above the lowest #story# containing #dwelling units# unless the #residential# and non-#residential# portions are separated in accordance with the provisions of Section 23-82 (Building Walls Regulated by Minimum Spacing Requirements).

- (c) In C5-3, C6-6 and C6-7 Districts, the Commission may modify height and setback and #yard# regulations, including tower coverage controls for #developments# or #enlargements# located on a #zoning lot# having an area less than 40,000 square feet, that occupies an entire #block# front on a #wide street#, subject to the following conditions:

- (1) where #buildings# or portions thereof penetrate the established #sky exposure plane#, the aggregate area occupied by such #buildings# or portions thereof at such elevation shall not exceed:
 - (i) 55 percent of the area of such #zoning lot#; or
 - (ii) an equivalent of 55 percent of the aggregate area of such #zoning lot# and any adjoining #zoning lots#

with a common #lot line# for at least 90 feet with negative easements limiting height of existing and future #developments# on the adjoining #zoning lots# by recorded deed or other written instruments;

- (2) that the #development# or #enlargement# includes on-site amenities, such as #arcades#, #through block arcades# or #covered pedestrian spaces# where the size and dimensions of such spaces are substantially greater than the required minimum standards, and includes skylights or other provisions for additional access of direct natural light so as to provide for an increased penetration of light and air therein at the #street# level of the #development# or #enlargement#, or a transit station improvement that results in a direct major connection to a subway station.
- (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 #block# containing the #development# or #enlargement# 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# or #enlargement#, 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 37-70 (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# or #enlargements#, 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 #public plaza#, #through block arcade# or #covered pedestrian space#, and will not alter the essential character of the immediate neighborhood.

In the case of existing #buildings# containing #residences# to remain temporarily on such #zoning lot#, the provisions of Sections 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) and 23-80 (COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES) may be modified provided that each and every one of the following conditions are met:

- (i) that such existing #buildings# with unexpired leasehold interests are located upon such #zoning lot#;
- (ii) that the portions of the #zoning lot# where such existing #buildings# are located and are to be demolished shall be redeveloped according to the approved site plan;
- (iii) that no temporary or final certificate of occupancy shall be issued for that portion of #floor area# in the #development# or #enlargement# equal to twice the #floor area# in the temporary existing #buildings# until such #buildings# are vacated, demolished and their sites are redeveloped in accordance with the approved project plan, except that where the Commission shall have determined that the applicant for a special permit has made an offer to purchase the leasehold interests from the lessees at a fair market value of the remainder of the lease term, the Commission may decrease the amount of #floor area# for which no certificate of occupancy may be issued; and
- (iv) that the #development# or #enlargement# conform with all the applicable laws relating to construction, operation and maintenance.

The owner of the #zoning lot# shall have prominently displayed thereon a sign stating the date by which the #buildings# are to be demolished.

- (4) As a further condition for the issuance of a permit under

this paragraph, (c), the owner of the #zoning lot# upon which #developments# or #enlargements# are to take place, must post a bond or other security payable to the City of New York and approved by the Corporation Counsel as to form, sufficient in amount as determined by the Commission to cover the cost of demolishing the existing #buildings# should the owner fail to so demolish within the prescribed time set forth in the approved project plan, and ensure that all #floor area# which is to be vacant in the #development# shall remain unfinished and vacant.

The bonds or other securities shall be payable to the City of New York if any of the above conditions are violated.

The Commission must find, with each grant for a special permit under this paragraph, (c), that the #development# or #enlargement#:

- (i) shall result in improved circulation; and
- (ii) would eliminate the undesirable pre-emption of ground level space by private #buildings or other structures#.

In making these findings, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this paragraph, (c), shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of #development# or #enlargement# and other improvements on the #zoning lot#.

In addition to the conditions in paragraphs (c)(1), (c)(2), (c)(3) and (c)(4) of this Section, the Commission shall find that the modification of height and setback will provide a better distribution of #bulk# on the #zoning lot# and will not adversely affect other adjacent #zoning lots# by unduly restricting access to light and air to surrounding public spaces, #streets# and properties;

- (d) Notwithstanding any other provisions of the Zoning Resolution, where a #development# shares a #lot line# with a landmark #building# site for an aggregate distance of at least 90 feet, or contains a historically significant #street# that has been demapped and an archeologically significant site, both of

which have been identified by the Landmark Preservation Commission, the Commission may permit modification of the height and setback and #yard# regulations regardless of the lot size, provided that the following findings are made:

- (1) there is a harmonious architectural relationship between the landmark and the new structure, and such relationship is approved by the Landmarks Preservation Commission or, in the case of a #development# which contains a historically significant #street# that has been demapped and an archeologically significant site, there is a visual recognition of the location of the demapped #street# and of the archeologically significant site created by a design treatment that has been approved by both the Landmarks Preservation Commission and the City Planning Commission and, if such #development# is located within 200 feet of a historic district, there is a harmonious relationship between the proposed #development# and the historic district; and
- (2) pedestrian amenities are contained in the new structure including, where appropriate, retail stores and substantial pedestrian space at the principal levels of circulation, such as wider sidewalks, #arcades#, #covered pedestrian space#, subsurface concourses and convenient subway connections.

(7/23/70)

74-73

Sewage Disposal Plants and Pumping Stations

(2/2/11)

74-731

Private sewage disposal plants

In all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the Commission may permit sewage disposal plants provided that such #use# will serve the commercial or residential area within which, or adjacent to which, it is to be located; that in the case of a residential area, such area contains more than 50 #dwelling units#; and that there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area or commercial area. In addition, the Commission shall refer such application to the

Department of Health and the Department of Environmental Protection for a report.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices, and landscaping.

(2/2/11)

74-732

Private sewage pumping stations and sewage disposal plants

In all #Residence Districts#, the Commission may permit sanitary or storm water sewage pumping stations and sewage disposal plants, provided that such use will serve a #development# which contains more than 15 #dwelling units#; and that there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area. In addition, the Commissioner shall refer such application to the Department of Health and the Department of Environmental Resources for a report. The Commission may review the scope and impact of the proposal on public facilities and may, in addition, prescribe appropriate conditions or safeguards without dictating the architectural design of individual #buildings# in order to minimize adverse effects on the surrounding area.

As a condition of granting a special permit for a sewage pumping station or a sewage disposal plant, the Commission shall find:

- (a) in the case of sewage pumping stations, the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities;
- (b) in the case of sewage disposal plants serving a residential area, the related #development# is arranged in such a way as best to serve active and passive recreation needs; protect and preserve scenic assets and natural features such as trees, streams and topographic features; and provide suitable variations in the siting of #buildings# to achieve these objectives; and
- (c) in the case of sewage disposal plants, the proposed plant will be adequate for anticipated development in the area to be served; or

- (d) in all cases, the proposal promotes and protects the public health, safety and general welfare.

(2/2/11)

74-733

Municipal sewage disposal plants

In all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the Commission may permit municipal sewage disposal plants, provided that there are serious difficulties in locating it in a district where it is permitted as-of-right. The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices, and landscaping.

As a condition of granting a special permit for a municipal sewage disposal plant, the Commission shall find:

- (a) the proposed plant will be adequate for anticipated development in the area to be served; and
- (b) that the proposal promotes and protects the public health, safety and general welfare.

(2/2/11)

74-734

Municipal sewage pumping stations

In all #Residence Districts#, the Commission may permit municipal sewage pumping stations provided that there are serious difficulties in locating it in a district where it is permitted as-of-right. The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices, and landscaping.

As a condition of granting a special permit for a municipal sewage pumping station, the Commission shall find:

- (a) that the proposal promotes and protects the public health, safety and general welfare; and

- (b) the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities.

(2/2/11)

74-74

Large-Scale General Development

For #large-scale general developments# involving several #zoning lots# but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and #bulk# controls. The regulations of this Section are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area.

No portion of a #large-scale general development# shall contain:

- (a) any #use# not permitted by the applicable district regulations for such portion, except as otherwise provided in Section 74-744 (Modification of use regulations). When an existing #building# in a #large-scale general development# is occupied by a #non-conforming use#, any #enlargement# of such existing #building# shall be subject to the requirements set forth in Section 52-00 (NON-CONFORMING USES: DEFINITIONS AND GENERAL PROVISIONS);
- (b) any #zoning lot#, or portion thereof, that is part of a #large-scale residential development# or #large-scale community facility development#.

(8/13/15)

74-741

Requirements for application

An application to the City Planning Commission for the grant of a special permit pursuant to Section 74-74 for a #large-scale general development# shall include a site plan showing the boundaries of the #large-scale general development# and the proposed location and #use# of all #buildings or other structures# on each #zoning lot# comprising the #large-scale general development#.

However, for applications proceeding pursuant to the ownership provisions of paragraph (e) of Section 74-742, such site plan need only show the applicable portion of the #large-scale general development# as set forth in paragraph (e)(1) or (e)(2) of Section 74-742.

(8/13/15)

74-742

Ownership

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section 74-74 even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

- (a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation; or
- (b) owned by the Federal government and is within Brooklyn Community District 2; or

- (c) partially under City ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in City ownership; or
- (d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Halletts Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:
 - (1) tracts of land in State or City ownership; or
 - (2) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the #bulkhead# line; or
- (e) within Manhattan Community District 2, where the Commission has approved a special permit under Section 74-74 for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then the consent or authorization of any owner or party in interest to:
 - (1) such #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to property within the #large-scale general development# other than the #public park#; and
 - (2) property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#.

However, the consent or authorization of the owners and any party in interest to the other property shall be required if the proposed modification would impose an additional obligation or increase the degree of an obligation existing as of the date of the application for the modification on any such owner or any such party in interest.

(8/13/15)

74-743

Special provisions for bulk modification

- (a) For a #large-scale general development#, the City Planning Commission may permit:
- (1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #large-scale general development# without regard for #zoning lot lines# or district boundaries, subject to the following limitations:
 - (i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;
 - (ii) when a #large-scale general development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of #commercial floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted, except that for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, a transfer of #commercial floor area# from a C6 District to a C2 District may be permitted;
 - (2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;
 - (3) variation in the location of primary business entrances and #show windows# along frontages adjacent to #zoning lots# outside the #large-scale general development# without regard to regulations applicable near #Residence District# boundaries;
 - (4) the maximum #floor area ratio# permitted pursuant to Section 23-142 (In R6, R7, R8 or R9 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements, provided that the #large-scale general development# is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of

- Community Districts 2 or 7 in Manhattan or located within a C4-4 District within the boundaries of Queens Community District 7 and that a minimum of 50 percent of the required #open space# is provided within the #large-scale general development#. Required #open space# for the purposes of this paragraph, (a)(4), shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio#, pursuant to Section 23-142 for the applicable district;
- (5) in an #Inclusionary Housing designated area# in a C4-6 or C5 District:
- (i) a portion of the #lot area# that contains a wholly #commercial building# to be excluded from the calculation of #floor area# for any other #buildings# on the remainder of the #zoning lot#; or
 - (ii) #community facility floor area# located above the ground floor to be excluded from the calculation of the amount of #affordable housing# required pursuant to Section 23-95;
- (6) modification of the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) for #developments# or #enlargements#, where:
- (i) the required minimum distance as set forth in Section 23-86 is provided between the #legally required window# in the #development# or #enlargement# and a wall or #lot line# on an #abutting# property; and
 - (ii) the required minimum distance is provided by a light and air easement acceptable to the Department of City Planning and recorded in the County Clerk's office in the county in which such tracts of land are located;
- (7) modification of the definition of #outer court# in Section 12-10 (DEFINITIONS) and the provisions of Section 23-84 (Outer Court Regulations) to include any open area that is bounded on all sides but one by #building# walls and is not otherwise a #yard# or an #inner court#, provided that:
- (i) such modifications are permitted only for #large-scale general developments#, previously approved by the City Planning Commission, in a C4-7 District

within the boundaries of Manhattan Community District 7; and

- (ii) the minimum distance between a #legally required window# facing onto such #outer court# and a #building# wall shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening;
- (8) in an #Inclusionary Housing designated area# in a C4-7 District within the boundaries of Manhattan Community District 7, for the purpose of applying the Inclusionary Housing Program within such #Inclusionary Housing designated area#, as set forth in a restrictive declaration:
 - (i) modification of the base and maximum #floor area ratios# specified in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas), not to exceed the maximum #floor area ratios# permitted by the underlying district, based on a proportionality between #affordable floor area#, as defined in Section 23-911, and #residential floor area# in #buildings# containing multiple #uses#; and
 - (ii) modification of the requirements regarding distribution of #affordable housing units#, as defined in Section 23-911, specified in paragraph (b) of Section 23-96 (Requirements for Generating Sites);
- (9) within the boundaries of Community District 3 in the Borough of the Bronx, portions of any #building#, at any level, that contain permitted or required #accessory# off-street parking spaces, to be excluded from the calculation of #lot coverage#;
- (10) for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, waiver of the planting requirements of Section 23-892 (In R6 through R10 Districts), provided the area between the #street line# and the #street walls# of the #building# and their prolongations is to be improved as a publicly accessible widened sidewalk;
- (11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly #community facility development#, a #floor

area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by the underlying district regulations where, in connection with such #development#, an improvement to a #public park# located within the same Community District and within a one mile radius of the proposed #development# is provided in accordance with the provisions of this Section.

- (i) A request for such bonus #floor area# shall be accompanied by:
 - (a) a site plan for a #public park# improvement, transmitted by the Commissioner of Parks and Recreation, sufficient in detail and scope with respect to the work necessary to complete such #public park# improvement, to enable the City Planning Commission to determine the appropriate amount of bonus #floor area# to be granted to the #development#; and
 - (b) a letter from the Commissioner of Parks and Recreation stating:
 - (i) the selection of the #public park# for the #public park# improvement has been informed by community input in the form of consultation or an existing plan;
 - (ii) such #public park# improvement provides an appropriate amenity for the surrounding area; and
 - (iii) that, absent funding to be provided by the applicant, such #public park# improvement is unlikely to be made in the foreseeable future.
- (ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:
 - (a) any revisions to the site plan for the #public park# improvement or a statement that the site plan provided in the application is unchanged; and
 - (b) a letter that shall include:
 - (i) cost estimates for the #public park#

improvement; and

- (ii) a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public park# improvement; or

(12) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30th Road and west of 8th Street, within the Halletts Point Peninsula, the #floor area# distribution from a #zoning lot# containing existing public housing #buildings#, provided that upon approval of a #large-scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:

- (i) such parcel shall be made part of such #zoning lot# upon approval of such #large-scale general development#, pursuant to the definition of #zoning lot# in Section 12-10 (DEFINITIONS), paragraph (d); and

- (ii) the existing light industrial #buildings# on the separate parcel of land are demolished.

(b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

- (1) the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the #large-scale general development#, the neighborhood and the City as a whole;
- (2) the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or

users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;

- (3) where a #zoning lot# of a #large-scale general development# does not occupy a frontage on a mapped #street#, appropriate access to a mapped #street# is provided;
- (4) considering the size of the proposed #large-scale general development#, the #streets# providing access to such #large-scale general development# will be adequate to handle traffic resulting therefrom;
- (5) when the Commission has determined that the #large-scale general development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;
- (6) where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a)(4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged buildings#. Such #open space# shall be accessible to and usable by all residents of such new or #enlarged buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #large-scale general development# shall include superior landscaping for #open space# of the new or #enlarged buildings#;
- (7) where the Commission permits the exclusion of #lot area# or #floor area# in accordance with the provisions of paragraph (a)(5) of this Section or modification of the base and maximum #floor area ratios# or requirements regarding distribution of #affordable housing units# in accordance with paragraph (a)(8) of this Section, such modification will facilitate a desirable mix of #uses# in the #large-scale general development# and a plan consistent with the objectives of the Inclusionary Housing Program and those of Section 74-74 (Large-Scale General Development) with respect to better site planning;
- (8) where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from

the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore will benefit the residents of the #large-scale general development#;

- (9) where the Commission permits a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section:
 - (i) the amount of such bonus #floor area# is appropriate in relation to the size and quality of the proposed #public park# improvement; and
 - (ii) such bonus #floor area# will not unduly increase the #bulk# of #buildings# on the #zoning lot# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks# or of people using the public #streets#.

Grant of a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section shall be conditioned upon adequate assurances for provision of the funding identified by the Commissioner of Parks and Recreation in a letter pursuant to paragraph (a)(11)(ii) of this Section as necessary for completion of the necessary infrastructure, landscape and other work for the #public park# improvement. The Commissioner of Buildings shall not issue a building permit for the #large-scale development# unless the Commissioner of Parks and Recreation shall have certified that the funding has been made or secured in a manner acceptable to such Commissioner;

- (10) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission; and
- (11) where the Commission permits #floor area# distribution from a #zoning lot# containing existing light industrial #buildings# to be demolished in accordance with the provisions of paragraph (a)(12) of this Section, such #floor area# distribution shall contribute to better site planning of the waterfront public access area and shall facilitate the #development# of affordable housing units

within a #large-scale general development#.

Within Manhattan Community District 2, within the former Washington Square Southeast Urban Renewal Area, where the Commission has approved a #large-scale general development# and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

In addition, within Manhattan Community District 2, where the Commission has approved a #large-scale general development# located partially within a C2-7 District, if any #open space# approved pursuant to paragraph (a)(4) of Section 74-743 is subsequently mapped as a park and transferred to City ownership, the #open space# requirement approved for such #large-scale general development# pursuant to paragraph (a)(4) of Section 74-743 shall be reduced by the area of such #public park#.

Within Community District 1 in the Borough of Queens, the Commission may prescribe additional conditions to ensure that the purpose of the Inclusionary Housing program as set forth in Section 23-92 (General Provisions) is achieved in a #large-scale general development#. The Commission may establish procedures resulting in limiting the amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (b)(1) of Section 23-953. Any such procedures established by the Commission shall be set forth in the restrictive declaration required in connection with the grant of a special permit for such #large-scale general development#.

For a phased construction program of a multi-#building# complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #large-scale general development#, a phasing plan showing the distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

(10/11/12)

74-744

Modification of use regulations

(a) #Use# modifications

(1) Waterfront and related #commercial uses#

In a C4 District, the City Planning Commission may modify applicable district regulations to allow certain boating and related #uses# listed in Use Group 14A, not otherwise allowed in such district, provided the Commission shall find that:

- (i) the #uses# are appropriate for the location and blend harmoniously with the rest of the #large-scale general development#; and
- (ii) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.

(2) Automotive sales and service #uses#

For #large-scale general developments#, previously approved by the City Planning Commission, in a C4-7 District within the boundaries of Manhattan Community District 7, the City Planning Commission may modify applicable district regulations to allow automotive sales and service establishments that include repair services and preparation for delivery, provided the Commission shall find that:

- (i) the portion of the establishment used for the servicing and preparation of automobiles is located entirely in a #cellar# level and below grade or established #curb level#, and the ground floor level of such establishment is used only for showrooms and sales;
- (ii) sufficient indoor space for storage of vehicles for sale or service has been provided; and
- (iii) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic or adversely affect pedestrian movement.

(3) Retail establishments

For a #large-scale general development# located partially

or wholly within the former Seward Park Extension Urban Renewal Area, the City Planning Commission may modify applicable district regulations to allow Use Groups 10, 11A and 12A, except for arenas or auditoriums, skating rinks, public auction rooms, trade expositions and stadiums, provided the Commission finds that:

- (i) such #uses# will not impair the character of future #uses# or development of the surrounding area; and
- (ii) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.

(b) Location of #commercial uses#

For any #large-scale general development#, the City Planning Commission may permit #residential# and non-#residential uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location within Buildings), provided the Commission shall find:

- (1) the #commercial uses# are located in a portion of the #mixed building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building# at any #story#;
- (2) the #commercial uses# are not located directly over any #story# containing #dwelling units#; and
- (3) the modifications shall not have any adverse effect on the #uses# located within the #building#.

(c) Modifications of #sign# regulations

- (1) In all #Commercial# or #Manufacturing Districts#, the City Planning Commission may, for #developments# or #enlargements# subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section 74-743 (Special provisions for bulk modification), permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions), 32-65 (Permitted Projection or Height of Signs), 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), 42-53 (Surface Area and Illumination Provisions), 42-54 (Permitted Projection or Height of Signs), 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) and the limitations on the location of #signs# in Sections 32-51 and 42-44 (Limitations on Business Entrances, Show Windows or Signs), provided the Commission finds that

such modification will result in a better site plan.

- (2) For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the City Planning Commission, by authorization, may make the #sign# regulations of a C6-1 District applicable to those portions of such #large-scale general development# within a C2 District, and in addition, may modify the provisions of Section 32-68 (Permitted Signs on Residential or Mixed Buildings) to allow #signs accessory# to non-#residential uses# above the level of the finished floor of the third #story#, provided such #signs# do not exceed a height of 40 feet above #curb level#. In order to grant such authorizations, the Commission shall find that such modifications are consistent with the amount, type and location of #commercial uses# that the Commission finds appropriate within such #large-scale general development#.

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

(8/13/15)

74-745

Modifications of parking and loading regulations

For a #large-scale general development# the City Planning Commission may permit:

(a) Modification of location requirements

When a #large-scale general development# includes two or more #zoning lots#, the City Planning Commission may permit required or permitted #accessory# off-street parking spaces, bicycle parking spaces or loading berths to be located anywhere within a #large-scale general development# without regard for #zoning lot lines#, provided that the Commission shall find:

- (1) such off-street parking spaces, bicycle parking spaces and loading berths will be conveniently located in relation to the #use# to which such spaces or berths are #accessory#;
- (2) such location of off-street parking spaces, bicycle parking spaces and loading berths will result in a better

site plan; and

- (3) such location of off-street parking spaces, bicycle parking spaces and loading berths will not unduly increase the number of spaces in any single #block#, draw excessive traffic through local #streets#, or otherwise adversely affect traffic conditions in the surrounding area.

Whenever required off-street parking spaces, bicycle parking spaces and loading berths are permitted to be located without regard for #zoning lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# shall be kept available for such #building# throughout its life.

(b) Waiver or reduction of loading berth requirements

For #zoning lots# in a #large-scale general development#, located within a waterfront area pursuant to paragraph (b) of Section 62-132, in Community District 1 in the Borough of Brooklyn, that contains one or more #retail or service uses# listed in Use Group 6A, 6C, 7B, 8B, 9A, 10A, 12B, 14A or 16A, and where no single such establishment exceeds 8,500 square feet in #floor area#, the City Planning Commission may waive or reduce the number of required loading berths, provided that:

- (1) curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby #uses#;
- (2) an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment;
- (3) such modification allows for a better relationship between the #street walls# of the #building# containing such establishment and the adjacent sidewalk and surrounding area; and
- (4) such modification will not impair or adversely affect the development of the surrounding area.

(c) Reduction of parking requirements

For #buildings# on #zoning lots# in a #large-scale general development#, within R7-2 Districts in Community District 1 in

the Borough of the Bronx, that contain a #non-profit residence for the elderly#, the City Planning Commission may waive or reduce the number of required #accessory# off-street parking spaces, including any spaces previously required for an existing #building#, provided that the Commission finds that:

- (1) the anticipated automobile ownership patterns for residents of such #non-profit residence for the elderly# are minimal and that such waiver or reduction is warranted;
- (2) such waiver or reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area; and
- (3) such waiver or reduction of parking spaces will result in a better site plan with better quality open areas.

In determining the amount of parking spaces to waive or reduce, the Commission may take into account current automobile ownership patterns for an existing #non-profit residence for the elderly# on the #zoning lot#, as applicable.

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

(2/2/11)

74-746

Special provisions for development or enlargement over streets

Within a #large-scale general development#, when the volume above a #street#, or portion thereof, has been eliminated, discontinued and closed, the City Planning Commission may permit such volume to be considered part of an adjoining #zoning lot# and may allow, within such volume, a #development# or #enlargement# that is part of a #building# or #buildings# in the #large-scale general development#. In no event shall such volume contribute to the amount of #lot area# counted for the purposes of qualifying as a #large-scale general development# or generating any #floor area#.

- (a) The following conditions must be met for the #development# or #enlargement# to be permitted in such volume:
 - (1) a satisfactory ventilation plan consistent with the requirements of New York City's Departments of Transportation and Environmental Protection is provided for the #street# below the volume;

- (2) an illumination of at least five foot candles at the #curb level# is provided for the #street# below the volume; and
- (b) In order to grant the special permit, the City Planning Commission shall find that the #development# or #enlargement# in such volume:
 - (1) is functionally necessary or will improve the internal circulation within the #large-scale general development#, or will improve vehicular or pedestrian circulation on adjacent #streets#;
 - (2) will not adversely impact the continued use of the #street#;
 - (3) will not have an adverse impact on the essential character or future use or development of the adjacent area; and
 - (4) will not unduly obstruct any significant scenic view.

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

(2/2/11)

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 (Large-Scale General Development).

No existing #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 (Large-Scale General Development) prior to February 27, 2001, may be erected and maintained in accordance with such special permit.

(2/2/11)

74-75

Educational Construction Fund Projects

In R5, R6, R7, R8, R9 or R10 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, or in C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4, C5, C6 or C7 Districts, for combined #school# and #residences# including air rights over #schools# built on a #zoning lot# owned by the New York City Educational Construction Fund, the City Planning Commission may permit utilization of air rights; modify the requirements that open area be accessible to and usable by all persons occupying a #dwelling unit# or #rooming unit# on the #zoning lot# in order to qualify as #open space#; permit ownership, control of access and maintenance of portions of the #open space# to be vested in the New York City Educational Construction Fund or City agency successor in title; permit modification of #yard# regulations and height and setback regulations; authorize the total #floor area#, #open space#, #dwelling units# or #rooming units# permitted by the applicable district regulations on such site to be distributed without regard for district boundaries; and authorize an increase of 25 percent in the number of #dwelling units# or #rooming units# permissible under the applicable district regulations. For the purposes of this Section, a #zoning lot# owned by the New York City Educational Construction Fund may also include a tract of land under single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10, when such tract of land includes a parcel which was the site of a public school listed in

the following table.

School	Community District
P.S. 151	CD 8, Manhattan

The total number of #dwelling units# or #rooming units# and #residential floor area# shall not exceed that permissible for a #residential building# on the same #zoning lot#.

The distribution of #bulk# on the #zoning lot# shall permit adequate access of light and air to the surrounding #streets# and properties.

As further conditions for such modifications:

- (a) the #school# and the #residence# shall be #developed# as a unit in accordance with a plan approved by the Commission;
- (b) at least 25 percent of the total #open space# required by the applicable district regulations, or such greater percentage as may be determined by the Commission to be the appropriate minimum percentage, shall be accessible exclusively to the occupants of such #residence# and under the direct control of its management;
- (c) notwithstanding the provisions of Section 23-12 (Permitted Obstructions in Open Space), none of the required #open space# shall include driveways, private streets, open #accessory# off-street parking spaces or open #accessory# off-street loading berths; and
- (d) the Commission shall find that:
 - (1) a substantial portion of the #open space# which is not accessible exclusively to the occupants of such #residence# will be accessible and usable by them on satisfactory terms part-time;
 - (2) playgrounds, if any, provided in conjunction with the #school# will be so designed and sited in relation to the #residence# as to minimize any adverse effects of noise; and
 - (3) all #open space# will be arranged in such a way as to minimize friction among those using #open space# of the #buildings or other structures# on the #zoning lot#.

The Commission shall give due consideration to the landscape design of the #open space# areas. The Commission shall also give due

consideration to the relationship of the #development# to the #open space# needs of the surrounding area and may require the provision of a greater amount of total #open space# than the minimum amount required by the applicable district regulation where appropriate for the purpose of achieving the #open space# objectives of the #Residence District# regulations.

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

(3/7/68)

74-76 Plazas

(2/2/11)

74-761

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 #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 #public plazas# as set forth in Section 37-70.

However, the Commission may waive the provisions of paragraph (b) of this Section 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, #buildings# or other amenities

on the #zoning lot#, to the surrounding areas.

(8/12/69)

74-77

Artists' Centers

In C6-1, C6-2, C6-3 or C6-4 Districts, for alterations or additions to existing #buildings#, to be occupied as living and working quarters by #artists# engaged in the visual or performing arts, with or without related community studio space, the City Planning Commission may permit #residential# and non-#residential uses# to be arranged within the #building# without regard for the regulations set forth in Sections 32-42 (Location within Buildings). For alterations of such #buildings# but not for additions, the Commission may permit modifications of the regulations set forth in Sections 23-81 to 23-87, inclusive, relating to Court Regulations and Minimum Distance between Windows or Walls or Lot Lines and may permit modification of the requirements set forth in Sections 23-40 to 23-47, inclusive, relating to #rear# and #side yard# regulations.

As a condition precedent to the grant of such special permit, the Commission shall make the following findings:

- (a) that the location, design and construction of such #building# particularly suit it to use as an #artists'# center, and that full realization of these advantages requires modification of the regulations controlling arrangement of #residential# and non-#residential uses# within the #building#, or modification of the #court# regulations or the required distance between #legally required windows# and existing walls or #lot lines#, or modification of the #rear# and #side yard# requirements; and
- (b) that an organization has been established for assuring that the #dwelling units# will be occupied by persons who qualify as #artists#.

For the purposes of this Section, non-#commercial# studio space for use in common by artists residing in the #building# may be classified as a #community facility use#.

(2/2/11)

74-78

Conversions of Non-Residential Floor Area

(2/2/11)

74-781

Modifications by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts

In M1-5A and M1-5B Districts, the City Planning Commission may, after public notice and hearing and subject to Board of Estimate approval, permit modification of Section 42-14, paragraphs D.(1)(c), D.(1)(d), D.(2)(a) or D.(2)(b), provided that the Commission finds that the owner of the space, or a predecessor in title, has made a good faith effort to rent such space to a mandated #use# at fair market rentals. Such efforts shall include but not be limited to: advertising in local and citywide press, listing the space with brokers and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet, prior to the date of the application for a special permit.

(2/2/11)

74-782

Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, 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, and in M1-5A and M1-5B Districts, the City Planning Commission may permit modification of the requirements of Section 42-14, paragraph D.(1)(b), provided that the Commission finds that:

- (a) the #conversion# will not harm the industrial sector of the City's economy;
- (b) the applicant for the special permit or a predecessor in title, has made a good faith effort to rent such space to a mandated #use# at fair market rentals. Such effort shall have been actively pursued for a minimum of one year immediately preceding the application. A good faith effort shall include, but not be limited to, advertising in local and citywide press, listing the space with brokers doing business in the industrial real estate market, and informing local and

citywide industry groups. The applicant shall provide records showing the specific efforts to rent such space;

- (c) there is sufficient alternative space to meet the needs of #commercial# and #manufacturing uses# in the area. The vacancy rate for industrial space in the area shall be one evidentiary element to prove the availability of alternative space;
- (d) City, State and Federal economic development programs, to the extent applicable, had been explored and found not suitable;
- (e) the #commercial# and industrial tenants were given the opportunity by the applicant, or predecessor in title, to remain in the spaces at fair market rentals, and the property owner or predecessor in title did not cause the vacating of the space for the additional #conversion#;
- (f) the neighborhood in which the #conversion# is taking place will not be excessively burdened by increased residential activity; and
- (g) all #dwelling units# or #joint living-work quarters for artists# permitted by this special permit meet the standards of the applicable district for such units or quarters.

If the Commission determines that #floor area# in the #building#, or portion thereof, was occupied as #dwelling units# or #joint living-work quarters for artists# on September 1, 1980, findings (b), (c), (d) and (e) of this Section shall not be required for the grant of a special permit for such #floor area#, provided that a complete application to prove occupancy as a #dwelling unit# or #joint living-work quarters for artists# is submitted to the City Planning Commission by the owner of the #building# or the occupant of a #dwelling unit# or #joint living-work quarters for artists# in such #buildings# not later than June 21, 1983. In addition, the Commission must find that there is no substantial evidence that the landlord forced #commercial# or #manufacturing# tenants to vacate such #floor area# through harassment, non-renewal of leases or the charging of rents in excess of the then fair market value. Notwithstanding anything to the contrary above, the Commission shall not grant or deny a special permit pursuant to the provisions of this Section unless an application for such special permit has been submitted by the owner of the #building#.

The Commission shall request a report from the Office of Economic Development regarding information useful in making findings (a), (b), (c), (d) and (e) of this Section. Said report is to be provided within 30 days of the Commission's request.

In granting the special permit under this Section, the Commission

shall require the preservation of the maximum amount of #floor area# for #commercial# or #manufacturing uses# that the Commission deems feasible.

(2/2/11)

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 #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 #developments# or #enlargements# containing #residences#, 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 #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).

(2/2/11)

74-791

Requirements for application

An application to the City Planning Commission for a grant of a special permit to allow a transfer of development rights and construction based thereon shall be made by the owners of the respective #zoning lots# and shall include: a site plan of the landmark lot and the adjacent lot, including plans for all #developments# or #enlargements# on the adjacent lot; a program for the continuing maintenance of the landmark; and such other information as may be required by the City Planning Commission. The application shall be accompanied by a report from the Landmarks Preservation Commission.

A separate application shall be filed for each independent "adjacent lot" to which development rights are being transferred under this Section.

(2/2/11)

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 #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) unutilized #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 utilized 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# or #enlarged# 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 pursuant to 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# or #enlargement# include provisions for public amenities such as, but not limited to, open public spaces, subsurface pedestrian passageways leading to public transportation facilities, #public plazas# and #arcades#.
- (d) In any and all districts, the transfer once completed shall irrevocably reduce the amount of #floor area# that can be utilized upon the lot occupied by a landmark by the amount of #floor area# transferred. In the event that the landmark's designation is removed or if the landmark #building# is destroyed, or if for any reason the landmark #building# is #enlarged# or the landmark lot is redeveloped, the lot occupied by a landmark can only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by the transfer.
- (e) As a condition of permitting such transfers of development rights, the Commission shall make the following findings:
 - (1) that the permitted transfer of #floor area# or variations in the front height and setback regulations will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of use in any #block# to the detriment of the occupants of #buildings# on the #block# or nearby #blocks#, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole;
 - (2) that the program for continuing maintenance will result in the preservation of the landmark; and
 - (3) that in the case of landmark sites owned by the City, State or Federal Government, transfer of development rights shall be contingent upon provision by the applicant of a major improvement of the public pedestrian circulation or transportation system in the area.

The Commission shall give due consideration to the relationship between the landmark #building# and any #buildings developed# or #enlarged# on the adjacent lot regarding materials, design, scale and location of #bulk#.

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

area.

(2/2/11)

74-793

Transfer instruments and notice of restrictions

The owners of the landmark lot and the adjacent lot shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# on the lot occupied by the landmark and the adjacent lot shall be filed by the owners of the respective lots in the place and county designated by law for the filing by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

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

(9/21/11)

74-80

TRANSIENT HOTELS

(9/21/11)

74-801

In R10H Districts

In R10H Districts, the City Planning Commission may permit #transient hotels#. Where a #building# in existence on December 15, 1961, is located on a #zoning lot#, a substantial portion of which is located in an R10H District and the remainder in a #Commercial District#, the Commission may also permit the #conversion# of specified #floor area# within such #building# from #residential use# to #transient hotel use# without regard to the #floor area#, supplementary #use# or density regulations otherwise applicable in the #Commercial District#. The Commission may also allow any subsequent #conversion# of such specified #floor area# to and from #residential# or #transient hotel use# to occur without further

Commission approval, subject to the conditions of the special permit.

As a condition precedent to the granting of such #use# or #bulk# modifications, the Commission shall find that such modifications will not impair the essential character of the #Residence District#.

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

(9/21/11)

74-802

In M1-6D Districts

In M1-6D Districts, in areas that have not met the residential development goal set forth in paragraph (a) of Section 42-483 (Commercial uses), the City Planning Commission may permit #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with Section 42-481 (Residential use), provided the Commission finds that:

- (a) sufficient development sites are available in the area to meet the residential development goal; or
- (b) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# resulting from a #development# or #enlargement# is consistent with such character of the surrounding area.

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

(8/20/70)

74-81

Non-profit Residences for the Elderly

The related #accessory# social and welfare facilities minimum requirement, as set forth in Section 12-10 (DEFINITIONS - Non-profit Residence for the Elderly) may be reduced or waived in any #non-profit residence for the elderly# as to which the City

Planning Commission makes the following findings:

- (a) the proposed #non-profit residence for the elderly# is an addition to or #enlargement# or expansion of an existing #non-profit residence for the elderly# and is located on a #zoning lot# no portion of which is more than 1,500 feet from the existing #non-profit residence for the elderly#;
- (b) both #non-profit residences for the elderly# will be owned, operated and maintained by the same sponsoring organization;
- (c) the existing #non-profit residence for the elderly# contains related social and welfare facilities which will be used to adequately and conveniently service tenants of both the existing and proposed #non-profit residences for the elderly#.

The Commission may prescribe appropriate conditions and safeguards to enhance the character and purposes of the project.

(2/2/11)

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 #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.

In the districts with an equivalent #residential floor area ratio# of 10, any #floor area# bonus earned by providing a #through block arcade# may be applied to increase the #residential floor area# of a #mixed building# provided the maximum #floor area ratio# for the #residential# portion does not exceed 12.0.

Each application for a #through block arcade# must meet the following criteria:

- (1) result in substantial improvement of pedestrian circulation;

and

- (2) provide appropriate secondary #commercial# frontage along the #through block arcade# such as small shops and restaurants.

Bridges, mezzanines and balconies which add interest and function to the #arcade# without unduly obstructing its light and air may be incorporated in the proposal.

Lighting, paving, #signs# and plantings shall be specified in the application.

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

(7/22/71)

74-83

Court Houses

In all #Commercial Districts#, the City Planning Commission may permit modifications of the applicable #bulk# regulations so as to allow the same #bulk# regulations as would apply for a #community facility building# in the applicable #Commercial District# and may permit modifications of the applicable regulations in Section 33-26 to 33-30, inclusive, relating to Yard Regulations or Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations. The Commission shall find that because of site limitations such modifications are necessary for the proper design and operation of the court house.

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

(5/22/69)

74-84

Developments with Existing Buildings

(10/14/71)

74-841

Development in Certain Commercial Districts

In C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C7, C6-8 or C6-9 Districts, the City Planning Commission may permit a #zoning lot# having a minimum area of 40,000 square feet or occupying an entire #block# to be #developed# to its maximum allowable #bulk# under applicable district regulations and any existing #buildings# to remain temporarily on that lot and may permit the #floor area# of any existing #buildings# to be excluded from computations determining such maximum allowable #floor area#, provided that each and every one of the following conditions are met:

- (a) that existing #buildings# with unexpired leasehold interests are located upon such #zoning lot#;
- (b) that all leases within the existing #buildings# must terminate within five years after the issuance of a special permit under this Section, and that no new leases or any lease renewals shall be entered into on any existing #buildings# or portion of such existing #buildings#;
- (c) that the total #floor area# of all such existing #buildings# on the #zoning lot# is not greater than 20 percent of the maximum allowable #floor area# for that #zoning lot#;
- (d) that demolition of all such existing #buildings# must commence within five years after the issuance of the special permit under this Section;
- (e) that the portions of the #zoning lot# where existing #buildings# are located and are to be demolished shall be redeveloped according to the approved site plan; and
- (f) that, until such time as demolition of all such existing #buildings# and completion of the approved site plans, #floor area# equal in amount to that which was located in such existing #buildings#, must be left unfinished and vacant in the new #development#; and a temporary certificate of occupancy, for the vacant space, shall remain in effect until all conditions in the special permit are satisfied.

The owner of the #zoning lot# shall submit a copy of all leases on any #building# or portion of any #building# on the #zoning lot# together with an opinion of counsel that the leases will terminate within five years.

All leases of such existing #buildings# or portions of #buildings# shall submit affidavits attesting to the expiration date of their leases together with an opinion of counsel that the lease will expire within five years.

The owner of the #zoning lot# shall have prominently displayed on the front of all existing #buildings# a sign stating the date that the #building# is to be demolished.

As a further condition for the issuance of a permit under this Section, the owner of the #zoning lot#, upon which new #development# is to take place, must post a bond or other security payable to the City of New York and approved by the Corporation Counsel sufficient in amount to:

- (1) cover the cost of demolishing the existing #buildings# should the owner fail to so demolish within the prescribed time;
- (2) ensure that all #floor area# which is to be vacant in the new #development# shall remain unfinished and vacant; and
- (3) ensure that no new leases or lease renewals are entered into on any portion of any of the existing #buildings#.

The bonds or other securities shall be payable to The City of New York if any of the above conditions are violated.

The Commission must find, with each grant for a special permit under this Section, that the #development# shall result in improved circulation and would eliminate the undesirable preemption of ground level space by private #buildings or other structures#. In making this finding, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of new #development# and other improvements on the #zoning lot#.

(10/14/71)

74-842

Staged development of public or publicly-assisted housing projects

In all #Residence Districts# except R9 and R10 Districts, in C1 or C2 Districts mapped within all such #Residence Districts# except R9 and R10 Districts, or in C1-6, C1-7 or C2-6 Districts, for a staged #development# of public, or publicly-assisted housing projects, the City Planning Commission may permit any existing occupied #building# to remain temporarily on a #zoning lot#, and may authorize the applicable #bulk# regulations of the underlying

districts to apply to the entire #zoning lot# without regard to the existence of such temporary #building# if the following conditions are met:

- (a) that the entire #zoning lot# of such #development# is owned by the applicant;
- (b) that the development plan for the project, showing compliance with all provisions of this Resolution, has been approved by the Board of Estimate, or will be subject to Board of Estimate approval in conjunction with the application for a special permit under this Section;
- (c) that the number of existing #dwelling units# temporarily retained on a #zoning lot# are no more than the number of new #dwelling units# approved for construction on such #zoning lot#;
- (d) that no final certificate of occupancy shall be issued by the Department of Buildings for the new construction until all pre-existing #buildings# except those #buildings# which are to be retained in accordance with the approved development plan are vacated, demolished and their sites are redeveloped in accordance with the approved project plan;
- (e) that the #use# of this staged #development# process, rather than a method of #development# requiring compliance with this Resolution, is necessary to expedite the construction of new housing and to alleviate the City's relocation housing problems; and
- (f) that the final #development# complies with all the applicable regulations of the underlying districts of the Zoning Regulation.

The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of new #development# and other improvements on the #zoning lot#.

The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the #block# and of the surrounding area resulting from the temporary non-conformity with the Resolution permitted pursuant to this Section.

74-843

Preservation of existing buildings within certain developments containing open areas

In R10 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, or in C1-9 or C2-8 Districts, for any #development# on a #zoning lot# which was all within single ownership on or before May 31, 1973, which contained a portion of its #zoning lot# mapped within an R8 District on or before May 31, 1973, which is located within the boundaries of Community Board 8 in the Borough of Manhattan, and which preserves and maintains existing on-site #residential buildings# the City Planning Commission may grant upon application resulting from joint efforts of a developer and on-site tenants, and after Community Board 8 has reviewed the architectural plans, a #floor area# bonus for public open area and relocation housing as set forth in this Section, and modify height and setback, #yards#, #courts#, and distance between #buildings# regulations. The provisions of this Section shall not apply in any special purpose district, unless permitted by such special purpose district.

As a condition for granting a special permit for such #development#, the Commission shall make the following findings:

- (a) that the retention of existing #residential buildings# is essential to preserve the character of the neighborhood;
- (b) that the existing #residential buildings# are suitable for rehabilitation;
- (c) that no #residential# or #community facility building# existing prior to May 31, 1973 be demolished or residential tenants evicted, on a #narrow street#, if 50 percent or more of the #floor area# of such #building# is located beyond 125 feet from a #street# intersection;
- (d) that the relocation practices followed by the developer on the entire #zoning lot# satisfy applicable governmental standards;
- (e) that existing #buildings# or portions thereof contain #dwelling units# which will be available on a priority basis for occupancy by on-site tenants displaced by new construction or by rehabilitation after December 31, 1970 in accordance with an approved relocation, rehabilitation and continued maintenance program;
- (f) that any outstanding eviction notices have been withdrawn;
- (g) that on-site tenants have not been subject to harassment by intent or otherwise or where harassment has occurred, it has

ceased as of the date of the application for the special permit hereunder;

- (h) that the #dwelling units# that are reserved for such relocation housing shall comply with an approved rent schedule;
- (i) that an agreement between the tenants and developers on the relocation plan has been reached which is satisfactory to two-thirds of the tenants on-site on the date of application for special permit hereunder;
- (j) that the #development# provides a minimum of 30 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 not at any point be more than five feet above nor more than eight feet below #curb level# of the #street# providing primary access to such area. The public open area shall be preferably on the southerly side of the lot unobstructed from its lowest level to the sky except as set forth in this Section, and directly accessible to the public from an adjoining #street#. Access to such public open area shall be clearly visible from the #street#. The said area shall contain lighting, landscaping, planting, pedestrian ways and sitting areas and be maintained in accordance with reasonable standards. #building# columns or similar elements may be permitted but the aggregate area of such elements may not exceed two percent of the total public open area. Driveways, off-street parking spaces and loading berths and balconies are not permitted within the public open area:
 - (1) for a #development# within 600 feet of a #public park# or playground having a minimum area of one acre, the minimum dimension of the public open area shall be at least 30 feet; access to such public area shall be at least 25 feet wide at the #street line# and the clear width of the walkway for pedestrian traffic shall not be less than 20 feet. The public open area may include covered or arcaded areas, total area of which shall not exceed 20 percent of the required public open area. Such arcaded or covered areas shall have an average clear height of not less than 20 feet and a minimum clear height of 12 feet.
 - (2) for all other #development# pursuant to this Section, the minimum dimension of such public open area shall be 45 feet and have a minimum area of 4,500 square feet. The #development# shall also provide an #arcade# which #abuts# the #street line# along the short dimension of the #block# and extends along the full length of the #building# on such frontage. Such #arcades# and required

setback areas which abut the #street line# along the short dimension of the #block# shall be included in meeting the 30 percent public open area requirements of this Section.

- (k) that the finish of exterior walls of the existing #building# fronting on such public open area is compatible with the #development# and the public open area;
- (l) that a roof area of #development# shall be landscaped for use by #residential# tenants and shall:
 - (1) be restricted to occupants of the #residential# portion and their guests for whom no admission or membership fees are charged;
 - (2) be directly accessible from a lobby or other public area served by the residential elevators;
 - (3) be landscaped, including trees or shrubbery, except where covered or developed with recreational facilities and seating areas; and
 - (4) contain not less than 2,500 square feet of continuous area open to the sky on a single level with a minimum dimension of not less than 40 feet.
- (m) that the total #development# will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and surrounding developments;
- (n) that the #development# will not have a negative environmental impact on the neighborhood or change the character of the neighborhood.
- (o) that the basic #floor area ratio# for the #zoning lot# may be increased from 10.0 to 12.0 for complying with the provisions of this Section.

In determining the precise extent of the increase in the basic #floor area ratio# on a #zoning lot# from 10.0 to 12.0, the Commission shall, after consultation with Manhattan Community Board 8, balance the economic benefit received by the builder after deducting the cost of the following:

- (1) the number of tenants relocated on and off site;
- (2) the number of units and cost of on-site renovation; and

- (3) the extent and period of years for which rent subsidies are provided over and above those required as relocation benefits under applicable governmental standards.

In no event shall a new #building# exceed 32 #stories# excluding the #basement# level.

No final certificate of occupancy shall be issued by the Department of Buildings for the new construction until the total #development# complies with the approved rehabilitation and relocation program.

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

(2/2/11)

74-844

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

For any #development# on a #zoning lot# a portion of which, exceeding 50 percent, is located in an R9 District, in a C1 or C2 District mapped within an R9 District or in a C1-8 or C2-7 District, and the remaining portion of which is located in an R8 District, and which provides a new #community facility building# for an institution existing on the #zoning lot# prior to the #development# and which includes an open area for public use, the City Planning Commission may allow the zoning district regulations applicable to the #zoning lot# including but not limited to #bulk# and parking to be changed as set forth in this Section and may modify #yard#, height and setback, density and distance between #buildings# regulations in accordance with the provisions of this Section.

As a condition for granting a special permit for such #development#, the Commission shall find that:

- (a) the provision of the new #community facility building# will result in the reinforcement or preservation of an existing church or house of worship, community center, #school#, library, museum, college or university which is essential to the character of the neighborhood and that such #community facility building# will be used only as a #community facility building#;
- (b) such #community facility building# is free-standing and independent of any new #residential building# and contains

floor space of at least 10,000 square feet and shall be located entirely on the R8 portion of the #zoning lot#; the height of the #community facility building# shall not exceed the greater of:

- (1) a height of 20 feet greater than that of the nearest existing #building# in the adjacent R8 District; or
 - (2) 40 feet;
- (c) the arrangement has been made for continuing maintenance of the #community facility building#;
- (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 three feet below #curb level# or six 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 #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 #public plazas# or #arcades# shall not apply. The #accessory# off-street parking requirements of Section 36-332 shall be 20 percent.

At any level at which a #building# within the #development# penetrates an established #sky exposure plane#, such #building# shall not, in the aggregate, occupy more than 45 percent of the #lot area# of the #zoning lot#.

Notwithstanding any other provision of the Zoning Resolution, the #community facility# portion of the #development# may be conveyed by deed, lease or otherwise to the institution operating the #community facility building# and, for the purposes of this #development#, such conveyance shall be deemed not to alter the single #zoning lot# status of the #zoning lot# containing the total #development# authorized under this Section. In no event shall the #floor area# of the total #development#, including the #community facility# portion, exceed a #floor area ratio# of 11.0.

(9/17/70)

74-85

Special Height and Setback Regulations

(2/2/11)

74-851

Height and setback regulations for certain buildings containing residences

In R8, R9 and R10 Districts, and in C1-7, C1-8, C1-9, C2-7 and C2-8 Districts, the City Planning Commission may permit modifications of height and setback regulations for #developments# or #enlargements# containing #residences#, provided the following findings are made:

(a) that the resulting site plan affords better placement of the

#buildings# on the #zoning lot# with improved arrangement of #open space# and improved access of light and air for the #dwelling units#; and

- (b) that the site is adjacent to or opposite a permanent space comprising an area of at least three acres such as a park, public place, waterfront, wharf property, wharves or docks, and that the resulting placement of the #buildings# will not unduly obstruct access of light and air in the #street# or on adjacent #zoning lots#.

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

However, the provisions of this Section shall not apply to #Quality Housing buildings#.

(2/2/11)

74-852

Height and setback regulations for zoning lots divided by district boundaries

For a #zoning lot# divided by a boundary between an R8 District, or a #Commercial District# permitting an equivalent #residential floor area ratio#, and an R10 District, or a #Commercial District# permitting an equivalent #residential floor area ratio#, the City Planning Commission may permit modifications of the height and setback regulations for that portion of a #development# which fronts on a #wide street# and is located in the R8 or equivalent District, provided it finds that such modification will not unduly obstruct access of light and air to surrounding #streets# and properties.

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

(2/2/11)

74-86

Accessory Outdoor Swimming Pools for Residences

The City Planning Commission may permit, as #accessory# to a #use# in Use Group 2 other than a #single-family# or #two-family#

residence#, an outdoor swimming pool to be located not less than 50 feet from any #lot line#, provided that such pool is so located as not to impair the essential character of the residential neighborhood.

The Commission may require that the pool be appropriately screened from other areas on the same or adjacent #zoning lots#. In special circumstances where the Commission finds that the design operates as a suitable buffer or the conditions of topography so warrant, the minimum distance of 50 feet may be reduced or waived.

The Commission shall in each case give due consideration to the effect of such location on the adjacent #residences# and the #street# and may impose appropriate conditions and safeguards.

(6/12/96)

74-87

Covered Pedestrian Space

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

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

(2/2/11)

74-871

Floor area bonus for covered pedestrian space

For the #development# or #enlargement# of a #commercial#, #community facility# 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

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 floor area# 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#, #publicly accessible open area#, #court#, #yard# or other #covered pedestrian space#, may receive only that #floor area# bonus accorded to an #arcade#.

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

- (a) An escalator, providing pedestrian access from sidewalk level to any floor level containing #uses# specified in paragraph (c) of Section 74-872 (Design requirements for covered pedestrian space). Such escalator may be either within or directly accessible from the #covered pedestrian space#. The basic #floor area# bonus may be increased by 1.5 square feet per square foot of #covered pedestrian space# for each floor level connected by such escalator. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such escalator shall not exceed the allowable maximum set forth in the table.
- (b) Where the height over at least one-third of the #covered pedestrian space# in one location is increased by more than one #story# of the #building# above the required height, the basic #floor area# bonus for that portion may be increased by 1.5 square feet per square foot of such raised portion for each such #story#. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such additional height shall not exceed the allowable maximum set forth in the table.
- (c) Where direct access from the #covered pedestrian space# to a subway station mezzanine or concourse is provided and such connection is major, necessary, and kept open to the general public for the same hours as the #covered pedestrian space# or as specified by the Commission, an additional bonus of two square feet of #floor area# per square foot of #covered

pedestrian space# may be permitted over the amount specified in the table.

(2/2/11)

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#, #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 comprised of 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 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#, #publicly accessible open areas# or other public rights-of-way, the #covered pedestrian space# will provide a connection between at least two such areas.

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

For the purpose of ensuring prominent public attention to the #covered pedestrian space#, the openings at the face of the #building# for entrances to the #covered pedestrian space# shall be at least 20 feet wide, 30 feet high and unobstructed for a depth of 30 feet, except, where the #covered pedestrian space# is air-conditioned, the openings at the entrances may be partially enclosed. Such enclosure at the entrances shall be transparent in nature, commence at a height not less than eight feet above the floor level at the entrances, and be set back from the face of the #building# at least 12 feet. Air curtains are permitted but shall be located at a height not less than eight feet. Such entrances are

permitted to be fully enclosed only for that portion of the year between October 15 and April 15, provided, however, that such space is readily accessible to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

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

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

(2/2/11)

74-873

Findings for covered pedestrian spaces

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

- (a) the proposed #covered pedestrian space# will have a useful role in meeting existing needs for sheltered space for the comfort and convenience of the general public;
- (b) the proposed #covered pedestrian space# is located at or close to the principal level of pedestrian circulation in adjacent areas, with prominent and obvious public entrances;
- (c) the public character of the proposed #covered pedestrian space# shall be obvious from the outside of the #building#;
- (d) appropriate #commercial uses# including, but not limited to, small stores and cafes fronting on the #covered pedestrian space# are provided;
- (e) the distribution of the #bulk# on the #zoning lot# permits

satisfactory access of light and air to surrounding #streets# and properties; and

- (f) the proposed connection to an underground subway station from a #covered pedestrian space# is necessary to ease pedestrian movement and sidewalk congestion in the area and the construction cost of the proposed amenity is substantial enough to justify the granting of additional #floor area ratio# bonus.

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

(2/2/11)

74-88

Modification of Height and Setback and Street Wall Regulations

Upon application, the City Planning Commission may permit the modification of height and setback and #street wall# regulations of Section 23-651 (Tower-on-a-base) and paragraph (a) of Section 35-63 (Special Tower Regulations for Mixed Buildings), except for the permitted tower coverage or the required #floor area# distribution below a height of 150 feet, and may permit modification of the requirements of paragraph (a)(1)(ii) of Section 24-54 (Tower Regulations), provided the Commission makes the following findings:

- (a) that such modification will enhance the contextual relationship of the #development# or #enlargement# to nearby #buildings# and improve the overall scale, site design and architectural harmony among #buildings# in the neighborhood; and
- (b) that such modification will not unduly obstruct access of light and air to the detriment of the occupants or users of the #buildings# in the #block# or nearby #blocks# or of people using the public #streets#.

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

(2/2/11)

74-89

Bulk Modifications for Telephone Exchanges or Other Communication Equipment Structures

In C1 and C2 Districts when mapped in R6, R7, R8, R9 and R10 Districts, and in C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4-2, C4-3, C4-4, C4-5, C4-6, C5-1, C6-1, C6-2, C6-3, C7, C8-2, C8-3, C8-4, M1-2, M1-3, M1-4, M1-5, M2 and M3 Districts, the City Planning Commission may permit modification of the #bulk# regulations for telephone exchanges or other communications equipment structures not existing on December 15, 1961, provided that the #zoning lot# has a minimum area of 40,000 square feet, a #floor area ratio# of no greater than 10.0 and that the following findings are made:

- (a) that the growth of the utility service demand to be served by the facility requires the construction of a #building or other structure# that would exceed the allowable #bulk# permitted by the district regulations;
- (b) that provisions of new or additional facilities at other locations would cause substantial duplication of plant and facilities;
- (c) that the proposal is the minimum modification necessary to permit the additional facilities needed to serve the demand;
- (d) that the design of the facility will not adversely affect the character of the neighborhood;
- (e) that the existing #street# and public transportation system will not be adversely affected; and
- (f) that, where appropriate and feasible in the judgment of the Commission, the applicant provides a public amenity for the benefit of the affected community.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and shall require that the certificate of occupancy shall be limited to such #use#.

(2/2/11)

74-90

USE AND BULK MODIFICATIONS FOR CERTAIN COMMUNITY FACILITY USES

In all #Residence# and #Commercial Districts# except C7 and C8

Districts, which are in the Community Districts within which, pursuant to Section 22-42 (Certification of Certain Community Facility Uses), nursing homes and health-related facilities are not permitted as-of-right, the City Planning Commission may permit the #development#, #extension# or #enlargement# or change of #use# involving such nursing homes and health-related facilities where such #uses# are not permitted as-of-right, provided that the Commission finds:

- (a) that the architectural landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography of the surrounding area;
- (b) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic;
- (d) that the disadvantages to the community imposed by the concentration of these facilities in the Community District are outweighed by the benefits derived from the proposed #use#; and
- (e) that in R1 and R2 Districts, such facilities are not proprietary nursing homes, proprietary health-related facilities or proprietary domiciliary care facilities for adults.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the character of the surrounding area.

Where such #use# is authorized by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Sections 74-901 or 74-902.

Special permits granted by the Commission under Sections 74-901 or 74-902 on or before January 10, 1974, shall not require further approval or action pursuant to this Section or Sections 22-42 or 32-45.

In the event amendment CP-22490 is not held invalid by the courts, it shall be effective insofar as limiting vested rights is concerned but shall be superseded in all other respects by amendments CP-22490(A) and CP-22566.

(2/2/11)

74-901

Certain community facility uses in R1 and R2 Districts and certain Commercial Districts

In R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts# for any #development#, #extension# or #enlargement# or change of #use# involving any #community facility uses# other than domiciliary care facilities for adults or those for which a permit is required by the Board of Standards and Appeals pursuant to Sections 73-12 (Community Facility Uses in R1 or R2 Districts) or 73-13 (Open Uses in R1 or R2 Districts), the City Planning Commission may permit the allowable #community facility floor area ratio# and #lot coverage# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to all such #uses#, provided that the following findings are made:

- (a) that the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air in and to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;
- (b) that the architectural and landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography and the surrounding area;
- (c) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and
- (d) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

To minimize traffic congestion in the area, the Commission may require where necessary off-street parking facilities and #accessory# off-street loading berths beyond the amount required by the district regulations.

The Commission may prescribe appropriate conditions and safeguards

to minimize adverse effects on the character of the surrounding area.

(2/2/11)

74-902

Certain community facility uses in R3 to R9 Districts and certain Commercial Districts

In R3, R4, R5, R6, R7, R8 and R9 Districts, and in all #Commercial Districts# except C7 or C8 Districts, the City Planning Commission may permit the allowable #community facility floor area ratio# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to any #development#, #extension# or #enlargement#, or change of #use# involving nursing homes, health-related facilities, sanitariums or philanthropic or non-profit institutions as listed in Use Group 3, each of which have secured certification by the appropriate governmental agency; and in R3, R4, R5, R6 and R7 Districts, and in #Commercial Districts# with the equivalent #residential floor area ratio#, the Commission may permit the allowable #floor area ratio# of Section 23-147 (For non-profit residences for the elderly) to apply to domiciliary homes for adults which have secured certification by the appropriate governmental agency, provided the following findings are made:

- (a) that the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;
- (b) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and
- (c) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

To minimize traffic congestion in the area, the Commission may require, where necessary, off-street parking facilities and #accessory# off-street loading berths beyond the amount required by

the district regulations.

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

(2/2/11)

74-903

Special permits for domiciliary care facilities for adults

In all #Residence# and #Commercial Districts#, except C7 and C8 Districts, the City Planning Commission may permit the #development#, #extension# or #enlargement#, or change of #use# involving domiciliary care facilities for adults, provided that the Commission finds:

- (a) that there is a program for residents including a maintenance and security plan for the facility;
- (b) that there is a plan designating #open space# recreation areas for the use of the residents of the facility;
- (c) that the architectural landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography of the surrounding area;
- (d) that the proposed facilities will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (e) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic; and
- (f) that in R1 and R2 Districts, such facilities are not proprietary domiciliary care facilities for adults.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the character of the surrounding area.

Where such #use# is authorized by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Section 74-902 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

(2/2/11)

74-91

Modification of Public Plazas

In all districts, the City Planning Commission may permit modification of the provisions of Section 37-70 (PUBLIC PLAZAS) affecting the eligibility of #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 33-13 (Floor Area Bonus for a Public Plaza).

Any modification shall be conditioned upon the Commission finding that the usefulness and attractiveness of the #public plaza# will be assured by the proposed layout and design and that such modification will result in a superior urban design relationship with surrounding #buildings# and open areas.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such #public plazas# to surrounding #buildings# and open areas.

(9/24/08)

74-92

Use Groups 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts

(2/2/11)

74-921

Use Groups 3A and 4A community facilities

(a) #Use# modifications for Use Groups 3A and 4A in M1 Districts

In M1 Districts, except for houses of worship and ambulatory diagnostic or treatment health care facilities, the City Planning Commission may permit #uses# listed in Use Group 4A - Community Facilities and, in M1-5 Districts, except in M1-5A, M1-5B and M1-5M Districts, the Commission may permit museums and non-commercial art galleries as listed in Use Group 3A, provided that such #community facility# is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

- (1) an adequate separation from noise, traffic and other adverse effects of the surrounding non-#residential districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#;
- (2) such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# and that such #use# will not produce traffic congestion or other adverse effects that interfere with the appropriate #use# of land in the district or in any adjacent district;
- (3) where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;
- (4) in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (5) for a Use Group 4A #use#, within the neighborhood primarily to be served by the #community facility#, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements; and
- (6) such facility will not impair the essential character of the surrounding area.

(b) #Bulk# modifications for museums in M1-5 Districts

For a #building# containing a museum #use# listed in Use Group 3A, in an M1-5 District, on a #zoning lot# over which the High Line (as defined in Section 98-01) passes, the Commission may modify height and setback regulations, provided that such modifications:

- (1) provide a better distribution of #bulk# on the #zoning lot#;
- (2) result in a better relationship of the #building# to open areas including the High Line, adjacent #streets# and surrounding properties;
- (3) provide adequate light and air for #buildings# on the #zoning lot# and do not adversely affect adjacent #zoning lots# by unduly restricting access to light and air to

surrounding #streets# and properties; and

- (4) result in a #building# containing a museum #use# that facilitates the public's use and enjoyment of the High Line.

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

(2/28/85)

74-922

Certain large retail establishments

In M1 Districts, the City Planning Commission may permit department stores, carpet, rug, linoleum or other floor covering stores, clothing or clothing accessory stores, dry goods or fabric stores, food stores, furniture stores, television, radio, phonograph or household appliance stores, or variety stores, with no limitation on #floor area# per establishment.

In M1-5 or M1-6 Districts, the Commission may modify the applicable regulations governing height and setback or #yards# for a change of #use#, #extension# or minor #enlargement# involving a large retail establishment.

In M1-5M Districts, the Commission may also modify the applicable regulations governing loading berths so as to allow the location of such berths off-site in conjunction with a change of #use#, #extension# or #enlargement# of a large retail establishment with a #floor area# of at least 25,000 square feet within a #building designed for residential use#.

As a condition of granting a special permit for such large retail establishments, the Commission shall find:

- (a) that the principal vehicular access for such #use# is not located on a local #narrow street#;
- (b) that such #use# is so located to draw a minimum of vehicular traffic to and through local #streets#;
- (c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;
- (d) that vehicular entrances and exits are provided for such

#uses# and are located not less than 100 feet apart;

- (e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (f) that such #use# is so located as not to impair the essential character or the future use of or development of the surrounding area;
- (g) that such #use# will not produce any adverse effects which interfere with the appropriate #use# of land in the district or in any adjacent district;
- (h) that such #bulk# modifications will not unduly obstruct the access of light and air to surrounding streets and properties; and
- (i) that in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further finds:
 - (1) that an adequate alternate loading facility in the same ownership (single fee ownership or control or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the retail store is provided, subject to a deed restriction filed in an office of record binding the owner and his heirs and assigns to maintain the alternate facility throughout the life of the retail store;
 - (2) that the alternate loading facility is located within the same district or an adjoining C6-M, C8 or #Manufacturing District# and the maximum distance between the two sites is 1000 feet;
 - (3) that the location of the loading berths on the same #zoning lot# as the retail store would have a significant impact on the existing #residential uses# in the #building#;
 - (4) that the location of the loading berths on the same #zoning lot# as the retail store would create serious vehicular and pedestrian traffic conflict on the #street# upon which the store fronts; and
 - (5) that the alternate location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# surrounding the alternate site.

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

(2/2/11)

74-93

Special Commercial or Mixed Use Developments in Commercial Districts

Within the boundaries of Community District 6, Borough of Queens, for #commercial# or #mixed use developments# or #enlargements# on two or more #zoning lots# in more than one #block#, which #zoning lots#, as defined in Section 12-10, each have single fee ownership or equivalent ownership arrangements for all lots comprising the #development# or #enlargement#, which are contiguous or would be contiguous but for their separation by a #street#, and located partially in a C4-2 District, partially in a C4-2F District, the City Planning Commission may permit upon application:

- (a) reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the #uses# proposed;
- (b) any closed and demapped air space above a #street# to be considered as a part of the #development# or #enlargement# and to be used for automobile ways, or for pedestrian ways, provided the Commission finds that:
 - (1) each bridge over the #street# bed utilizes only unused #floor area# from an adjoining #zoning lot# within the #development# or #enlargement# and that no #floor area# credit is generated from the demapped air space;
 - (2) each bridge adjoins #zoning lots# which are wholly within the #development# or #enlargement#;
 - (3) the #curb levels# of the adjoining #zoning lots# are not affected by the closing and demapping of such air space;
 - (4) all #street# frontages of the #zoning lots# under each bridge are provided with satisfactory lighting; and
 - (5) a landscaped open, covered or enclosed space for public use at #street# level, linked with the pedestrian circulation system, is provided in one location within

the #development# or #enlargement#, which open, covered or enclosed space is at least equivalent to the #street# area covered by the bridges, has a minimum area of 20,000 square feet, and is maintained with planting and seating facilities, by the owner of the #development# or #enlargement# or his designee, said open, covered or enclosed space to be subject to such other requirements as the Commission may deem appropriate;

- (c) automobile service establishments, including: automobile, tire, battery, muffler and accessories establishments, including installation services; automobile glass and mirror shops, including installation services where such #use# is an integral part of the permitted principal #use#; automotive seat cover or convertible top establishments, including installation service, but not including automobile laundries; automobile painting establishments; automobile body repair establishments; or automobile fuel service stations;
- (d) modification of applicable #bulk# regulations by permitting the total permitted #floor area# for all #zoning lots# within such #development# or #enlargement# to be distributed without regard to #zoning lot lines# and permitting the location of #buildings# without regard for the applicable height and setback regulations, provided the Commission finds that:
 - (1) such distribution of #floor area# and location of #buildings# will result in better site planning and will thus benefit both the neighborhood and the City as a whole; and
 - (2) such distribution of #floor area# and location of #buildings# will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-65 (Permitted Projection or Height of Signs), provided that the Commission finds that such modification will result in a better site plan.

The Commission may impose additional conditions and safeguards to improve the quality of the #development# or #enlargement# and minimize adverse effects on the character of the surrounding area, including restrictions on permitted #commercial uses#, #signs# and location of curb cuts to ease vehicular and pedestrian circulation in the area.

(7/26/01)

74-94

Residences for People With Disabilities

In C6-2 Districts, for any #development# designed as a residence for people with disabilities, the City Planning Commission may, by special permit, modify the applicable height and setback regulations, #open space# and density requirements, regulations pertaining to permitted obstructions in required #yards#, and #accessory# parking requirements, and may increase, to a maximum of 7.2, the allowable #residential floor area ratio# on the #zoning lot# in accordance with the provisions of this Section. For purposes of this Section, a "residence for people with disabilities" is defined as a #residence# occupied at least 75 percent by disabled individuals or by households at least one of the members of which is disabled, and the remainder by individuals sixty-two years of age or older or by households at least one of the members of which is sixty-two years of age or older, and by the staff of such #residence#; that:

- (a) contains #dwelling units# especially designed for disabled persons and reserved for use as residences for the disabled for a period of not less than 40 years;
- (b) contains related #accessory# social and welfare facilities primarily for residents which may also be made available to the community, such as cafeterias or dining halls, community rooms, workshops and other essential service facilities, provided that these facilities shall occupy #floor area#, #cellar# space or roof space in an amount equal to not less than ten percent of the total #floor area# of the #building# or #buildings#. In no event shall the floor space occupied by lobbies, passageways, storage areas or other spaces normally provided in usual #residential buildings# be considered as part of the floor space attributable to the social and welfare facilities; and
- (c) is constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of a municipal, State or Federal government agency.

As a condition for such special permit, the Commission shall make the following findings:

- (1) that the Mayor's Office for People with Disabilities, which may consult with other appropriate City agencies, has certified that the organization making the application for the special permit for the proposed residence for people with

disabilities is a responsible group dealing with the needs of the disabled;

- (2) that the Commission, in consultation with the Mayor's Office for People with Disabilities and/or other appropriate City agencies, has determined that the special features and facilities are appropriate to the needs of the intended disabled residents of the #development#;
- (3) that the modifications of #bulk# requirements for the #development# will not impede adequate access of light and air to the surrounding #streets# and #residential# properties; and
- (4) that the modification of #accessory# off-street parking requirements on the #zoning lot# will not unduly inhibit surface traffic and pedestrian flow in the area.

For each square foot of space provided for #accessory# social or welfare facilities, the total #residential floor area# permitted on the #zoning lot# may be increased by two square feet. No #floor area# bonus provisions other than those set forth herein shall be applicable to the #zoning lot#. In no event shall the maximum #floor area ratio# on the #zoning lot# exceed 7.2.

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

For the purposes of this Section, the term "disabled" shall be applicable to any person who in the determination of the New York City Commissioner of Health has an impairment which is expected to be of long-continued and indefinite duration, is a substantial impediment to his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

(2/2/11)

74-95

Modifications of Housing Quality Special Permits

Housing Quality #developments# granted a special permit by the Board of Estimate, prior to August 14, 1987, may be started or continued pursuant to that special permit.

The City Planning Commission may, upon application, authorize modifications of special permits granted before August 14, 1987, under previous Sections 74-95 (Housing Quality Developments) and

74-97 (Special Provisions for a Housing Quality Development on a Through Lot Divided by Residence-Manufacturing District Boundaries with a Substantial Grade Differential).

No such modification may create a new #non-compliance# or increase the degree of an existing #non-compliance#.

#Non-compliance# shall be measured pursuant to the applicable district #bulk# regulations and the provisions of Article II, Chapter 8.

In no event may the Commission grant a modification of a previously approved special permit, which would:

- (a) increase the height of the #building#;
- (b) extend the location of the exterior walls of the #building#;
- (c) increase the portion of the #zoning lot# covered by the #building#;
- (d) increase the #floor area# on the #zoning lot#;
- (e) reduce the amount of indoor and outdoor recreation space other than laundry rooms in the #building#;
- (f) reduce the amount of #bulk# storage within a #dwelling unit# or reduce shared #bulk# storage below 40 cubic feet of storage space for each additional 300 square feet of #dwelling unit#, or portion thereof, above 450 square feet; or
- (g) affect the provision and maintenance of off-site neighborhood improvements.

(7/18/95)

74-99

Lapse of Authorization or Special Permit

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section 11-43 (Renewal of Authorization or Special Permit) shall apply.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VII: Administration Chapter 5 - Certifications

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(4/30/12)

Chapter 5 Certifications

(4/30/12)

75-00 CERTIFICATIONS

(4/30/12)

75-01 Certification for Rooftop Greenhouses

A rooftop greenhouse shall be excluded from the definition of #floor area# and may exceed #building# height limits, upon certification by the Chairperson of the City Planning Commission that such rooftop greenhouse:

- (a) is located on the roof of a #building# that does not contain #residences# or other #uses# with sleeping accommodations;
- (b) will only be used for cultivation of plants, or primarily for cultivation of plants when #accessory# to a #community facility use#;
- (c) is no more than 25 feet in height;
- (d) has roofs and walls consisting of at least 70 percent transparent materials, except as permitted pursuant to paragraph (f)(3) of this Section;
- (e) where exceeding #building# height limits, is set back from the perimeter wall of the #story# immediately below by at least six feet on all sides; and
- (f) has been represented in plans showing:
 - (1) the area and dimensions of the proposed greenhouse, the location of the existing or proposed #building# upon which the greenhouse will be located, and access to and from the #building# to the greenhouse;
 - (2) that the design of the greenhouse incorporates a rainwater collection and reuse system; and

- (3) any portions of the greenhouse dedicated to office or storage space #accessory# to the greenhouse, which shall be limited to 20 percent of the floor space of the greenhouse, and shall be exempt from the transparency requirement in paragraph (d) of this Section.

Plans submitted shall include sections and elevations, as necessary to demonstrate compliance with the provisions of paragraphs (a) through (f) of this Section, as applicable. A copy of the proposed rooftop greenhouse plan shall be delivered to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the Commission. The certification of a rooftop greenhouse shall not be complete until the earlier of the date that the affected Community Board submits comments regarding such proposal to the Chairperson of the Commission or informs the Chairperson of the Commission that such Community Board has no comments; or 45 days from the date that such proposal was submitted to the affected Community Board.

No building permits or certificates of occupancy related to the addition of #residences# or other #uses# with sleeping accommodations within the #building# may be issued by the Department of Buildings unless and until such rooftop greenhouse has been fully dismantled. A Notice of Restrictions shall be recorded for the #zoning lot# providing notice of the certification pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Chairperson of the City Planning Commission, and the filing and recording of such instrument shall be a precondition to the use of such rooftop greenhouse. The recording information for the rooftop greenhouse certification shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the rooftop greenhouse remains intact.

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Carl Weisbrod, Chairman

Article VII: Administration

Chapter 6 - Location of District Boundaries

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(12/15/61)

Chapter 6
Location of District Boundaries

(12/15/61)

76-00
MEASUREMENT OF DISTANCES

(12/15/61)

76-01
Method of Measurement

Except as otherwise specifically provided, all prescribed distances shall be measured in a straight line, not necessarily coinciding with a #street line#.

(12/15/61)

76-10
DISTRICT BOUNDARIES ON THE ZONING MAPS

(12/15/61)

76-11
General Provisions

The district boundaries on the #zoning maps# shall be interpreted in accordance with the provisions set forth in Sections 76-12 (Area Enclosed by District Boundary Line), 76-13 (Location of Boundary Line) and 76-14 (Additional Rules of Construction).

(12/15/61)

76-12
Area Enclosed by District Boundary Line

An area enclosed by a district boundary line shall be in the district designated therein.

(12/15/61)

76-13

Location of Boundary Line

The precise location of a boundary line is to be interpreted in accordance with the provisions set forth in this Section, inclusive.

(12/15/61)

76-131

Boundary line parallel to the short dimension of block

In cases where a boundary line extends parallel to the short dimension of the #block# and no dimensions are shown, such boundary line shall be considered to be located:

- (a) in the case of C1-1, C4-1, C4-2 or C4-4 Districts, 200 feet from the nearest #street# within the district;
- (b) in the case of C1-2, C1-3, C2-1, C2-2, C2-3, C4-3 or C-7 Districts, 150 feet from the nearest #street# within the district; and
- (c) in the case of all other districts, 100 feet from the nearest #street# within the district.

(12/15/61)

76-132

Boundary line parallel to the long dimension of block between parallel streets

In case of parallel #streets#, where a boundary line extends parallel to the long dimension of the #block# and no dimension is shown, such boundary line shall be considered to coincide with the center line of the #block#.

(12/15/61)

76-133

Boundary line parallel to the long dimension of block between streets which are not parallel

In case of #streets# which are not parallel, where a boundary line extends parallel to the long dimension of the #block# and no dimension is shown, such boundary line shall be considered as the bisector of the angle formed by prolonging the #street lines# to an intersection.

(12/15/61)

76-14

Additional Rules of Construction

(2/26/67)

76-141

When distance from street line shown

In cases where the boundary line is shown by a dimension as being located a specific distance from a #street line#, this distance shall be considered to be measured from the nearest #street line# of the #street# from which dimensioned.

In cases where a #Limited Height District# boundary line appears to be identical or approximately identical with the boundary line of another district whose location is shown by a dimension, the boundary line of the #Limited Height District# shall be considered to be identical with the boundary line of the other district.

(6/11/74)

76-142

Boundary line within street

In cases where the boundary line is given a position within a #street#, it shall be considered to be in the center of the #street#.

In cases where a C1 or C2 District is mapped within a #Residence District# and such C1 or C2 District abuts a #street line#, the boundary line along such abutting portion shall be deemed to be located in the center of the abutting #street#.

(12/15/61)

76-143

Boundary line oblique to streets

In cases where a boundary line is shown having a position oblique to the #streets# bounding the #block# in which it is located, it shall (unless otherwise fixed) be considered to be the bisector of the angle formed by the intersection of lines 100 feet from and parallel to each of said bounding #streets#, this distance being measured at right angles to said #street lines#.

(12/15/61)

76-144

Boundary line adjoining a railroad

In cases where a boundary line is shown as adjoining a railroad, it shall (unless otherwise fixed) be considered to coincide with the boundary line of the railroad right-of-way.

(12/15/61)

76-145

Boundary line coinciding with parks, cemeteries or navigable waters

In cases of parks, cemeteries, or navigable waters, the boundary line shall (unless otherwise fixed) be considered to coincide with the boundary line of the park or the cemetery or the pierhead line, except that in cases where no pierhead line has been established, the shore line shall control.

(12/15/61)

76-146

Islands

Any island, or portion thereof, outside of the shore or pierhead lines, that is not a #public park# shall, unless otherwise designated or determined by the City Planning Commission, be considered to be in an R3-2 District.

(12/15/61)

76-147

Park boundary line

The boundary line of a #public park# shall be considered a district boundary line.

(10/24/74)

76-148

Scenic View District boundary line

The boundary lines of #Special Scenic View Districts# are set forth in Section 102-60 (SPECIAL SCENIC VIEW DISTRICTS SPECIFIED).

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THE CITY OF NEW YORK
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CITY PLANNING COMMISSION
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Article VII: Administration

Chapter 7 - Special Provisions for Zoning Lots Divided by District
Boundaries

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(12/15/61)

Chapter 7

Special Provisions for Zoning Lots Divided by District Boundaries

(12/15/61)

77-00

GENERAL PROVISIONS

(12/15/61)

77-01

Applicability of This Chapter

Whenever any #zoning lot# is located in two or more districts in which different #uses# are permitted, or in which different #use#, #bulk#, #accessory# off-street parking and loading, or other regulations apply, the provisions of this Chapter shall apply.

(2/2/11)

77-02

Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution

Whenever a #zoning lot# is divided by a boundary between two or more districts and such #zoning lot# did not exist on December 15, 1961, or any applicable subsequent amendment thereto, each portion of such #zoning lot# shall be regulated by all the provisions applicable to the district in which such portion of the #zoning lot# is located. However, the provisions of paragraph (a) of Section 77-22 (Floor Area Ratio) and Section 77-40 (SUPPLEMENTAL REGULATIONS) shall apply to #zoning lots# created at any time where different #bulk# regulations apply to different portions of such #zoning lot#.

(12/15/61)

77-03

Zoning Lots Existing Prior to Effective Date or Amendment of Resolution

Whenever a #zoning lot# is divided by a boundary between two or more districts and such #zoning lot# existed on December 15, 1961, or any applicable subsequent amendment thereto, the provisions of this Resolution may be applied to such #zoning lot# as set forth in subsequent Sections of this Chapter. Except as specifically provided in this Chapter, each portion of such #zoning lot# shall be regulated by all the provisions applicable to the district in which such portion of the #zoning lot# is located.

(12/15/61)

77-10 USE REGULATIONS

(12/5/90)

77-11 Conditions for Application of Use Regulations to Entire Zoning Lot

Whenever a #zoning lot# existing on December 15, 1961, or on any applicable subsequent amendment thereto, is divided by a boundary between districts in which different #uses# are permitted, the #use# regulations applicable to the district in which more than 50 percent of the #lot area# of the #zoning lot# is located may apply to the entire #zoning lot#, provided that the greatest distance from the mapped district boundary to any #lot line# of such #zoning lot# in the district in which less than 50 percent of its area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

Whenever the #use# regulations are so applied, the district boundary may be assumed to be relocated accordingly, and the #bulk#, off-street parking and loading, and all other regulations applying to such expanded district shall apply to the entire #zoning lot#. However, when the #zoning lot# is divided by a district boundary between a district limited to #single-# or #two-family residences# and a district permitting multiple dwellings, the #use# and #bulk# regulations of an R3-2 District shall apply in the R1, R2, R3A, R3X or R3-1 portion, and the #use# and #bulk# regulations of an R4 District shall apply in the R2X, R4A, R4-1 or R4B portion.

Except as specifically provided by the provisions of a special purpose district, the provisions of this Section shall apply to #zoning lots# which are divided by a special purpose district boundary line.

(6/25/64)

77-12

Application of Use Regulations under All Other Conditions

Whenever a #zoning lot# is divided by a boundary between districts in which different #uses# are permitted and the provisions of Section 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot) do not apply, the applicable #use# regulations for each district shall apply to that portion of the #zoning lot# located within such district, except as provided in Section 73-42 (Enlargement of Uses across District Boundaries) or 73-52 (Modification for Zoning Lots Divided by District Boundaries).

The regulations governing #use# are set forth in Article II, Chapter 2; Article III, Chapter 2; and Article IV, Chapter 2.

(12/15/61)

77-20

BULK REGULATIONS

(9/27/62)

77-21

General Provisions

Whenever a #zoning lot# existing on December 15, 1961, or on any applicable subsequent amendment thereto, is divided by a boundary between districts with different #bulk# regulations, and the provisions of Sections 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot) or 77-211 (Conditions for application of bulk regulations to entire zoning lot) do not apply, the #bulk# regulations may apply as set forth in Sections 77-22 to 77-29, inclusive, relating to Bulk Regulations.

(12/5/90)

77-211

Conditions for application of bulk regulations to entire zoning lot

Whenever a #zoning lot# existing on December 15, 1961, or on any applicable subsequent amendment thereto, is divided by a boundary between:

- (a) two #Residence Districts# limited to #single-# or #single-# and #two-family residences#; or
- (b) two #Commercial Districts# or two #Manufacturing Districts# in which the same #uses# are permitted but different #bulk# regulations apply;

the #bulk# regulations applicable to the district in which more than 50 percent of the #lot area# of the #zoning lot# is located may apply to the entire #zoning lot#, provided that the greatest distance from the mapped district boundary to any #lot line# of such #zoning lot# in the district in which less than 50 percent of its area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

Whenever the #bulk# regulations are so applied, the district boundary may be assumed to be relocated accordingly, and the off-street parking and loading and all other regulations applying to such expanded district shall apply to the entire #zoning lot#.

Except as specifically provided by the provisions of a Special Purpose District, the provisions of this Section shall apply to #zoning lots# that are divided by a Special Purpose District boundary line.

(2/2/11)

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 Articles II, III and IV.

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 #publicly accessible open areas# or #arcades#, under the applicable regulations of this Resolution, shall apply only to such #publicly accessible open areas#, #arcades# or portions thereof, as are located in a district in which such bonus is granted.

When a #zoning lot# (with a #height factor# greater than 21) does not have a specified maximum #floor area ratio#, for the purpose of computing the adjusted maximum #floor area ratio#, the #floor area ratio# of such #zoning lot# shall be deemed to be that which can be achieved at the minimum required #open space ratio# for such #zoning lot#.

The #floor area# resulting from application of the adjusted maximum #floor area ratio# may be located anywhere on the #zoning lot#, subject to all other regulations of this Resolution, and provided that the #floor area ratio# for any portion of the #zoning lot# within one district shall not exceed the maximum #floor area ratio#, by #height factor#, if applicable, specified for that district, or the adjusted maximum #floor area ratio# for the #zoning lot#, whichever is greater, except as follows:

- (a) In R3-2 Districts, R4 Districts, except R4A, R4-1 and R4B Districts, R5 Districts, and equivalent #Commercial Districts#, and for #Quality Housing buildings# in R6, R7 and R8 Districts and equivalent #Commercial Districts# outside the #Manhattan Core#, the #residential floor area ratio# of that portion of the #zoning lot# fronting on and within 100 feet of a #wide street# and permitting the greater maximum permitted #residential floor area ratio# may exceed the maximum permitted #residential floor area ratio# for the portion of the #zoning lot# by up to 20 percent, provided that the maximum #residential floor area ratio# for the #zoning lot# does not exceed the adjusted maximum #residential floor area ratio# applicable to such #zoning lot#.
- (b) For portions of #zoning lots# within an R2X, R3-1, R3A, R3X, R4-1, R4A or R4B District not subject to the provisions of Section 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot), the #floor area ratio# for such portion of the #zoning lot# shall not exceed the maximum #floor area ratio# specified for that district.

(2/2/11)

77-23

Open Space Ratio

The #open space# required for such #zoning lot# shall be computed separately for each portion of the #zoning lot# under the applicable regulations of the underlying districts. 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 other districts that do not have required #open space ratios# but do have required #open space#, the required #open space# for each such portion is computed by multiplying the #lot area# of that portion, by the minimum percentage of #open space# required, divided by 100.

For portions of the #zoning lot# located in districts that do not have a required #open space ratio# or required #open space#, no #open space# shall be required but any required #yards#, or #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.

The required #open space# may be located anywhere on the #zoning lot# subject to all other regulations of this Resolution and provided that the #open space ratio# for any portion of the #zoning lot# within one district shall not be less than 60 percent of the required #open space ratio# for that district.

(2/2/11)

77-24

Lot Coverage

The maximum percent of #lot coverage# permitted on each portion of a #zoning lot# shall be determined under the applicable

regulations of Article II, Chapters 3 and 4.

Each such maximum percent of #lot coverage# shall be multiplied by the #lot area# of the portion of the #zoning lot# to which such percent of #lot coverage# applies. The sum of the areas of #lot coverage# thus obtained shall be the maximum area of #lot coverage# for the #zoning lot#. Such maximum area of #lot coverage#, divided by the #lot area# of the #zoning lot#, shall be the adjusted maximum percent of #lot coverage# for the #zoning lot#.

A #building# whose #lot coverage# does not exceed the adjusted maximum percentage of #lot coverage# may be located anywhere on such #zoning lot# or portion of such #zoning lot#, subject to all other regulations of this Resolution, and provided that the percentage of #lot coverage# for any portion of the #zoning lot# within one district shall not exceed the maximum percentage of #lot coverage# specified for that district, or the adjusted maximum percentage of #lot coverage# for the #zoning lot#, whichever is greater.

If a #zoning lot# divided by a boundary between two or more districts is partly a #corner lot# and partly an #interior lot# or #through lot#, separate adjusted maximum percentages of #lot coverage# shall be computed for such #corner lot# and for such #interior lot# or #through lot# and applied separately to such #corner lot# and to such #interior lot# or #through lot#, as though each were a separate #zoning lot#. The provisions of this paragraph shall not apply to #zoning lots# located on #waterfront blocks#.

If a #zoning lot# is partly in a district in which there is no maximum permitted percentage of #lot coverage# for the #use#, the provisions of this Section shall apply to such portions of the #zoning lot# as are in a district with a maximum #lot coverage# requirement.

In R2X, R3, R4 or R5 Districts for #residential# portions of #buildings#, each portion of the #zoning lot# shall be governed by the #lot coverage# regulations specified for the district in which it is located as set forth in Article II, Chapter 3.

Wherever a #zoning lot# is divided by a district boundary in which one portion of the #zoning lot# is located in a district having a #lot coverage# requirement and the other portion is located in a district having an #open space ratio# requirement, the required #open space# for the portion having the #open space ratio# requirement shall be computed in accordance with Section 77-23 (Open Space Ratio). The inverse of such required #open space# shall be the maximum #lot coverage# permitted on that

portion of the #zoning lot#, and may be located anywhere on the #zoning lot# subject to all other regulations of this Resolution.

(2/2/11)

77-25

Density Requirements

Whenever a #zoning lot# is divided by a boundary between districts with different density requirements, the maximum number of #dwelling units# or #rooming units# permitted on the #zoning lot# shall equal the sum of the maximum number of #dwelling units# or #rooming units# permitted for each portion of the #zoning lot# in accordance with the applicable district regulations. Such #dwelling units# or #rooming units# may be located wherever a #building# is permitted on the #zoning lot#. However, for portions of #zoning lots# in R1, R2, R3-1, R3A, R3X, R4-1, R4A, R4B or R5A Districts, no more than one or two #dwelling units# may be provided, as applicable.

(2/2/11)

77-26

Minimum Lot Area and Lot Width Requirements for Residences

The minimum #lot area# and #lot width# regulation applying to the district with the more restrictive regulations shall apply to the entire #zoning lot#.

(2/2/11)

77-27

Yard Regulations

Each portion of the #zoning lot# shall be governed by the #yard# regulations specified for the district in which it is located.

(2/2/11)

77-28

Height and Setback Regulations

For #zoning lots# divided by district boundaries in which all applicable height and setback regulations include the use of #sky exposure planes#, the height and setback regulations of each #street# frontage of the #zoning lot# shall be determined by multiplying the quantitative requirements set forth in the regulations of the Chapters, which are applicable to each portion of such #street# frontage, by the percentage of such #street# frontage to which such regulations apply. The sum of the products obtained shall be the controlling requirements for the #zoning lot#.

In determining the percentage of such #street# frontage, the percentage shall be based on the total frontage of the #zoning lot# along such #street#.

However, if any portion of such #zoning lot# is located within a #Limited Height District#, the provisions of Sections 23-691, 24-591, 33-491 or 43-49 (Limited Height Districts) shall apply to such portion of the #zoning lot#.

For all other #zoning lots#, each portion of such #zoning lot# shall be regulated by the height and setback provisions applicable to the district in which such portion of the #zoning lot# is located.

In R2X, R3, R4 or R5 Districts, for #residential# portions of #buildings#, each portion of the #zoning lot# shall be governed by the height and setback regulations specified for the district in which it is located, as set forth in Article II, Chapter 3.

For the purposes of defining a #building# envelope pursuant to paragraph (b) of Section 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts), apex points may be located on a zoning district boundary which divides a #building#.

Furthermore, if any portion of a #zoning lot# is located in an R2X, R3, R4, R4A or R4-1 District, the height and setback regulations specified for such district may apply to the entire #zoning lot# provided that such district comprises more than 50 percent of such #zoning lot#, and the greatest distance from the mapped district boundary to any #lot line# of such #zoning lot# in the district in which less than 50 percent of its area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

77-29

Tower Regulations

If 50 percent or more of a #zoning lot# is located within a district to which the provisions of Sections 23-65, 24-54, 33-45 or 43-45 (Tower Regulations) apply, and the remaining portion of the #zoning lot# is within a district to which such provisions do not apply, any #building# or portion thereof which, in the aggregate, occupies not more than 40 percent or, on small lots, the percentage set forth in Sections 23-65, 24-54, 33-454 or 43-451 (Towers on small lots) of the #lot area# of the entire #zoning lot# (which #building# or portion thereof is hereinafter referred to as a tower) may penetrate any applicable established #sky exposure plane#, provided that such tower shall comply with the applicable setback requirements or restrictions on aggregate area that may be occupied within 50 feet of a #narrow street# or 40 feet of a #wide street#, as set forth in Sections 23-65, 24-54, 33-45 or 43-45.

If 50 percent or more of a #zoning lot# is located in a district in which the provisions of Sections 33-455 (Alternate regulations for towers on lots bounded by two or more streets), 33-456 (Alternate setback regulations on lots bounded by two or more streets) or 33-457 (Tower setbacks on narrow blocks) apply, and the remaining portion of the #zoning lot# is within a district in which such provisions do not apply, any #building# or any tower that occupies not more than the applicable percent of the #lot area# of a #zoning lot# as set forth in Section 33-455 or 33-456 and which complies with the applicable setback requirements as set forth in Sections 33-455, 33-456 or 33-457, may penetrate any applicable established #sky exposure plane#.

Subject to the requirements set forth hereinbefore and those specified in Sections 77-22 (Floor Area Ratio) and 77-23 (Open Space Ratio), such tower may be located anywhere on such #zoning lot#.

(12/15/61)

77-30

OFF-STREET PARKING AND LOADING REGULATIONS

(12/15/61)

77-31

General Provisions

Whenever a #zoning lot# existing on December 15, 1961, or on any applicable subsequent amendment thereto, is divided by a boundary between districts with different off-street parking or loading regulations, and the provisions of Section 77-11 (Conditions for Application of Use Regulations to Entire Zoning Lot) do not apply, the off-street parking and loading regulations may apply as set forth in this Chapter.

(12/15/61)

77-32

Districts of Same General Use Class

When such boundary is between two #Residence Districts# or two #Commercial Districts# or two #Manufacturing Districts#, the provisions of this Section shall apply.

(2/2/11)

77-321

Provisions governing off-street parking for residences

The percentage requirements for #accessory# off-street parking for #residences# applicable to each portion of the #zoning lot# shall be multiplied by the percentage of the total #lot area# of the #zoning lot# to which each such requirement applies. The sum of the products obtained shall be the percentage requirement applicable to #residences# on such #zoning lot#. Such off-street parking spaces may be located anywhere on the #zoning lot# without regard to district boundaries, provided that such spaces shall conform to all the other applicable provisions of this Resolution.

(2/2/11)

77-322

Provisions governing off-street parking for non-residential uses

For non-#residential uses#, the requirements for #accessory# off-street parking or loading of that district in which more than 50 percent of the total area of the #zoning lot# is located, shall apply to the entire #zoning lot#. The parking spaces or loading berths may be located anywhere on the #zoning lot# without regard

to district boundaries, provided that such spaces or berths shall conform to all other applicable regulations of this Resolution.

(12/15/61)

77-33

Districts of Different General Use Class

When such boundary is between a #Residence District# and a #Commercial District#, or between a #Commercial District# and a #Manufacturing District#, or between a #Residence District# and a #Manufacturing District#, the provisions of this Section shall apply.

(12/15/61)

77-331

Use permitted in both districts

For any #use# which is permitted in both such districts, the applicable requirements for #accessory# off-street parking and loading of that district in which more than 50 percent of the #zoning lot# is located shall apply to the entire #zoning lot#. The parking spaces or loading berths may be located anywhere on the #zoning lot# without regard to district boundaries, provided that such spaces or berths shall conform to all other applicable regulations of this Resolution.

(12/15/61)

77-332

Use not permitted in both districts

For any #use# which is permitted in one such district but not in the other, the applicable district requirements for #accessory# off-street parking and loading shall be satisfied entirely within the district within which such #use# is permitted, provided, however, that:

- (a) the required parking spaces for #residential# or #community facility uses#, or the loading berths for #community facility uses#, may be located on that portion of the #zoning lot# which is in a C8 or #Manufacturing District#;

- (b) the required parking spaces or loading berths for any #commercial use# may be located on that portion of the #zoning lot# which is in a #Manufacturing District#;
- (c) the required parking spaces or loading berths for #manufacturing uses# may be located on that portion of the #zoning lot# which is in a C8 District; and

provided, further, that such spaces or berths shall conform to all other applicable regulations of this Resolution.

(4/30/08)

77-40

SUPPLEMENTAL REGULATIONS

For #buildings developed# or #enlarged# on #zoning lots# in which a district boundary divides the #building# such that the Quality Housing Program applies in one portion of the #building# but not the other, the following Sections of Article II, Chapter 8, shall apply to the entire #building# or #zoning lot#, as applicable:

Section 28-20 (BUILDING INTERIOR)

Section 28-30 (RECREATION SPACE AND PLANTING AREAS)

Section 28-40 (SAFETY AND SECURITY)

Section 28-50 (PARKING FOR QUALITY HOUSING).

Where each zoning district has a different recreation space requirement, and/or density of #dwelling units# per corridor standard, the following rule shall apply:

To arrive at one standard for the #building#, each standard shall be multiplied by the percentage of the #zoning lot# to which such standard applies. The sum of the products thus obtained shall be the adjusted standard applicable to the #building#. For any portion of the #zoning lot# in an R3-2, R4 (except R4-1, R4A or R4B), or R5 District, the R6B District standards shall apply.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VII: Administration

Chapter 8 - Special Regulations Applying to Large-Scale Residential Developments

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(8/24/67)

Chapter 8

Special Regulations Applying to Large-Scale Residential Developments

(8/18/77)

78-00

GENERAL PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

(8/24/67)

78-01

General Purposes

The regulations set forth in this Chapter are designed to deal with certain types of problems which arise only in connection with large-scale residential developments and to promote and facilitate better site planning and community planning through modified application of the district regulations in such developments.

For large-scale residential developments involving several zoning lots but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and bulk controls. For such developments, the regulations of this Chapter are designed to allow greater flexibility for the purpose of securing better site planning for development of vacant land and to provide incentives toward that end while safeguarding the present or future use and development of surrounding areas and, specifically, to achieve more efficient use of increasingly scarce land within the framework of the overall bulk controls, to enable open space in large-scale residential developments to be arranged in such a way as best to serve active and passive recreation needs of the residents, to protect and preserve scenic assets and natural features such as trees, streams and topographic features, to foster a more stable community by providing for a population of balanced family sizes, to encourage harmonious designs incorporating a variety of building types and variations in the siting of buildings, and thus to promote and protect public health, safety and general welfare.

(2/2/11)

78-02

Definitions

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Chapter, in this Section.

Floor area

For the purposes of this Chapter, in R3, R4 or R5 Districts, #floor area# shall be as defined in Section 12-10, except that:

- (a) #floor area# shall not include up to 200 square feet of floor space located in any #story# used for required #accessory# off-street parking spaces within individual garages; and
- (b) within the definition of #floor area# in Section 12-10, listed under "#floor area# includes," paragraph (i)(3) shall not apply, and listed under "#floor area# of a #building# shall not include," paragraph (6)(ii), shall not apply.

(2/2/11)

78-03

Applicability of this Chapter

#Large-scale residential developments# are governed by all the #use#, #bulk#, off-street parking and loading, and other applicable regulations of this Resolution, except for such special provisions as are specifically set forth in this Chapter and apply only to such #large-scale residential developments#. However, the Quality Housing Program is inapplicable in #large-scale residential development#.

Any #large-scale residential development# having a total of at least 500 #dwelling units# shall be subject to the provisions of Section 78-11 (General Provisions), relating to Provision of Public Facilities in Connection with Large-Scale Residential Developments.

#Large-scale residential developments# within the #waterfront area# shall be subject to the provisions of Section 62-132 (Applicability of Article VII, Chapters 4, 8 and 9).

(8/24/67)

78-04

Powers of the City Planning Commission

(8/24/67)

78-041

Authorization by Commission

For any #large-scale residential development# for which proposed modifications of the applicable district regulations are limited to those which may be granted in accordance with the provisions of Sections 78-21 to 78-23, inclusive, relating to Use Regulations, Sections 78-311 and 78-313 relating to Bulk Regulations, Section 78-41 (Location of Accessory Parking Spaces), or Sections 78-51 to 78-53, inclusive, relating to Subdivision of Large-Scale Residential Developments, the City Planning Commission may grant such modifications in accordance with the provisions of such specified Sections and may prescribe appropriate conditions and safeguards thereon.

(12/18/68)

78-042

Special permits

For #large-scale residential developments# for which proposed modifications of the applicable district regulations include those which may be granted only in accordance with the provisions of Sections 78-312 to 78-33, inclusive, relating to Bulk Regulations, or Section 78-42 (Parking Regulations for Commercial and Community Facility Uses), the City Planning Commission may grant special permits for such modifications in accordance with the applicable provisions of such specified Sections and other sections of this Chapter and may prescribe appropriate conditions and safeguards thereon.

(2/2/11)

78-043

Requirements for findings

The requirements for findings as set forth in this Chapter shall constitute a condition precedent to the grant of any such modification by special permit or otherwise. The decision or determination of the City Planning Commission shall set forth each required finding in each grant of modifications for a #large-scale residential development#. Each finding shall be supported by substantial evidence or data considered by the Commission in reaching its final decision.

(8/24/67)

78-044

Contractual agreements

The City of New York may enter into contractual agreements with the applicant as may be required to assure compliance with the terms and conditions of the modifications granted under the provisions of this Chapter.

(2/2/11)

78-05

Requirements for Applications

An application to the City Planning Commission for an authorization or special permit respecting any #large-scale residential development# shall include a site plan and related schedules showing the location and proposed #use# of all #buildings or other structures# on the site, the location of existing natural features such as important trees or clusters of trees, streams or rock formations, and all information necessary to indicate the authorizations requested and their justification.

The Commission shall require, where relevant, a time schedule for carrying out the proposed #large-scale residential development#, a financial plan, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

(10/9/13)

78-06

Ownership

- (a) Except as otherwise provided in this Section, any #large-scale residential development# for which application is made for an authorization or special permit or modification thereto, in accordance with the provisions of this Chapter, shall be on a tract of land that at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. Except as otherwise provided in this Section, no authorization or special permit or modification thereto, shall be granted for such #large-scale residential development# unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 for all #zoning lots# comprising the #large-scale residential development#) of, or executed a binding sales contract for, all of the property comprising such tract.
- (b) Notwithstanding the provisions of paragraph (a) of this Section, the following actions shall be permitted:
- (1) When a #large-scale residential development# is part or all of a designated urban renewal project, the City's urban renewal agency, or a person authorized by such agency, may make application for and may be granted authorizations or special permits under the provisions of this Chapter, even though such #large-scale residential development# does not meet the ownership requirements set forth in paragraph (a) of this Section. All parcels comprising such #large-scale residential development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.
 - (2) In the event that the urban renewal plan has expired, the owner(s) of a vacant parcel(s) within such #large-scale residential development#, if located in a former urban renewal area listed in this paragraph, (b)(2), may make application for and may be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), subject to the conditions of paragraph (b)(5) of this Section.

Borough	Community District	Former Urban Renewal Area (URA)
Manhattan	7	West Side URA

(3) The owner(s) of a developed parcel(s) within a #large-scale residential development# located in a former urban renewal area listed in paragraph (b)(2), where at least 50 percent of such parcel(s) is located within a C1-9 or C2-8 District, may make application for, and may be granted, modifications of authorizations or special permits previously granted under the provisions of this Chapter, in order to utilize available #floor area# for #commercial# or #community facility uses#, subject to the conditions of paragraph (b)(5) of this Section and provided further that:

- (i) no #residential use# existing prior to July 23, 2008, located above the level of the ground floor may be changed to a non-#residential use#;
- (ii) the #enlarged# portion of the #building# shall be restricted to #community facility uses# and #commercial uses# listed in Use Groups 6A, 6C and 6F, provided that any ground floor #community facility use#, and any bank or loan office shall occupy not more than 25 feet of the #wide street# frontage, measured to a depth of 30 feet from the #wide street line#, and no #community facility use# shall be permitted above the level of the second #story# ceiling;
- (iii) any #enlargement# fronting upon Columbus or Amsterdam Avenue shall contain a number of establishments, such that the entire #block# front on Columbus or Amsterdam Avenue shall contain no fewer than three establishments, each with a separate entrance on Columbus or Amsterdam Avenue. The Columbus or Amsterdam Avenue frontage of any one such establishment shall not exceed 100 feet;
- (iv) the ground floor #street wall# of an #enlargement# located within C1-9 or C2-8 Districts shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area;
- (v) required #open space# with appropriate circulation, seating, lighting and plantings shall be accessible and usable by all residents of the

#large-scale residential development#;

- (vi) a plan, including elevations, shall be submitted showing the proposed #building(s)# and modification, and #open space#; and
- (vii) the #enlargement# enhances the streetscape and the design promotes a harmonious relationship with the existing #buildings# and contiguous #blocks# within the #large-scale residential development#.

In addition, any significant adverse impacts resulting from a #development# or #enlargement# pursuant to such modifications, considered in combination with #developments# or #enlargements# within the former urban renewal area listed in paragraph (b)(2), previously the subject of modifications under this paragraph, (b)(3), shall have been avoided or minimized to the maximum extent practicable by incorporating as conditions to the modification those mitigative measures that have been identified as practicable.

The provisions of paragraphs (b)(3)(ii) and (b)(3)(iii) shall not apply to #enlargements# of #community facility uses# and bank or loan offices existing prior to July 23, 2008, provided that such #enlargement# does not increase existing #street# frontage on Columbus or Amsterdam Avenues by more than ten feet.

An application filed pursuant to this paragraph, (b)(3), shall be referred to the affected Community Board, and the City Planning Commission shall not grant any modification of an authorization or special permit pursuant thereto prior to 45 days after such referral.

- (4) For any #large-scale residential development# located in the Community District(s) listed in this paragraph, (b)(4), the owner(s) of a vacant parcel(s) may make application for and may be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter with respect to such parcel(s), subject to the conditions of paragraph (b)(5).

Borough
Queens

Community District

7

- (5) Modifications of authorizations or special permits previously granted under the provisions of this

Chapter, as permitted in paragraphs (b)(2), (b)(3) and (b)(4) of this Section, shall not:

- (i) result in the distribution of #floor area# from any #zoning lot# not coextensive with or included within such parcel(s); or
- (ii) increase the total allowable #floor area# on any #zoning lot# included within such parcel(s) beyond that amount permitted by the applicable district regulations.

Such modifications may include the withdrawal of such parcel(s) from the boundaries of the #large-scale residential development#, provided that such modification would not create a #non-compliance# within the #large-scale residential development#.

- (6) When a #large-scale residential development# is to be #developed# or #enlarged# through assemblage by any other governmental agency, other than the City's urban renewal agency, or its agent, having the power of condemnation, authorizations or special permits may be applied for and may be granted under the provisions of this Chapter, even though such #large-scale residential development# does not meet the ownership requirements set forth elsewhere in this Section.
- (7) In the event that the urban renewal plan has expired, the owner(s) of a parcel(s) of land previously used as open space for a term of years that has expired within such #large scale residential development#, if located in a former urban renewal area listed in this paragraph, (b)(7), may make application for and be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter, where such modifications do not seek the distribution of #floor area# from any #zoning lot# not included within such parcel(s), for a #development# that includes a #building# and public open space permitted by the applicable district regulations. Such modifications shall result in a site plan that includes a #building# and public open space that are appropriately located and oriented with respect to other uses in the surrounding area.

Borough	Community District	Former Urban Renewal Area (URA)
Manhattan	8	Ruppert Brewery URA

(7/18/95)

78-07

Lapse of Authorization or Special Permit

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section 11-43 (Renewal of Authorization or Special Permit) shall apply.

(8/24/67)

78-10

PROVISION OF PUBLIC FACILITIES IN CONNECTION WITH LARGE-SCALE RESIDENTIAL DEVELOPMENT

(8/24/67)

78-11

General Provisions

The following regulations apply to all #large-scale residential developments# with a total of at least 500 #dwelling units#, except duly authorized urban renewal projects, as a condition precedent to the issuance of a building permit.

(2/2/11)

78-111

Public facilities report

Within one month after a request from the Chairperson of the City Planning Commission, the Department of City Planning shall make a report, based upon information from the Department of Education and other appropriate City Departments, on the anticipated effect of the proposed #large-scale residential development# on the

existing capacity of public #schools# or other public facilities serving the area in which the proposed #large-scale residential development# is to be located.

(2/2/11)

78-112

If no additional public facilities needed

If the Department of City Planning reports that the proposed #large-scale residential development# will not require any significant addition to the public facilities serving the neighborhood, then the requirements of this Section shall be considered to be satisfied.

(2/2/11)

78-113

If additional public facilities needed

If the Department of City Planning reports that the proposed #large-scale residential development# can be expected to create a need for one or more new public facilities in the neighborhood, the City Planning Commission may, in its discretion, recommend that a site for one or more such facilities should be reserved within the site of such proposed #large-scale residential development#. If the Commission does so recommend, the issuance of a building permit shall be withheld for a period not to exceed three months. In such a case, the requirements of this Section shall be considered to be satisfied:

- (a) if, within a period of less than three months, the developer and the appropriate City officials have agreed on the reservation of such a site or sites, or official proceedings have been initiated to authorize acquisition of such a site or sites, or if necessary to amend the capital budget to include the project as a prerequisite to site acquisition; or
- (b) in any event, at the expiration of the above-mentioned period of three months.

(8/24/67)

78-20

USE REGULATIONS

(1/22/70)

78-21

Permitted Uses

A #large-scale residential development# may include within its area any #residential uses#, #commercial uses# or #community facility uses# permitted in the district or districts in which it is located. The #commercial uses# in these #Commercial Districts# shall be restricted to #uses# permitted in C1, C2 or C4 Districts.

(2/2/11)

78-22

Accessory Uses in Large-Scale Residential Developments

A #large-scale residential development# in a #Residence District# may contain as #accessory uses#, any #commercial uses# listed in Use Group 6A or 6F which in the aggregate occupy not more than two percent of the total #floor area# in the #large-scale residential development#, and of which no single establishment occupies more than 15,000 square feet of #floor area#, provided that upon a review of the site plan, the City Planning Commission finds that such #commercial uses#:

- (a) will be primarily for the use of the residents of the #large-scale residential development# and will provide more convenient shopping for such residents;
- (b) are so located as to minimize interference with #residential# or recreational areas within the #large-scale residential development# and to avoid creation of traffic congestion or other objectionable influences affecting #residences# outside the #large-scale residential development#;
- (c) comply with all the applicable #bulk# and off-street parking and loading regulations for such #accessory commercial uses#, as set forth in Article II, Chapters 3 and 5; and
- (d) conform to those provisions of the following Sections which are applicable to #commercial uses# in C1 Districts:

Section 32-41 (Enclosure within Buildings)

Section 32-42 (Location within Buildings)

Sections 32-61 to 32-68, inclusive, relating to Sign Regulations.

(4/30/81)

78-23

Other Accessory Uses

(2/2/11)

78-231

Accessory swimming pools

Swimming pools may be authorized by the City Planning Commission as #accessory uses# even though not located on the same #zoning lots# as the principal #uses# to which they are related, provided that:

- (a) any such swimming pool is located in a common #open space# area and as a part of such area meets all the requirements set forth in Section 78-52 (Common Open Space);
- (b) the use of such swimming pool is restricted to the residents of the #large-scale residential development# or portion thereof served by such common #open space#, and their guests;
- (c) the edge of such swimming pool is located not less than 50 feet from any #lot line# on the periphery of the #large-scale residential development#, and is suitably screened from other areas on the same or adjacent #zoning lots#; and
- (d) such swimming pool complies in all other respects with the definition of #accessory use# as set forth in Section 12-10 (DEFINITIONS).

(4/30/81)

78-232

Accessory sewage disposal plants

In Staten Island, sewage disposal plants to serve not more than 50 #dwelling units# may be authorized by the City Planning Commission as #accessory uses# to be located anywhere within a #large-scale residential development# without regard for #zoning lot lines#, provided the Commission finds that:

- (a) the sewage disposal plant is located not closer than 100 feet from any #residential use#;
- (b) the #large-scale residential development# is arranged so as to best serve the active and passive recreation needs of the #residential development#, protect and serve scenic assets and natural features and provide suitable variations in the siting of #buildings#;
- (c) the sewage disposal plant is adequately landscaped and buffered from all #residential uses# on the same or adjacent #zoning lots#; and
- (d) the proposal promotes and protects the public health, safety and general welfare.

(2/2/11)

78-24

Special Permits

(2/2/11)

78-241

Waterfront and related commercial uses

For any #large-scale residential development# in a C4 District, the City Planning Commission may, by special permit modify applicable district regulations to allow #uses# listed in Use Group 14A, not otherwise allowed in such district, provided that:

- (a) the #uses# are appropriate for the location and blend harmoniously with the rest of the #large-scale residential development#; and
- (b) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the #large-scale residential development#.

(2/2/11)

78-242

Location of commercial uses

For any #large-scale residential development#, the City Planning Commission, by special permit, may allow #residential# and non-#residential uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location within Buildings) when terracing is required because of unusual topographic conditions in a #large-scale residential development# having a minimum area of 20 acres.

(8/24/67)

78-30

BULK REGULATIONS

(2/2/11)

78-31

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

(a) General provisions

For the purposes of this Section, the term "periphery" shall mean any #street line# bounding a #large-scale residential development# or any #lot line# abutting a #zoning lot# that is not part of the #large-scale residential development#. The term "wholly within" shall therefore mean any area of the #large-scale residential development# which is not within the area designated as "periphery." However, in R3-2 Districts, R4 Districts except R4A, R4-1 and R4B Districts, or R5 Districts except R5B Districts, the "periphery" shall also include all portions of a #large-scale residential development# within 100 feet of a peripheral #street line# or within 30 feet of any other peripheral #lot line#, except for portions directly opposite:

- (1) an area of at least 1.5 acres in a #Residence District# that is either vacant or #land with minor improvements#; or
- (2) a #large-scale residential development developed# pursuant to the provisions of paragraph (b) of this Section; or
- (3) a #Commercial# or a #Manufacturing District#.

All #buildings or other structures# in the periphery of a #large-scale residential development# shall comply with the height and setback regulations of Article II, Chapter 3, except as otherwise provided in this Section.

Special provisions applying to #large-scale residential developments# in R3, R4 or R5 Districts are set forth in paragraphs (b) and (c) of this Section. The provisions of paragraph (b) shall apply to any #large-scale residential development# in R3-2 Districts, R4 Districts except R4A, R4-1 and R4B Districts, or R5 Districts except R5B Districts. The provisions of paragraph (c) shall apply only to #large-scale residential developments# in all R3, R4 or R5 Districts that utilize the bonus provisions of Section 78-32 through 78-35, inclusive.

- (b) Alternate height and setback regulations for certain districts

In R3-2 Districts, R4 Districts except R4A, R4-1 and R4B Districts, or R5 Districts except R5B Districts, #buildings or other structures#, or portions thereof, "wholly within" a #large-scale residential development# may use the alternate height and setback regulations set forth in paragraphs (b)(1) through (b)(3) of this Section.

- (1) In R3-2 Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used.
- (2) In R4 Districts, no portion of any #building or other structure#, including the apex of a roof, shall penetrate a plane 35 feet in height above the #base plane#.
- (3) In R5 Districts, no portion of any #building or other structure#, including the apex of a pitched roof, shall penetrate a plane 40 feet in height above the #base plane#.

- (c) Alternate #floor area# and #open space# regulations in R3, R4 or R5 Districts

In #large-scale residential developments# that utilize the bonus provisions of this Chapter, the #floor area ratio# and the #open space ratio# controls set forth in the following table shall apply in lieu of the #floor area ratio# and #lot coverage# controls of Article II, Chapter 3.

District	#Open Space Ratio#	#Floor Area Ratio#
R3	150	.50*
R4	80	.75*
R5	40	1.25

* The #floor area ratio# in the table may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof which rises at least 3 1/2 inches in vertical distance per each foot of horizontal distance and the structural headroom of such #floor area# is between five and eight feet. Any such additional #floor area# under a sloped roof shall not be used to compute the #open space ratio#

- (d) Authorizations may be granted for #buildings# to be located, #bulk# and #open space# distributed, and height and setback modified, in accordance with the provisions of this Section.
- (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 #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 the total #floor area# of the #building# in #residential use#.

(2/2/11)

78-311

Authorizations by the City Planning Commission

When a #large-scale residential development# includes, or will include after subdivision, two or more #zoning lots#, the City

Planning Commission may authorize:

- (a) the total #floor area#, #lot coverage#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the #large-scale residential development# to be distributed without regard for #zoning lot lines#;
- (b) the total #open space# required by the applicable district regulations for all #zoning lots# within the #large-scale residential development# to be distributed without regard for #zoning lot lines#, except that where subdivision is authorized in accordance with the provisions of Section 78-51 (General Provisions), the Commission, in authorizing such distribution may allow reductions in the minimum required #open space# on individual #zoning lots# only where adequate provision is made for common #open space# to serve such lots.

If the required #open space# on the roof of a #community facility building# has an equivalent access arrangement acceptable to the Commission, it may authorize modification of requirements set forth in paragraph (b) of the #open space# definition in Section 12-10;

- (c) for #zoning lots# adequately served by common #open space#, the minimum required #lot area# as set forth in Section 23-32 (Minimum Lot Area or Lot Width for Residences) to be reduced, provided that any #residence# for which the minimum required #lot area# is so reduced shall be separated from all other #buildings# on the same or adjacent #zoning lots# by a distance consistent with the provisions of Section 23-71 (Minimum Distance between Buildings on a Single Zoning Lot), or in cases where at least one of the #buildings# is a one-family or two-family #detached# or #semi-detached# house, rowhouse, or series of rowhouses, by a lesser distance to be determined by the Commission;
- (d) the location of #buildings# without regard for #yard# regulations which would otherwise apply along portions of #streets# or #lot lines# "wholly within" the #large-scale residential development# provided that any #building# for which required #rear# or #side yards# are reduced shall be separated from all other #buildings# with which it does not share a party wall, on the same or adjacent #zoning lots#, by a distance consistent with the provisions of Section 23-71 or, in cases where at least one of the #buildings# is a single-family or two-family #detached# or #semi-detached# house, rowhouse or series of rowhouses, by a lesser distance to be determined by the Commission, where the location of

the #buildings# will not be detrimental to the privacy of the occupants of the #buildings# on the #block#;

- (e) the location of #buildings# without regard for the height and setback regulations which would otherwise apply along portions of #streets# "wholly within" the #large-scale residential development# or along #side# or #rear lot lines abutting# other #zoning lots# within the #large-scale residential development#, provided that any #building# for which required rear or side setbacks are reduced shall be separated from all other #buildings# with which it does not share a party wall, on the same or adjacent #zoning lots#, by a distance consistent with the provisions of Section 23-71;
- (f) the location of primary business entrances, #show windows# or #signs# along frontages which are adjacent only to other #zoning lots# within the #large-scale residential development#, without regard to restrictions applicable near #Residence District# boundaries, for the purpose of achieving better site planning and community planning;
- (g) special directional #signs# and their location and design within a #large-scale residential development# comprising an area of at least five acres provided that their construction would result in better pedestrian and vehicular circulation. The Commission shall in each case give due consideration to the effect of such #signs# on the surrounding residential area and may impose appropriate conditions and safeguards;
- (h) the location of #buildings# on a single #zoning lot# without regard for spacing between #buildings#, provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case by more than 15 percent of that required by Section 23-71.

For that portion of a #large-scale residential development# located in an R6 District, the Commission may authorize the permitted #floor area ratio# and required #open space ratio# to be determined on the basis of a #height factor# which is different than the actual #height factor# of such portion of the #large-scale residential development#, for the purpose of achieving better site planning and community planning.

When subdivision is authorized in accordance with the provisions of Section 78-51 and satisfactory provision is made for common #open space#, the Commission may consider such common #open space# in determining to what extent, if any, modifications of the #yard# regulations are justified.

For any #large-scale residential development#, the City Planning Commission may, upon application, authorize in R3, R4 and R5 Districts, modifications of the height and setback regulations set forth in Section 23-631 and paragraph (b) of Section 78-31 for #buildings# "wholly within" the #large-scale residential development# for the purposes of introducing variety or preserving natural features or view corridors.

(2/2/11)

78-312

Special permits by the City Planning Commission

For any #large-scale residential development#, the City Planning Commission may permit:

- (a) the total #floor area#, #lot coverage#, #dwelling units# or #rooming units# permitted by the applicable district regulations or by Sections 78-32 (Bonus for Good Site Plan) or 78-33 (Bonus for Common Open Space) for all #zoning lots# within the #large-scale residential development# to be distributed without regard for #zoning lot lines#;
- (b) the total #open space# required by the applicable district regulations or by Sections 78-32 or 78-33 for all #zoning lots# within the #large-scale residential development# to be distributed without regard for #zoning lot lines# except that where subdivision is authorized in accordance with the provisions of Section 78-51 (General Provisions), the Commission, in authorizing such distribution may allow reductions in the minimum required #open space# on individual #zoning lots# only where adequate provision is made for common #open space# to serve such lots;
- (c) minor variations in required #front# or #rear yards# on the periphery of such #large-scale residential development# for the purpose of introducing variety or preserving natural features;
- (d) in R1, R2, R6, R7, R8, R9 or R10 Districts, minor variations in the front height and setback regulations on the periphery of such #large-scale residential development# for the purpose of introducing variety, preserving natural features, or providing for improved access of light and air, but within the general purpose and intent of the height and setback regulations. In R3, R4 or R5 Districts, the Commission may modify the height and setback regulations set forth in Section 23-631 and paragraph (b) of Section 78-31,

on the periphery of such #large-scale residential development#, for the purposes of introducing variety, providing a transition in neighborhood scale between the #large-scale residential development# and surrounding #buildings#, preserving natural features or view corridors, or improving the access of light and air;

- (e) variations in the location of primary business entrances, #show windows#, and #signs# along frontages adjacent to #zoning lots# outside the #large-scale residential development#, without regard to restrictions applicable near #Residence District# boundaries, for the purpose of achieving better site planning and community planning. However, in no event shall the Commission allow such primary business entrances, #show windows# or #signs# to be located within 10 feet of the #Residence District# boundary; and
- (f) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance between Buildings on a Single Zoning Lot) and may authorize modifications of the spacing required by paragraphs (c), (d), (e) and (h) of Section 78-311 (Authorizations by the Planning Commission).

(2/2/11)

78-313

Findings

As a condition precedent to the granting of authorizations under the provisions of Section 78-311 (Authorizations by the City Planning Commission) or a special permit under the provisions of Section 78-312 (Special permits by the City Planning Commission), the Commission shall make the following findings:

- (a) that such modifications will aid in achieving the general purposes and intent of this Chapter as set forth in Section 78-01 (General Purposes);
- (b) that such distribution of #floor area#, #dwelling units#, #rooming units#, #open spaces#, locations of #buildings#, or location of primary business entrances, #show windows# or #signs# will permit better site planning and will thus benefit both the residents of the #large-scale residential development# and the City as a whole;
- (c) that such distribution or location will not unduly increase the #bulk# of #buildings#, density of population, or

intensity of #use# in any #block#, to the detriment of the occupants of #buildings# in the #block# or nearby #blocks#;

- (d) that such distribution or location will not affect adversely any other #zoning lots# outside the #large-scale residential development# by restricting access to light and air or by creating traffic congestion;
- (e) where portions of the total required #open space# are pooled in common #open space# areas or common parking areas, that such common areas will, by location, size, shape and other physical characteristics, and by their relationship to surrounding development and the circulation system, permit realization of the full community service of advantages for which such pooled areas are designed;
- (f) where one or more #zoning lots# in the #large-scale residential development# do not #abut# mapped #streets#, that suitable private access to mapped #streets# will be provided conforming to standards which will ensure adequate circulation and make adequate provision for public services; and
- (g) the modification of height and setback will not impair the essential character of the surrounding area and will not have adverse effects upon the access to light, air and privacy of adjacent properties.

(2/2/11)

78-32

Bonus for Good Site Plan

In R1-2, R2 or R3-1 Districts, including #Commercial Districts# mapped within such #Residence Districts#, for any #large-scale residential development#, the City Planning Commission, by special permit, may allow the #open space ratio# otherwise required for the #large-scale residential development# as a whole and for individual #zoning lots# therein to be reduced by not more than 10 percent, may allow the maximum number of #dwelling units# to be increased by not more than five percent, and may allow the maximum #residential floor area ratio# to be increased by not more than 7.5 percent, if the Commission finds that throughout the #large-scale residential development# the site plan provides a significantly better arrangement of the #buildings# in relation to one another and to their sites from the standpoints of privacy, access of light, organization of private #open spaces#, and preservation of important natural

features than would be possible or practical for a development comprised of similar types built in strict compliance with the applicable district regulations.

(2/2/11)

78-33

Bonus for Common Open Space

In R3-1 Districts, including #Commercial Districts# mapped within such #Residence Districts#, for any #large-scale residential development#, the City Planning Commission, by special permit, may allow the #open space ratio# otherwise required for such #large-scale residential development# as a whole to be reduced by not more than 20 percent, may allow the maximum number of #dwelling units# to be increased by not more than 10 percent, and may allow the maximum #residential floor area ratio# to be increased by not more than 15 percent, provided that:

- (a) at least one acre or 20 percent of the total #open space#, whichever is more, is provided in common areas meeting the requirements of Section 78-52 (Common Open Space) and not used for off-street parking;
- (b) the #large-scale residential development# qualifies for a bonus in accordance with the provisions of Section 78-32; and
- (c) the Commission makes the findings required in Section 78-32 and in paragraph (e) of Section 78-313 (Findings).

Such authorizations shall be instead of, rather than in addition to, those which would be allowable under the provisions of Sections 78-32.

(2/2/11)

78-34

Special Permit Provisions for Certain Large-Scale Developments

In R3-2, R4 and R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development#, the City Planning Commission, by special permit, may make modifications in the #open space ratio#, #residential floor area ratio# and density regulations, pursuant

to the provisions of Section 78-35 (Special Bonus Provisions), if the Commission finds that:

- (a) throughout the #large-scale residential development# the site plan provides a significantly better arrangement of the #buildings# in relation to one another and to their sites from the standpoints of privacy, access of light, organization of private #open spaces# and preservation of important natural features to a greater degree than would be possible or practical for a development composed of similar types built in strict compliance with the applicable district regulations;
- (b) the public facilities and utilities in the area are adequate to meet the needs of the #large-scale residential development# or that needed additional facilities will be provided as a part of the #large-scale residential development# by the developer or owner;
- (c) the #large-scale residential development# complies with the provisions of Section 78-351 (Bonus for common open space and good site plan); and
- (d) a #large-scale residential development# having an area of four acres or more complies with the provisions of Section 78-352 (Bonus for community facility space).

If the Commission determines that a proposed #large-scale residential development# containing not more than 250 #dwelling units# does not require #community facility# space, finding (d) shall be waived and the provisions of Section 78-352 made inapplicable. In making its determination, the Commission shall give due consideration to a recommendation from the Community Board within which the proposed #large-scale residential development# is located.

If a site for a fire or police station is provided within the Community District in which a #large-scale residential development# is to be located, which site has been donated in fee to the City, selected as a site pursuant to Section 218 (Site Selection) of the New York City Charter and, if applicable, approved under the provisions of Section 74-67 (Special Permit for Fire or Police Stations in Residence Districts), the Commission may waive finding (d), provided that the #community facility# requirements contained in Section 78-352 are determined to be unnecessary.

Any #large-scale residential development# which qualifies for a bonus in accordance with this Section and the applicable provisions of Section 78-35 shall be eligible for any

modifications permitted under Sections 78-311 (Authorization by the Planning Commission) or 78-312 (Special permit authorizations) provided the findings of Section 78-313 (Findings) are satisfied.

(3/8/73)

78-35

Special Bonus Provisions

(2/2/11)

78-351

Common open space and good site plan

The provisions of this Section shall not apply to any #zoning lot# subdivided to under four acres after January 1, 1972, nor to any #large-scale residential development# for which authorization has been granted by the City Planning Commission prior to July 31, 1972.

In R3-2 or R4 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development# which complies with the requirements of Section 78-34 (Special Permit Provisions for Certain Large-Scale Developments), the permitted #residential floor area ratio#, required #open space ratio# and density regulations for the #large-scale residential development# as a whole may be modified as set forth in this Section. At least 25 percent of the total required #open space# is to be provided in common areas meeting the requirements of Section 78-52 (Common Open Space). No portion of such common #open space# is to be used for driveways or off-street parking. The findings required in paragraph (e) of Section 78-313 (Findings) are to be satisfied.

District	Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#
R3-2	.60	125.0
R4	1.00	66.5

The maximum number of #dwelling units# shall equal the total #residential floor area# permitted divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

In R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, at least 25 percent of the total required #open space# is to be provided in common areas that meet the requirements of Section 78-52. No portion of such common #open space# is to be used for driveways or off-street parking. All findings required in paragraph (c) of Section 78-313 are to be satisfied.

(2/2/11)

78-352

Bonus for community facility space

In R3-2, R4 and R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development# which complies with the provisions of Section 78-34 (Special Permit Provisions for Certain Large-Scale Developments), the permitted #residential floor area ratio#, required #open space ratio#, and required #floor area# per #dwelling unit# for the #large-scale residential development# as a whole may be modified as set forth in this Section, provided floor space for #community facility use# and/or a program for improvement and maintenance for parks not included in the City capital budget is provided as required in paragraph (b) of this Section.

- (a) Permitted #Floor Area Ratio# and Required #Open Space Ratio#:

District	Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#
R3-2	.70	102.0
R4	1.15	54.7
R5	1.45	37.7

The maximum number of #dwelling units# shall equal the total #residential floor area# permitted divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

- (b) There shall be at least 15 square feet of #community facility# floor space for each #dwelling unit# within the #large-scale residential development# and/or a substantial

park area located adjacent to or within a reasonable distance from the #large-scale residential development#. Such space shall be used for #schools# where the need is certified by the Board of Education and where the Board agrees to lease such space at no cost. Otherwise such space shall be allocated for one or more #uses# as specified in this Section where the need for such space has been certified by the City Planning Commission and a City Department agrees to lease such space at no cost. If such certification and agreement are not obtained in either case, the Commission shall approve any private #community facility# proposed to be rented or maintained by the developer, or the homeowners' association or other entity owning the common elements of the #large-scale residential development#. In no case shall the size of an individual #use# be less than the amount set forth in this Section.

#Community Facility#	Size (in square feet)
Day care center	3,000
Ambulatory care center	10,000
Library	7,500
Senior citizen center	3,750
Community center	2,000
Indoor recreation center	2,000

In the case of a program for improvement and/or maintenance for parks which is eligible for a bonus pursuant to this Section, comparable improvements and maintenance costs for an equivalent amount of the required #community facility# space shall be incurred.

- (c) In no event shall the total #floor area# for any #development# constructed pursuant to the Provisions Section exceed the maximum #floor area ratio# for #community facility uses# permitted by the applicable district regulations.

(2/2/11)

78-353

Bonus for enclosed parking

In R4 or R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development# which complies with the provisions of Section 78-34 (Special Permit Provisions for Certain Large-Scale Developments), the permitted #residential floor area ratio# may be increased over the amount earned by other provisions of Section 78-35 (Special Bonus Provisions) and the required #open space ratio# for the #large-scale residential development# as a whole correspondingly decreased as set forth in this Section provided that at least two-thirds of the required off-street parking is enclosed.

District	Increase in #Floor Area Ratio#	Decrease in #Open Space Ratio#
R4	.25	14.5
R5	.25	10.0

For any #large-scale residential developments# comprising #buildings# of not more than four #stories# receiving a bonus under this Section, the Commission may modify where appropriate the requirements of Section 23-12 (Permitted Obstructions in Open Space), paragraph (f).

(8/24/67)

78-40

OFF-STREET PARKING REGULATIONS

(2/2/11)

78-41

Location of Accessory Parking Spaces

When a #large-scale residential development# includes, or will include after subdivision, two or more #zoning lots#, the City Planning Commission may, upon application, authorize permitted or required #accessory# off-street parking spaces or bicycle parking spaces to be located anywhere within the #large-scale residential development# without regard for #zoning lot lines#, provided that in each case the Commission shall make the following special findings:

(a) that such off-street parking spaces or bicycle parking

spaces will be conveniently located in relation to the #use# or #uses# to which such spaces are #accessory#;

- (b) that such location of the off-street parking spaces or bicycle parking spaces will permit better site planning and will thus benefit both the owners, occupants, employees, customers, residents or visitors of the #large-scale residential development# and the City as a whole; and
- (c) that such location of the off-street parking spaces or bicycle parking spaces will not increase the number of spaces in any single #block# or the traffic drawn through any one or more of the nearby local #streets# in such measure as to affect adversely other #zoning lots# outside the #large-scale residential development# or traffic conditions in the surrounding area.

Whenever required off-street parking spaces or bicycle parking spaces are authorized to be located without regard for #zoning lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# or #use# shall be kept available for such #building# or #use# throughout its life. Whenever any #zoning lot# within such a #large-scale residential development# is subdivided into two or more #zoning lots#, such subdivision shall be subject to the provisions of Section 78-51 (General Provisions).

(2/2/11)

78-42

Parking Regulations for Commercial and Community Facility Uses

For #large-scale residential developments# in R3-2, R4, R5, R6, R7, R8, R9 or R10 Districts, or in #Commercial Districts# in which #residences# are governed by the #bulk# regulations of R3-2, R4, R5, R6, R7, R8, R9 or R10 Districts, the City Planning Commission may, by special permit, waive the requirements for off-street parking spaces #accessory# to any #commercial# or #community facility use# included in such #large-scale residential development# and intended primarily for the use of its residents.

(2/2/11)

78-43

Modification for Open Space Requirements in Large-Scale

Developments

For all #large-scale residential developments# in R5, R6, R7, R8 or R9 Districts, or in #Commercial Districts# in which #residences# are governed by the #bulk# regulations of such #Residence Districts#, the City Planning Commission may modify the requirement for #open space# as set forth in the definition of #open space# in Section 12-10 (DEFINITIONS) by allowing parking space on the roofs of parking garages not #abutting# another #building# and not more than 23 feet in height above #curb level#, to count as #open space# and by not requiring connections from such roofs to ground level by exterior passageways or ramps, provided that the following findings are made:

- (a) that the total area occupied by driveways, private streets, or open #accessory# off-street parking spaces in all areas claimed as common or private #open space# throughout the #large-scale residential development# shall not exceed 40 percent of the total required #open space# for the #large-scale residential development#; and
- (b) that such arrangement and use of #open space# results in better site planning and community planning.

(2/2/11)

78-44

Modification of Curb Cut Regulations

The City Planning Commission may, upon application, authorize modification of the requirements set forth in Section 25-631 (Location and width of curb cuts in certain districts), provided the Commission finds that the proposed location and width of curb cuts:

- (a) results in a more efficient traffic circulation system;
- (b) permits better site planning; and
- (c) does not unduly increase the amount of traffic on nearby local #streets# so as to adversely affect #zoning lots# outside the #large-scale residential development#.

(8/24/67)

78-50

SUBDIVISION OF LARGE-SCALE RESIDENTIAL DEVELOPMENTS

(2/2/11)

78-51

General Provisions

A #large-scale residential development# may be subdivided before, during or after #development# into two or more #zoning lots# which may be in different ownerships, provided that either:

- (a) all resulting #zoning lots# and all #buildings# thereon comply with all the applicable regulations of this Resolution;
- (b) such subdivision conforms to a subdivision plan which was included as part of the application for authorizations or special permits under the provisions of this Chapter and whose execution has been authorized in the grant of such authorizations or special permits; or
- (c) such subdivision is made necessary by forced sale or foreclosure of a portion of such #large-scale residential development#, but can be accommodated to any authorization or special permit granted pursuant to the provisions of this Chapter.

All #zoning lots# resulting from such subdivisions shall be subject to all the applicable regulations of this Resolution or, in the case of a #large-scale residential development# for which any modifications were granted in accordance with the provisions of this Chapter, shall be subject to the terms, conditions and limitations of the #large-scale residential development# plan as approved.

In any subdivision of a #large-scale residential development# for which such modifications were granted, covenants running with the land which shall permit of public or private enforcement, reflecting the terms, conditions and limitations of the #large-scale residential development# plan, as approved, shall be incorporated in the deed to each parcel conveyed.

Such subdivision may result in commonly or separately owned common #open space# or common parking areas, as set forth in Sections 78-52 (Common Open Space) or 78-53 (Common Parking Areas).

(2/2/11)

78-52

Common Open Space

An area designated on the site plan of a #large-scale residential development# as "common #open space#" and on the subdivision plan as an area to be held in separate ownership for the use and benefit of residents occupying specified #zoning lots# shown on such subdivision plan may be approved as part of such subdivision plan, provided that it meets the following requirements:

- (a) it shall be conveniently accessible to all residents of #zoning lots# for which it is intended to satisfy the #open space# requirements;
- (b) it shall be made available in its improved state as set forth on the site plan in accordance with an approved time schedule;
- (c) it shall be maintained in accordance with an approved maintenance plan specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance;
- (d) provisions to ensure its continuing availability shall be included in the covenants to be incorporated in the deed to each parcel to be served by such common #open space#;
- (e) it shall be entirely at natural grade level or at the principal level of pedestrian circulation in adjacent areas;
- (f) it may contain only such obstructions as are specifically permitted under the provisions of Section 23-12 (Permitted Obstructions in Open Space) or minor #accessory# structures, and the total area occupied by driveways, private streets or open #accessory# off-street parking spaces in all areas claimed as common or private #open space# throughout the #large-scale residential development#, shall not exceed 50 percent of the total required #open space# for the #large-scale residential development#; and
- (g) such #open space# shall include both active and passive recreation space providing a range of recreational facilities and activities appropriate to the occupants of the #large-scale residential development#. Such space shall be physically and visually accessible to the occupants and shall be screened from unsuitable areas. Passive recreation

space shall be landscaped and shall be located in areas other than access and egress spaces. Active recreation facilities, such as play equipment, court game facilities, or ball fields, shall be designed to provide the maximum possible area appropriate to the size of the #large-scale residential development#.

The approval of a subdivision plan which includes common #open space# shall be conditioned upon a finding that these requirements are met.

(2/2/11)

78-53

Common Parking Areas

An area designated on the site plan of a #large-scale residential development# as "common off-street parking area" and on the subdivision plan as an area to be held in separate ownership for use by the occupants or visitors of specified #zoning lots# shown on such subdivision plan may be approved as part of such subdivision plan, provided that it shall meet the following requirements:

- (a) it shall be made available in its improved state as set forth in the site plan in accordance with an approved time schedule;
- (b) it shall be maintained in accordance with an approved maintenance plan specifying what such maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance; and
- (c) provisions to ensure its continuing availability shall be included in the covenants to be served by such common off-street parking area.

The approval of a subdivision plan which includes common off-street parking areas shall be conditioned upon a finding that these requirements are met.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VII: Administration

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

Effective date of most recently amended section of Article VII Chapter 9: 02/02/11

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(8/24/67)

Chapter 9

Special Regulations Applying to Large-Scale Community Facility Developments

(11/19/87)

79-00

DEFINITIONS

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

(8/24/67)

79-10

GENERAL PROVISIONS

(2/2/11)

79-11

Applicability of this Chapter

#Large-scale community facility developments# are governed by all the #use#, #bulk#, off-street parking and loading, and other applicable regulations of this Resolution, except for such special provisions as are specifically set forth in this Chapter. Such special provisions are designed to deal with problems which arise only in connection with #large-scale community facility developments# and apply only to such #large-scale community facility developments# as set forth herein.

#Large-scale community facility developments# within the #waterfront area# shall be subject to the provisions of Section 62-132 (Applicability of Article VII, Chapters 4, 8 and 9).

(1/25/68)

79-12

Permitted Uses

A #large-scale community facility development# may include within its area any #community facility uses#, #residential uses# or #commercial uses# permitted in the district or districts in which it is located.

(8/24/67)

79-20

BULK REGULATIONS

(2/2/11)

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 #large-scale community facility development#, to be distributed without regard for #zoning lot lines#, may modify the minimum required distance between #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 #large-scale community facility 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 #large-scale community facility 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 #large-scale community facility 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 #large-scale community facility 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 #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 the total #floor area# of the #building# 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 #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations prior to February 9, 1994, shall be eliminated or reduced in size except by special permit, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

(8/24/67)

79-30

PARKING REGULATIONS

(2/2/11)

79-31

Location of Parking Spaces

When a #large-scale community facility development# includes two or more #zoning lots#, the City Planning Commission may, upon application, authorize permitted or required #accessory# off-street parking spaces or bicycle parking spaces to be located anywhere within the #large-scale community facility development# without regard for #zoning lot lines#, provided that in each case the Commission shall make the following special findings:

- (a) that such off-street parking spaces or bicycle parking spaces will be conveniently located in relation to the #use# or #uses# to which such spaces are #accessory#;

- (b) that such location of the off-street parking spaces or bicycle parking spaces will permit better site planning and will thus benefit both the owners, occupants, employees, customers, residents or visitors of the #large-scale community facility development# and the City as a whole; and
- (c) that such location of the off-street parking spaces or bicycle parking spaces will not increase the number of spaces in any single #block# or the traffic drawn through any one or more of the nearby local #streets# in such measure as to affect adversely other #zoning lots# outside the #large-scale community facility development# or traffic conditions in the surrounding area.

Whenever required off-street parking spaces or bicycle parking spaces are authorized to be located without regard for #zoning lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# or #use# shall be kept available for such #building# or #use# throughout its life.

(2/2/11)

79-32

Location of Loading Berths

When a #large-scale community facility development# includes two or more #zoning lots#, the City Planning Commission may, upon application, authorize permitted required #accessory# loading berths to be located anywhere within the #large-scale community facility development# without regard for #zoning lot lines#, provided that in each case the Commission shall make the following special findings:

- (a) that such loading berths will be appropriately located in relation to the #use# or #uses# to which such berths are #accessory# so as to permit better site planning and will thus benefit the owners, occupants, employees, residents or visitors to the #large-scale community facility development# and the City as a whole;
- (b) that such loading berths will be accessible to all the #uses# in the #large-scale community facility development# without the need to cross any #wide street# at grade;
- (c) that the location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# within or surrounding such #large-scale community

facility development#; and

- (d) that the loading berths comply with all other applicable district regulations.

(7/19/73)

79-40

SPECIAL PERMIT PROVISIONS

(2/2/11)

79-401

Special permit for development over streets

In a #large-scale community facility development# containing #schools#, hospitals or functionally-related facilities in R6 or R7-1 Districts, in C1 or C2 Districts mapped within such #Residence Districts#, when the air space above a #narrow street# or portion thereof is closed and demapped, the City Planning Commission may, by special permit, allow the demapped air space to be considered as part of the adjoining #zoning lots# constituting a single #zoning lot#, and may allow within such demapped air space the #development# or #enlargement# of a #building# which is a necessary expansion of an existing #school#, hospital or functionally-related facility located on adjoining #zoning lots#. As a condition for granting a permit for such #building#, or portion thereof, within the demapped air space, the Commission shall find:

- (a) that there is a Master Plan for institutional development which demonstrates that the #building# over the #street# is necessary to avoid or minimize demolition of existing facilities, or #buildings designed for residential use#, and expansion on existing #zoning lots# owned by the #community facility# is not feasible to meet its expansion needs;
- (b) that the location of such #building#, or portion thereof, will not impair the existing residential character of the area;
- (c) that such #building#, or portion thereof, utilizes only unused #floor area# from adjoining #zoning lots# and no #floor area# credit is received from the demapped air space, and such #building# complies with the off-street parking and loading requirements of the underlying district or

districts;

- (d) that such #building#, or portion thereof, is contained entirely within the buildable area of the air space plane as defined in this Section, conforms with the height and setback regulations set forth in this Section, is no more than 200 feet in length and is the only such #building# on a #block# front;
- (e) that such #building#, or portion thereof, links the #zoning lots# across the #street#, in the same ownership, with adequate clearance above the #street# bed, and there is no intrusion on the existing #street#, including column supports;
- (f) that all #street# frontages of the #zoning lots# under such #building#, or portion thereof, are provided with fenestration or natural light along at least 75 percent of such frontages, and such #street# frontages when #developed# with #uses# other than open area, contain only #uses# requiring human occupancy such as amusement, education, dining, shopping and other similar #uses# permitted by the underlying district regulations; that the main entrance for principal pedestrian access to the #development# is located along the #street# frontages under such #building# and that no storage rooms, mechanical equipment rooms, parking and loading facilities or curb cuts are located along such #street# frontage unless authorized by the Commission;
- (g) that a satisfactory lighting and ventilation plan consistent with current environmental standards is provided for the #development#; and
- (h) that an additional amount of #open space# for public use at #street# level, linked with the pedestrian circulation system of the area, equivalent to the #street# area covered by such #building#, is provided within 1,000 feet of the #building# and such #open space# maintained as usable public area in the ownership of the applicant.

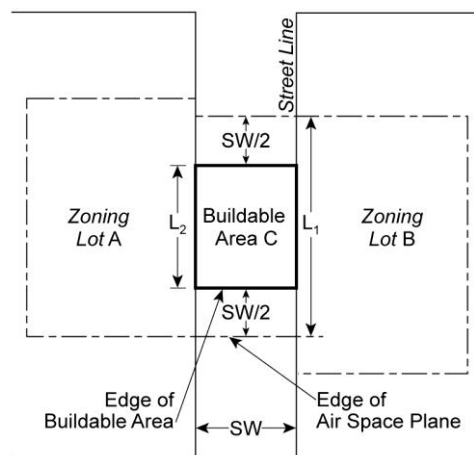
#Curb levels# of the pre-existing #zoning lots# shall not be affected by the closing and demapping of air space over such #street#.

The Commission may impose additional conditions and safeguards to improve the quality of the development and minimize adverse effects on the character of the surrounding area.

For the purposes of paragraph (d) of this Section:

Air space plane is a plane above a #narrow street# located at the same elevation as the lower limiting plane of a volume of #street# eliminated, discontinued and closed by the Board of Estimate, or its successors. The length "L1" of such air space plane is the length of the common lot frontage of two #zoning lots# opposite and across the #street# in the same ownership and its width is the width of the #narrow street# "SW" (See illustration of Required Setback for the Buildable Area).

The buildable area "C" is the lower limiting plane of the volume of #street# eliminated, discontinued and closed by the Board of Estimate, or its successors, except that in no case shall the edge of the buildable area be closer to the edge of the air space plane by a distance equal to one half the #street# width "SW/2" (See illustration of Required Setback for the Buildable Area).



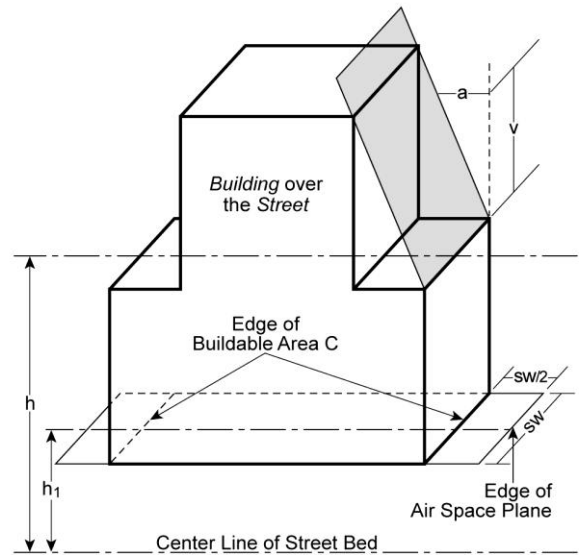
- SW - Width of a *narrow street*
- SW/2 - Minimum required setback for the buildable area from the edge of air space plane
- L₁ - Length of common lot frontage of two *zoning lots* across a *narrow street*
- L₂ - Permissible length of the buildable area for a *building over the street*

REQUIRED SETBACK FOR THE BUILDABLE AREA

The #building# over the #street# shall comply with the height and setback regulations of this Section and the buildable area shall be completely covered by such #building#, except that such #building# may be set back from the edge of the buildable area which traverses the #street# provided that such setback area is open and obstructed from the lowest level of the #street# to the sky.

The #development# or #enlargement# of such #building# on the buildable area of the air space plane shall comply with the following #sky exposure plane# regulations (See illustration of Required Sky Exposure Plane):

Height above #street# bed (in ft.)	#Sky Exposure Plane#				District	
	Slope over buildable area (expressed as a ratio of vertical distance to horizontal distance)					
	Vertical Distance		Horizontal Distance			
60	2.7	to	1		R6	R7-1 C1 C2



- a - Horizontal distance
- v - Vertical distance
- h - Height of *sky exposure plane* above center line of street bed
- h₁ - Required clearance above center line of street bed for a *building over the street*
- h-h₁ - (h minus h₁) Maximum permissible height of vertical wall of a *building over the street* along the edge of a buildable area
- SW - Width of a *narrow street*
- SW/2 - Minimum required setback for the buildable area from the edge of air space plane
- Sky exposure plane*

REQUIRED SKY EXPOSURE PLANE

The height of the vertical wall or any other portion of a #building# over the #street#, shall not penetrate the #sky exposure plane#.

The #sky exposure plane# shall be measured from a point above the edge of the buildable area which traverses the #street#.

(2/2/11)

79-402

Special permit for development of bridges over streets

In a #large-scale community facility development# containing hospitals or functionally-related facilities in Manhattan Community Board 12, when the air space above a #wide street#, or

portion thereof, is closed and demapped, the City Planning Commission may, by special permit, allow the #development# in such demapped air space of an enclosed bridge or bridges to connect #buildings# within the #large-scale community facility development#. As a condition for granting a permit for #development# of such bridges, the Commission shall find that:

- (a) such bridge or bridges are essential to internal circulation of the medical function of the health care facility;
- (b) such bridge or bridges shall not rest upon columns or other supports which intrude upon the #street#;
- (c) the width of each such bridge shall not exceed 20 feet;
- (d) such bridge within the demapped air space utilizes only #floor area# derived from the adjoining #zoning lots# and that no #floor area# credit is generated from the demapped air space;
- (e) illumination of at least five foot candles is provided at the #curb level# of such bridge or bridges;
- (f) such bridge in demapped air space over a #wide street# adjoins #zoning lots# wholly within the #large-scale community facility development#;
- (g) the minimum horizontal distance between the nearest edges of two such bridges traversing the same #street# shall be two times the width of the #street#;
- (h) the maximum exterior height of each such bridge shall not exceed 12 feet;
- (i) the benefit gained from the bridge or bridges resulting from the #bulk# design or placement of such bridge or bridges outweighs any adverse impact on neighborhood character and any restriction of access to light and air to surrounding public spaces and #streets#; and
- (j) a landscaped open area for public use at #street# level, linked with the pedestrian circulation system, which is at least equivalent to the #street# area covered by the bridge is provided in one location within the #large-scale community facility development# and such open area is maintained with planting and seating facilities by the owner of the #large-scale community facility development# or the owner's designee.

The City Planning Commission may prescribe appropriate conditions

and safeguards to minimize the effect of the bridges, including but not limited to clearance above the #street# and surfacing materials of the bridge.

(10/10/74)

79-41

Special Permit for Change of Community Facility Use

For #large-scale community facility developments# previously approved by the City Planning Commission, the Commission may, by special permit, allow a change of #community facility use# to a #residential use# subject to the applicable district regulations.

For the purpose of this special permit, such change of #use# shall be deemed not to alter the status and previous authorizations relating to the #large-scale community facility development#.

As a condition precedent to the grant of such special permit, the Commission shall find:

- (a) that such #community facility use# does not provide essential services to the community at large; and
- (b) that such #community facility use# has been actively operated as a #community facility use# for a period not less than five years following Commission approval of the #large-scale community facility development# or was actively operated as a #community facility use# prior to Commission approval of the #large-scale community facility development#.

(9/9/04)

79-42

Special Permit for Non-profit Hospital Staff Dwelling Buildings

For #non-profit hospital staff dwellings# in #large-scale community facility developments# in Manhattan Community Board 8, the City Planning Commission, may by special permit, allow:

- (a) Temporary occupancy of #dwelling units# by outpatients of the non-profit or voluntary hospital or by families visiting hospitalized patients provided the following findings are

made:

- (1) that the density and transient nature of the population housed in such #dwelling units# will not impair the essential character, future use or development of the surrounding area; or impair the security of the hospital staff residing in the #building#;
 - (2) that such occupancy will neither create nor contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
 - (3) that the number of such #dwelling units# so occupied is less than fifty percent of the total number of #dwelling units# in the #building#.
- (b) Ambulatory diagnostic or treatment health care facilities listed in Use Group 4 on the third floor of such #buildings# in C1 Districts, provided the following findings are made:
- (1) that such facilities are used exclusively for staff of, or staff affiliated with, the non-profit or voluntary hospital;
 - (2) that such occupancy will neither create nor contribute to serious traffic congestion and will not unduly inhibit surfaced traffic and pedestrian flow;
 - (3) that such #use# will not impair the essential character, future use or development of the surrounding area;
 - (4) that such #use# will not produce any adverse effects which interfere with the appropriate use of land in the districts or in any adjacent district; and
 - (5) that separate access to the outside is provided.

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

(2/2/11)

79-43

Special Permit for Limited Bulk Modifications for Certain Large-Scale Community Facility Developments

For #large-scale community facility developments# located within the boundaries of Community Districts 8 and 12 in the Borough of Manhattan, that contain #community facility uses# specified in Section 73-64 (Modification for Community Facility Uses), the City Planning Commission may, by special permit, permit modification of regulations relating to height and setback on the periphery of the #large-scale community facility development#, #courts# and distance between windows and walls or #lot lines# not otherwise allowed in Section 79-21 (General Provisions). As a condition for such action, the Commission shall find that such modification:

- (a) is required in order to enable the #large-scale community facility development# to provide an essential service to the community;
- (b) will provide a more satisfactory physical relationship to the existing #buildings# which form the #large-scale community facility development#, and provide a more efficient and integrated site plan;
- (c) will better complement the existing character of the neighborhood;
- (d) 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
- (e) will not adversely affect any other #zoning lots# or #streets# outside the #large-scale community facility development# by unduly restricting access to light and air.

7/18/95

79-44

Lapse of Authorization or Special Permit

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section 11-43 (Renewal of Authorization or Special Permit) shall apply.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article VIII: Special Purpose Districts

Chapter 1: Special Midtown District

Effective date of most recently amended section of Article VIII Chapter 1: 05/27/15

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Article VIII - Special Purpose Districts

(5/27/15)

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(1/25/90)

Chapter 1

Special Midtown District

(5/27/15)

81-00

GENERAL PURPOSES

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

- (a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;
- (b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
- (c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
- (d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- (f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;
- (g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater

Subdistrict and with the Special Clinton District;

- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;
- (l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
- (n) to protect and strengthen the economic vitality and competitiveness of the Grand Central Subdistrict by facilitating the development of exceptional and sustainable buildings within the Vanderbilt Corridor and enabling improvements to the pedestrian and mass transit circulation network;
- (o) to ensure that development within the Vanderbilt Corridor occurs on sites that meet sound site planning criteria and therefore can accommodate additional density as appropriate;
- (p) to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City, to expand and enhance the pedestrian and mass transit circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;
- (q) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
- (r) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- (s) to promote the most desirable use of land and building

development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

(2/2/11)

81-01

Definitions

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

(5/13/82)

81-02

General Provisions

(4/28/88)

81-021

Applicability of underlying district regulations

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

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

Midtown Districts	Districts Whose Regulations Apply
C5P C5-2.5	C5-2
C6-4.5	C6-4
C6-5.5	C6-5
C6-6.5	C6-6
C6-7T	C6-7

(6/28/04)

81-022

Applicability of Special Transit Land Use District regulations

Except as otherwise provided in paragraphs (a) and (b) of this Section, wherever the #Special Transit Land Use District# includes an area which also lies within the #Special Midtown District#, as described in paragraph (c), the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply.

- (a) However, the requirements of Article IX, Chapter 5, shall be waived where the City Planning Commission certifies, in the case of a specific #development# otherwise subject to those requirements, that:
 - (1) the developer has agreed in a writing recorded against the property to implement a plan approved by the City Planning Commission and New York City Transit for off-street relocation of a subway stair entrance, in accordance with the requirements of Section 81-46 (Off-Street Relocation or Renovation of a Subway Stair); or
 - (2) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for the provision of a subway station improvement in accordance with the provisions of Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).
- (b) Where the requirements of Article IX, Chapter 5, are not waived, modifications of the underlying district #bulk# regulations as set forth in this Chapter shall prevail over any inconsistent #bulk# regulations in Article IX, Chapter 5.
- (c) Within the #Special Midtown District#, the #Special Transit Land Use District# includes the area bounded by a line 100 feet west of Third Avenue, a line midway between East 53rd Street and East 54th Street, a line 160 feet east of Third Avenue (the #Special Midtown District# boundary) and a line midway between East 52nd Street and East 53rd Street.

(8/6/98)

81-023

Applicability of Special Clinton District Regulations

Wherever the #Special Midtown District# includes an area which also lies within the #Special Clinton District#, the regulations of the #Special Clinton District# as set forth in Article IX, Chapter 6, shall also apply. In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations).

The portion of the #Special Clinton District# within the #Special Midtown District# includes the area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street. The area is designated on the #zoning maps# by the letters CL-MiD.

(10/31/01)

81-024

Integration clauses

- (a) The underlying zoning districts shall be deemed to be integral parts of the #Special Midtown District#. If the underlying zoning district of any #zoning lot# shall be amended or shall be nullified by any court of competent jurisdiction, such amendment or adjudication shall be construed to amend the #Special Midtown District# to remove such #zoning lot# from the #Special Midtown District# whereupon the regulations of the prior underlying district shall apply.
- (b) The #bulk# regulations contained in Sections 81-20 through 81-29, inclusive, shall be deemed to be an integral unit and no modification thereof shall be permitted, except in accordance with the provisions of Section 200 of the New York City Charter. If any sentence, clause, paragraph or part of Sections 81-20 through 81-29, inclusive, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not be confined in its operation to the sentence, clause, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered, but shall also be construed to invalidate and prohibit the application of the remainder of Sections 81-20 through 81-29, inclusive. However, any such judgment shall not act to invalidate any other sentence, paragraph, clause, section or chapter of the Zoning Resolution.

(5/27/15)

81-03

District Plan

The regulations of this Chapter are designed to implement the #Special Midtown District# Plan.

The District Plan includes the following three maps:

- Map 1 Special Midtown District and Subdistricts
- Map 2 Retail and Street Wall Continuity
- Map 3 Subway Station and Rail Mass Transit Facility
 Improvement Areas

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

(10/31/01)

81-04

Subdistricts

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

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

Subdistricts	Sections Having Special Application
Penn Center Subdistrict	81-50
Grand Central Subdistrict	81-60

Theater Subdistrict	81-70
Fifth Avenue Subdistrict	81-80
Preservation Subdistrict	81-90

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

(4/28/88)

81-05

Applicability of Certain Amendments

For #developments#, #enlargements# or other alterations within the #Special Midtown District#, any building permits issued by the Department of Buildings prior to April 28, 1988, shall continue in effect through May 12, 1988. Thereafter any #non-conformance# or #non-compliance# with the Zoning Resolution as so amended shall be subject to the provisions of Section 11-33 (Building Permits for Minor or Major Development Issued before Effective Date of Amendment).

(8/26/92)

81-06

Applicability of Article VII Provisions

(8/26/92)

81-061

Applicability of Chapter 3 of Article VII

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals for #non-complying buildings# shall not be applicable:

Section 73-62 (Enlargement, Extension or Conversion of
Buildings Containing Residential Uses)

Section 73-63 (Enlargement of Non-Residential Buildings)

Section 73-64 (Modifications for Community Facility Uses)

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals shall only be applicable as modified below:

Section 73-16 (Public Transit, Railroad or Electrical Utility Substations) shall be applicable subject to the provisions of the #Special Midtown District#.

Section 73-28 (Newspaper Publishing) shall be applicable subject to the provisions of the #Special Midtown District#.

Section 73-36 (Physical Culture or Health Establishments) shall be applicable subject to the locational restrictions of the #Special Midtown District#.

Section 73-51 (Modification of Supplementary Use Regulations) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

Section 73-52 (Modifications for Zoning Lots Divided by District Boundaries) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

(8/6/98)

81-062

Applicability of Chapter 4 of Article VII

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

Section 74-72 (Bulk Modification)

Section 74-74 (General Large-Scale Development)

Section 74-75 (Educational Construction Fund Projects)

- Section 74-82 (Through Block Arcades)
- 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 (Urban Open Space Modifications)
- Section 74-95 (Modifications of Housing Quality Special Permits)

Within the #Special Midtown District#, the following provisions regarding special permits by the City Planning Commission shall only be applicable as modified below:

- Section 74-71 (Landmark Preservation) shall be applicable subject to the height and setback modifications of Sections 81-067, 81-254, 81-266 and 81-277
- Section 74-79 (Transfer of Development Rights from Landmark Sites) shall be applicable subject to modifications of the conditions and limitations on transfer of #floor area# (see Sections 81-212 and 81-747), the meaning of the term "adjacent lot" (see Section 81-747) and the provisions relating to height and setback variations (see Sections 81-254, 81-266 and 81-277).

(8/6/98)

81-063

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

Within the Theater Subdistrict of the #Special Midtown District#, the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), are modified in part by the provisions of Section 81-746 (Additional provisions for

zoning lots divided by district or subdistrict core boundaries).

(8/26/92)

81-064

**Inapplicability of provisions for height and setback
modifications in large-scale residential developments**

Within the #Special Midtown District#, the provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments), permitting the City Planning Commission to authorize the location of #buildings# without regard for height and setback regulations shall be inapplicable.

(8/26/92)

81-065

**Inapplicability of provisions for height and setback
modifications in large-scale community facility developments**

Within the #Special Midtown District#, the provisions of Article VII, Chapter 9 (Special Regulations Applying to Large-Scale Community Facility Developments), permitting the City Planning Commission to authorize the location of #buildings# without regard for height and setback regulations shall be inapplicable.

(2/2/11)

81-066

**Special permit modifications of Section 81-254, Section 81-40 and
certain Sections of Article VII, Chapter 7**

- (a) The City Planning Commission, by special permit, for #zoning lots# where the #lot area# is at least 60,000 square feet or that occupy an entire #block#, may permit modification of the mandatory district plan elements of Section 81-40 or the provisions of Article VII, Chapter 7, that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements. However, no exception to the #street wall# or retail continuity requirements shall be permitted on Fifth Avenue or within 50 feet of Fifth Avenue within the #Special Midtown District#.

The modifications shall be subject to the following findings:

- (1) that the modifications of mandatory plan elements, #floor area# allocation or #rear yard# and #court# regulations, result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;
 - (2) that a substantial majority of the #zoning lot# is either vacant at the time of certification for review, pursuant to Section 197-c of the New York City Charter, or contains #buildings# that will be integrally related to #developments#, both physically and programmatically;
 - (3) that the design, scale and location of the new #buildings# or #enlarged buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;
 - (4) that such modifications will not unduly obstruct the access of light and air to surrounding properties;
 - (5) that any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas on the #zoning lot#;
 - (6) that such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements.
- (b) For #developments# or #enlargements# on a #zoning lot# with a #lot area# of at least 60,000 square feet located wholly or partially in the Penn Center Subdistrict, which have been granted a #floor area# bonus for subway station and/or rail mass transit facility improvements pursuant to Section 81-541 in accordance with Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), the Commission may permit modifications of the mandatory district plan elements of Section 81-40, the height and setback regulations of 81-26 and 81-27, or the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the

applicable #yard# and #court# requirements subject to the following findings:

- (1) the modifications of mandatory plan elements, #floor area# allocation or #rear yard# and #court# regulations result in a better arrangement of required facilities or in better site planning on a uniquely large #zoning lot#;
- (2) the design, scale and location of the new #buildings# or #enlarged buildings# are compatible with the character of the surrounding area and existing #buildings# to remain on the #zoning lot#;
- (3) such modifications will not unduly obstruct the access of light and air to surrounding properties;
- (4) any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #zoning lot#;
- (5) such modifications of mandatory plan elements or #floor area# allocation are consistent with the basic strategy of the #Special Midtown District# and the purposes of the Mandatory District Plan Elements;
- (6) the improvements to the below-grade pedestrian circulation network provided by the #development# or #enlargement# significantly increase public accessibility to and from subway stations and/or rail mass transit facilities in and around Pennsylvania Station; and
- (7) the modifications of height and setback regulations:
 - (i) are necessary due to the constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site; and
 - (ii) will provide an appropriate distribution of #bulk# on the #zoning lot# with due consideration of the basic strategy of the #Special Midtown District# and the purpose of the District's height and setback regulations. In considering whether such distribution of #bulk# is appropriate, the Commission shall consider a complete daylight evaluation for the proposed design.

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

(2/2/11)

81-067

Modification of provisions for minimum base height and street wall location in Historic Districts

Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43 (Street Wall Continuity Along Designated Streets), 81-621 (Special street wall requirements) pertaining to the Grand Central Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to Sections 23-633 (Street wall location and height and setback regulations in certain districts) and 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts).

(5/13/82)

81-10

USE REGULATIONS

(5/13/82)

81-11

Modifications of Use Regulations in Subdistricts

The #use# regulations of the underlying districts are modified in the Theater Subdistrict in accordance with the provisions of Sections 81-72 (Use Regulations Modified) and 81-73 (Special Sign and Frontage Regulations) and are modified in the Fifth Avenue Subdistrict in accordance with the provisions of Section 81-82 (Special Regulations on Permitted and Required Uses).

(5/13/82)

81-12

Special Retail Continuity Requirements

Special requirements for allocation of frontage to retail and service #uses# along designated #streets# are set forth in Section 81-42 (Retail Continuity along Designated Streets).

(5/13/82)

81-13

Special Permit Use Modifications

No special permits shall be issued by the Board of Standards and Appeals for #automotive service stations# pursuant to Section 73-21 for any #zoning lots# with frontage on any of the #streets# designated in Sections 81-42 (Retail Continuity along Designated Streets) or 81-43 (Street Wall Continuity along Designated Streets).

No other special permit #use# within the #Special Midtown District# shall be granted by the Board of Standards and Appeals pursuant to Section 73-10 (SPECIAL PERMIT USES) or by the City Planning Commission pursuant to Section 74-30 (SPECIAL PERMIT USES) without a finding that such special permit #use# will be consistent with the purposes and provisions of this Chapter.

(5/13/82)

81-14

Modification of Sign and Frontage Regulations in the Fifth Avenue Subdistrict

(6/23/05)

81-141

Special sign regulations

- (a) For all existing and new #uses# in the Fifth Avenue Subdistrict, #signs# shall not be permitted on the exterior of any #building# below a level of ten feet above #curb

level#. The aggregate #surface area# of all #signs# in ground floor windows is restricted to not more than one-third of the window area.

Any #sign# that does not comply with the provisions of this paragraph, (a), shall be terminated, except that a #sign# which the Chairperson of the City Planning Commission certifies is an integral part of the #building#, shall not be required to terminate.

- (b) In a C5-3 District within the Fifth Avenue Subdistrict, the Chairperson of the City Planning Commission may, by certification, modify the requirements of Section 32-655 (Height of signs in all other Commercial Districts), to allow a single non-#illuminated sign# per #building#, other than an #advertising sign#, to be located at a height between 25 and 50 feet above #curb level#, provided that the permitted #sign# shall:
 - (1) be limited to one name and/or address of the #building# or the name of an establishment located therein, consisting only of individual letters and/or numbers not exceeding 18 inches in height;
 - (2) not be within a frame, a border, or any kind of background other than the #building# facade;
 - (3) not project more than three inches from the facade of the #building#; and
 - (4) not exceed 25 square feet in aggregate #surface area#.
- (c) On any #zoning lot# occupied by a landmark designated by the Landmarks Preservation Commission which lies partially or wholly within the Fifth Avenue Subdistrict, the Chairperson of the City Planning Commission may, by certification, modify the applicable #sign# regulations of Section 32-60 to permit #illuminated signs# on the open area of the #zoning lot#, provided that such #signs# shall:
 - (1) be a re-creation of historic #signs# and that the Landmarks Preservation Commission has issued a Certificate of Appropriateness or other permit for such #signs#;
 - (2) not exceed a #surface area# of 12 square feet per #sign#; and
 - (3) not project across a #street line#.

(2/2/11)

81-142

Special frontage regulations

(a) Transparency requirement

On #wide street# frontages in underlying C5 Districts, at least 50 percent of a #building's street wall# surface shall be glazed and transparent at the ground floor level, and not more than 50 percent of such transparent surface shall be painted. 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.

(b) Banners or pennants

The display of banners or pennants from the exterior of any #building# in an underlying C5 District is prohibited.

(5/13/82)

81-20

BULK REGULATIONS

(5/13/82)

81-21

Floor Area Ratio Regulations

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

(5/27/15)

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 Achiev- ing Permit- ted FAR Levels on a #Zoning Lot#	Maximum #Floor Area Ratio# (FAR)						
	Outside the Grand Central Subdistrict					Grand Central Subdistrict	
			C5-2.5				
		C6-4	C6-4.5		C5-3		
		C6-5	C6-5.5		C6-6		C5-3
	C5P	M1-6	C6-6.5	C6-7T	C6-7	C5-2.5	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), #Public plazas# (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 improvements (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
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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)

			No	No		No
1.6	2.0	2.4	Limit	Limit	2.4	Limit

(b) a "receiving lot" (Section 81-634)

---	---	---	---	---	1.0	1.0
-----	-----	-----	-----	-----	-----	-----

(c) a "receiving lot" (Section 81-635)

---	---	---	---	---	9.6	6.6
-----	-----	-----	-----	-----	-----	-----

(d) a "receiving lot" located within the Vanderbilt
Corridor (Section 81-635)

---	---	---	---	---	---	15.0
-----	-----	-----	-----	-----	-----	------

O. Maximum #Floor Area# Allowances by Special Permit for
Grand Central Public Realm Improvement Bonus (Section 81-
64)

---	---	---	---	---	---	15.0
-----	-----	-----	-----	-----	-----	------

P. 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

			No	No		No ⁶
9.6	14.4	14.4	Limit	Limit	21.6	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, and limited to 30.0 FAR on a #zoning lot# located within the Vanderbilt Corridor, pursuant to Sections 81-635 or 81-64 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)

(2/2/11)

81-212

Special provisions for transfer of development rights from landmark sites

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

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 (Transfer of Development Rights from Landmark Sites), but not both.

For #developments# or #enlargements# in C5-3, C6-6, C6-7 and C6-7T Districts, the City Planning Commission may also modify or waive the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and requirements governing the minimum dimensions of a #court#, where:

- (a) the required minimum distance as set forth in Section 23-86 is provided between the #legally required windows# in the #development# or #enlargement# and a wall or #lot line# on an adjacent #zoning lot# occupied by the landmark; and
- (b) such required minimum distance is provided by a light and air easement on the #zoning lot# occupied by the landmark, and such easement is acceptable to the Department of City Planning and recorded in the County Clerk's office of the county in which such tracts of land are located.

For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts and with frontage on #streets# on which curb cuts are restricted, pursuant to Section 81-44, the Commission may also modify or waive the number of loading berths required pursuant to Section 36-62. In granting such special permit, the Commission shall find that:

- (1) a loading berth permitted by Commission authorization, pursuant to Section 81-44, would have an adverse impact on the landmark #building or other structure# that is the subject of the special permit;
- (2) because of existing #buildings# on the #zoning lot#, there is no other feasible location for the required loading berths; and
- (3) the modification or waiver will not create or contribute to

serious traffic congestion or unduly inhibit vehicular and pedestrian movement. For #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify the dimensions and minimum clear height required for pedestrian circulation space, pursuant to Sections 37-50 and 81-45. In granting such special permit, the Commission shall find that the modification will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with the landmark #building or other structure# that is the subject of the special permit.

(9/13/06)

81-213

Special provisions for transfer of development rights from listed theaters within the Special Clinton District

In C6-2 Districts within the #Special Clinton District#, for #zoning lots#, or portions thereof, comprised of listed theaters designated in Section 81-742, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots#, or portions thereof, shall be 6.02.

(5/27/15)

81-214

Special provisions within the Vanderbilt Corridor in the Grand Central Subdistrict

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, additional #floor area# may be permitted by the City Planning Commission pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus), or any combination thereof, up to the maximum permitted #floor area# set forth in the table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), respectively. In no event shall the total #floor area ratio# of the #zoning lot# resulting from such proposed #development# or #enlargement# exceed 30.0.

(10/17/07)

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 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.

(2/2/11)

81-23

Floor Area Bonus for Public Plazas

Within the #Special Midtown District#, for each square foot of #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 there shall be no #floor area# bonus for a #public plaza# that is:

- (a) on #zoning lots# in the C5P District within the Preservation Subdistrict;
- (b) 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) on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions); and
- (d) on #zoning lots#, any portion of which is in the Grand Central Subdistrict.

All #public plazas# provided within the #Special Midtown District# shall comply with the requirements for #public plazas# set forth in Section 37-70, inclusive.

A major portion of a #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 #public plaza# also conforms to the design standards of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) for a sidewalk widening. Such sidewalk widening may be included in the major portion of a #public plaza# for purposes of calculating the proportional restrictions set forth in Section 37-71.5.

(10/17/07)

81-231

Existing plazas or other public amenities

- (a) Elimination or reduction in size of existing #publicly accessible open area# or other public amenities

No existing #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 #publicly accessible open area# for which a #floor area# bonus has been received by certification, pursuant to Section 37-73 (Kiosks and Open Air Cafes).

- (c) Nighttime closing of existing #publicly accessible open areas#

The City Planning Commission may, upon application, authorize the closing of an existing #publicly accessible open area# for which a #floor area# bonus has been received, during certain nighttime hours, pursuant to Section 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 #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.

(10/17/07)

81-232

Special provisions for zoning lots divided by district boundaries

Where a #public plaza# is located on a #zoning lot# divided by a district boundary, the #floor area# bonus for such #public plaza# may be credited to either portion of the #zoning lot# regardless of the #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.

(7/26/01)

81-24

Floor Area, Lot Coverage and Building Spacing Regulations for Residential Uses

(2/2/11)

81-241

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

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

- (a) In the C5-P District the maximum #floor area ratio# is 8.0, and no additional #floor area# shall be allowed above this limit.
- (b) In all underlying districts other than the C5-P District, except as provided in paragraph (c) of this Section, the maximum #residential floor area ratio# is 10.0.
- (c) In any underlying district other than a C5-P, C6-4 or C6-5 District, or in a C6-4 or C6-5 District within the Theater Subdistrict where a #zoning lot# has been granted bonus #floor area# or other #floor area# allowances in accordance with the provisions of Section 81-741 (General provisions), such #zoning lot# shall qualify for a maximum #residential floor area ratio# of 12.0 if the #development# or the #building# containing the #enlargement# includes recreational space for the #residential# occupants in an amount not less than 13 square feet for each #rooming unit#, 16.25 square feet for each #dwelling unit#, or a total area of at least 5,000 square feet, whichever is greater. The recreational space may be located at any level including a roof. Such recreational space shall:
 - (1) be restricted to #residential# occupants of the #development# or the #building# containing the #enlargement# and their guests, for whom no admission or membership fees may be charged;

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

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

(2/2/11)

81-242

Regulations on minimum spacing between buildings

When a #building# containing #residential uses# is located on the same #zoning lot# as another #building#, the provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

(2/2/11)

81-25

General Provisions Relating to Height and Setback of Buildings

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

81-26 (Height and Setback Regulations--Daylight Compensation) and 81-27 (Alternate Height and Setback Regulation--Daylight Evaluation), respectively. For the purposes of applying height and setback regulations, the term "#buildings#" shall include #buildings or other structures#, except if specifically stated otherwise.

For the purposes of Sections 81-25 through 81-27, inclusive, all #buildings# on a #zoning lot# shall be considered a single #building#. Existing portions of such #buildings# are referred to as an "existing #building#." A "new #building#" shall include #developments#, #enlargements# or alterations that increase the width or height of a #building# wall.

An applicant for plan approval by the Department of Buildings may elect to be governed by the provisions of either Section 81-26 or 81-27 in addition to the provisions of this Section.

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

(2/2/11)

81-251

Purpose of height and setback regulations

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

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

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

The daylight evaluation regulations measure and evaluate portions of sky blocked by a #building# as viewed from specified #vantage points# in the #street#. The #building# is plotted on #daylight

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

(4/30/12)

81-252

Permitted obstructions

Except as set forth in this Section, structures which under the provisions of Sections 33-42 or 43-42 (Permitted Obstructions) or 34-11 or 35-11 (General Provisions), are permitted to penetrate a maximum height limit or a #sky exposure plane# shall not be permitted as exceptions to the height limitations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses# set forth in Section 81-26 (Height and Setback Regulations), nor shall they be excluded in determining daylight blockage pursuant to the provisions of Section 81-27 (Alternate Height and Setback Regulations).

The following shall be permitted as exceptions to the height regulations, setback requirements or rules for the measurement of #encroachments# or #compensating recesses#, set forth in Section 81-26 (Height and Setback Regulations), and shall be excluded in determining daylight blockage, pursuant to the provisions of Section 81-27 (Alternate Height and Setback Regulations);

- (a) Unenclosed balconies conforming to the provisions of Section 23-13 (Balconies); and
- (b) Exterior wall thickness, up to eight inches, where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. Where #buildings# that have added exterior wall thickness pursuant to this Section are #enlarged#, such #enlarged# portion may similarly penetrate a maximum height limit in order to align with the exterior walls of the existing #building#, provided such #enlargement# contains less #floor area# than the existing #building#, and there is no penetration of #floor area# above a maximum height limit.

(2/2/11)

81-253

Special provisions for Grand Central, Theater, Fifth Avenue, Penn Center and Preservation Subdistricts

The provisions of Sections 81-26 (Height and Setback Regulations) and 81-27 (Alternate Height and Setback Regulations) are supplemented and modified by special provisions applying in the Fifth Avenue Subdistrict, as set forth in Sections 81-81 (General Provisions) and 81-83 (Special Street Wall Requirements) or in the Theater Subdistrict as set forth in Sections 81-71 (General Provisions) and 81-75 (Special Street Wall and Setback Requirements) or in the Grand Central Subdistrict as set forth in Sections 81-61 (General Provisions), 81-621 (Special street wall requirements) and 81-622 (Special height and setback requirements).

The provisions of Sections 81-26 and 81-27 are not applicable in the Preservation Subdistrict, where height and setback is regulated by the provisions of Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT), or in the Penn Center Subdistrict as set forth in Section 81-532 (Special street wall requirements).

(5/27/15)

81-254

Special permit for height and setback modifications

In the #Special Midtown District#, the City Planning Commission may modify the special height and setback regulations set forth in this Chapter only in accordance with the following provisions:

Section 74-711 (Landmark preservation in all districts) as modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications)

Section 74-79 (Transfer of Development Rights from Landmark Sites) where development rights are transferred from a landmark site to an adjacent lot in a C5-3, C6-6 or C6-7 District, as modified by Section 81-212, and the total #floor area# on the adjacent lot resulting from such transfer exceeds the basic maximum #floor area ratio# by more than 20 percent. In such cases, the granting of a

special permit by the Commission for height and setback modifications shall be in accordance with the provisions of Sections 81-266 or 81-277

Section 81-066 (Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7)

Section 81-635 (Transfer of development rights by special permit)

Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus).

(5/13/82)

81-26

Height and Setback Regulations-Daylight Compensation

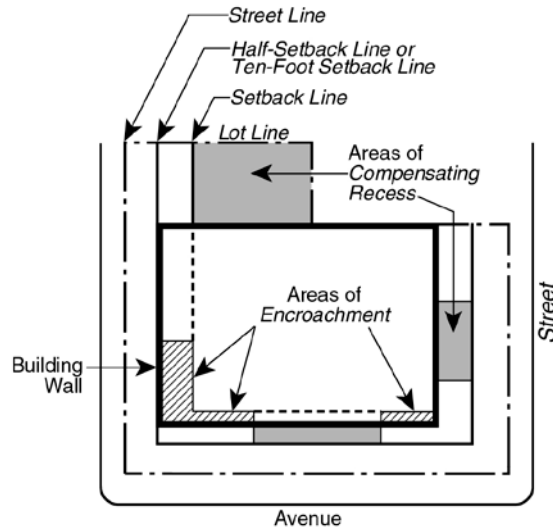
(2/2/11)

81-261

Definitions

Compensating recess

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



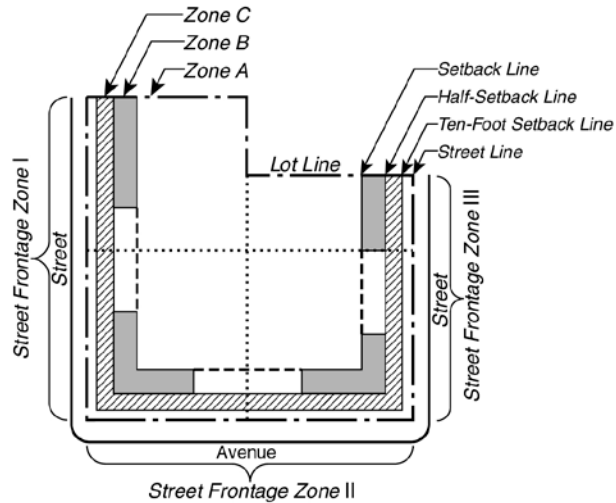
COMPENSATING RECESS AND ENCROACHMENT (81-265.1)

Encroachment

A projection beyond the #setback line#, the #free zone# or the #half-setback line# by any portion of a #building# that exceeds the maximum height permitted at the #street line#. (See Illustration of #Compensating Recess# and #Encroachment#)

Encroachment grid

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

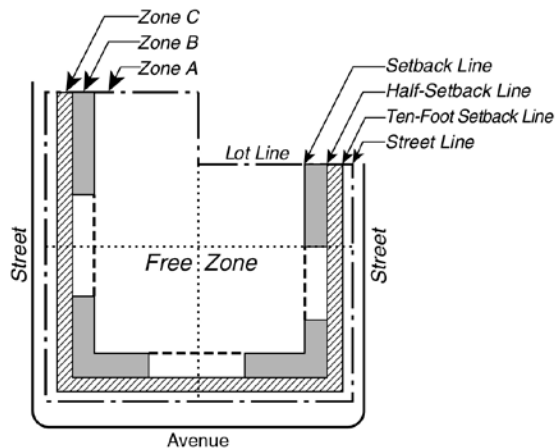


ENCROACHMENT GRID
(81-265.2)

Free zone

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

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



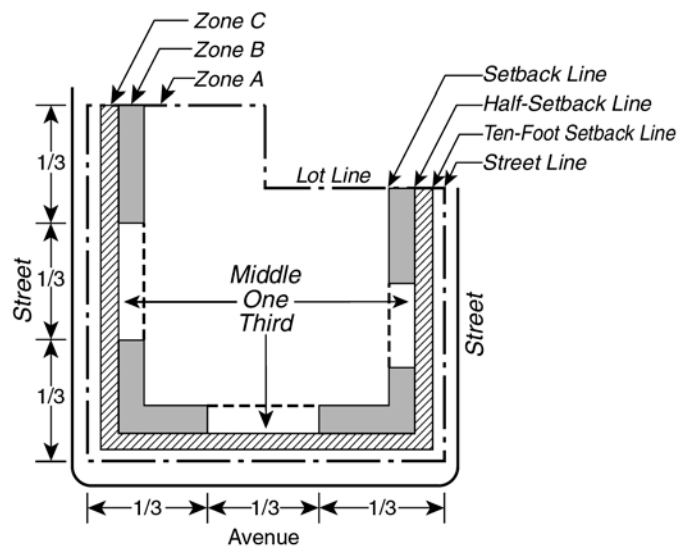
Free Zone
(81-265.3)

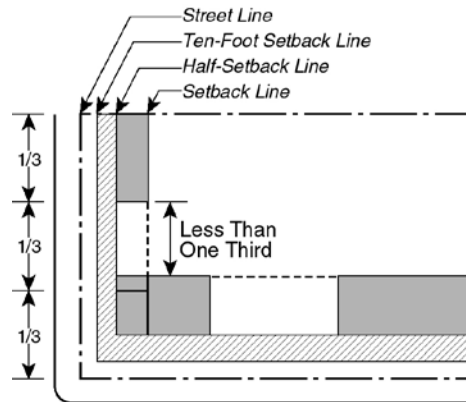
Half-setback line

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

Middle one-third rule

The rule under which, for the middle one-third of the #front lot line# length, the #free zone# includes area between the #setback line# and either the #half-setback line# or the #ten-foot setback line#, whichever is further from the #street line#. However, on a #corner lot# the #free zone# does not extend beyond the #setback line# along an intersecting #street#. (See Illustrations of #Middle One-Third Rule#)

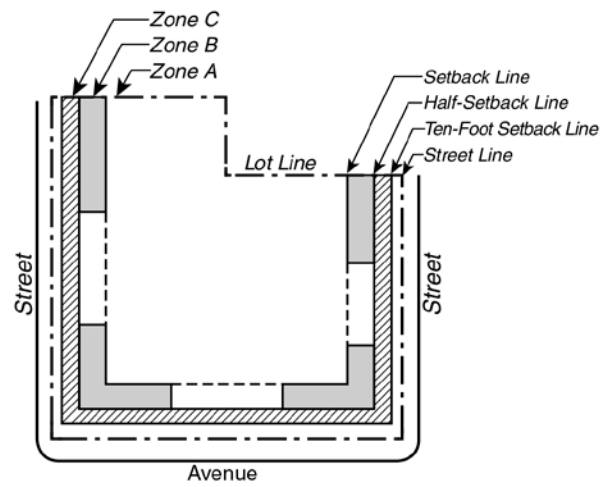
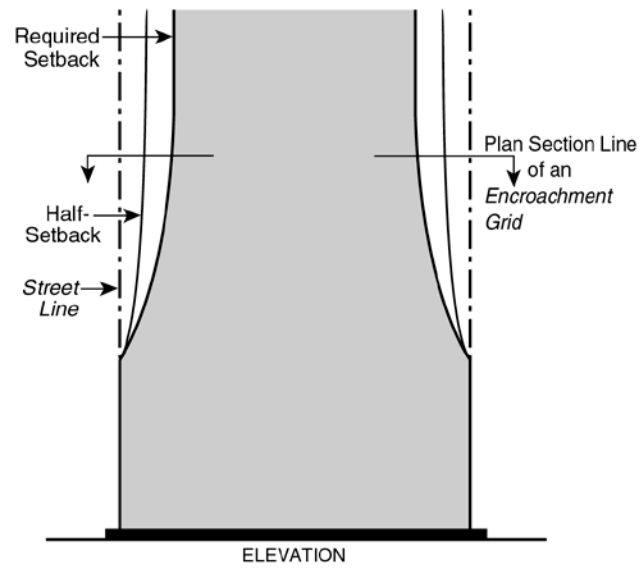




MIDDLE ONE-THIRD RULE
(81-265.4)

Setback line

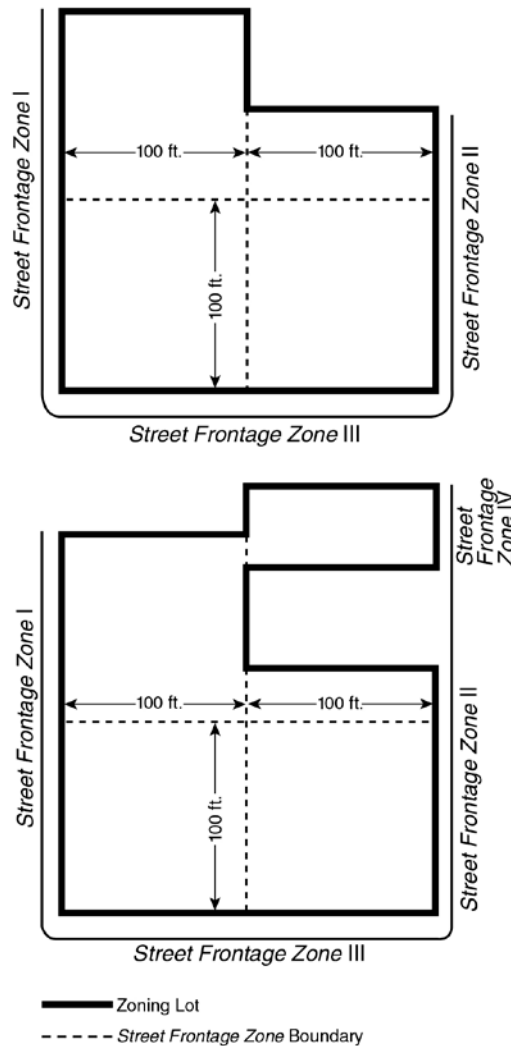
A line drawn in plan parallel to a #street line# and showing for a given #building# height the minimum depth to which a #building# is required to be set back from the #street line# by the applicable depth to height chart in Section 81-263 (Standard setback requirements). Required setbacks, established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



SETBACK AND HALF-SETBACK LINES (81-265.5)

Street frontage zone

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

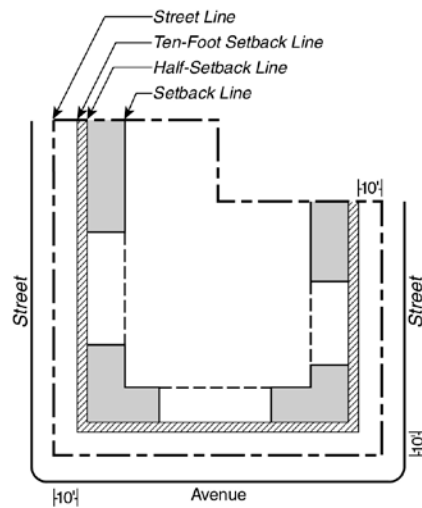
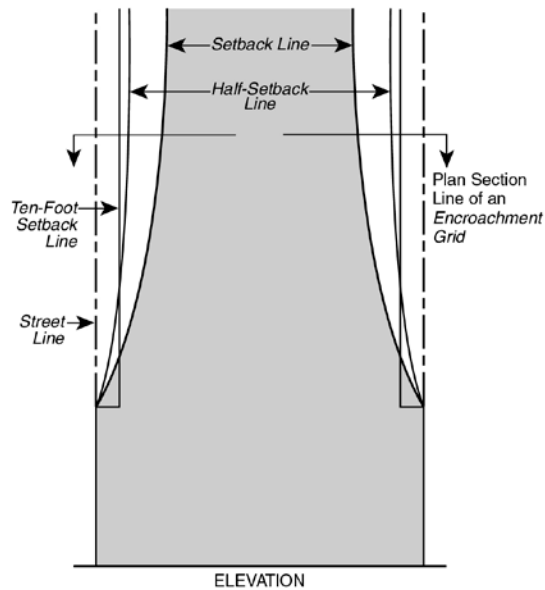


STREET FRONTAGE ZONES
(81-265.6)

Ten-foot setback line

A line which is parallel to the #street line# at a depth of 10

feet and represents the minimum distance any portion of a #building# exceeding the maximum height at the #street line# is required to be set back from the #street line#. A greater setback distance may be required by a #setback line# or a #half-setback line# depending upon the #building# height for which such #setback line# or #half-setback line# is established.



TEN-FOOT SETBACK LINE ON AN ENCROACHMENT GRID
(81-265.7)

Zone A, Zone B, Zone C

"Zone A," "Zone B" and "Zone C" are zones on an #encroachment grid# defined as follows:

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

(5/13/82)

81-262

Maximum height of front wall at the street line

- (a) General provisions

The front wall of a #building# at the #street line# shall not exceed the height limit applying along the #street# on which it fronts. Maximum front wall heights at the #street line# vary with the width of the #street# on which the wall fronts, as follows:

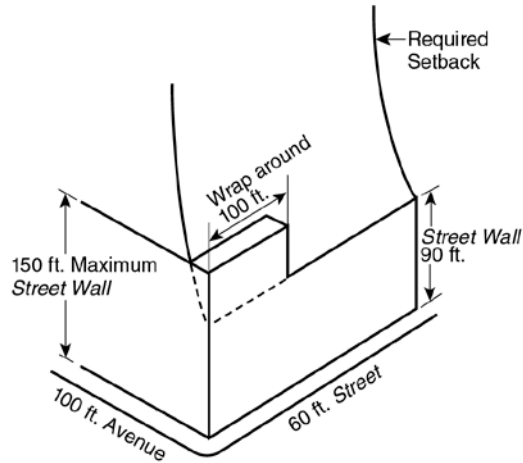
#Street# Width (in feet)	Maximum Front Wall Height at #Street Line# (in feet)
60 or less	90
75 or 80	120
100 or more	150

- (b) Special provisions for #corner lots#

For a #corner lot# with frontage on #streets# of different widths, the maximum front wall height at the #street line# of the narrower #street# may be increased above that indicated in paragraph (a) in accordance with either one of the following rules:

Rule 1:

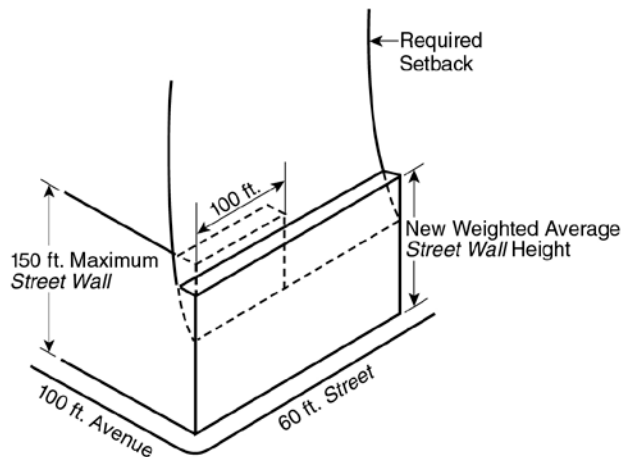
The maximum front wall height at the #street line# for the wider #street# may extend up to 100 feet from the corner along the #street line# of the narrower #street#; or



SPECIAL RULE 1 FOR CORNER LOTS
(81-262b.1)

Rule 2:

For any length of frontage from the corner along the narrower #street#, a maximum height for such length of frontage may apply, which shall be the weighted average of (1) the height permitted under Rule 1 for the first 100 feet from the corner, and (2) the standard height limit for front walls on the narrower #street# for the remainder of the frontage. (See Illustration of Special Rules for #Corner Lots#)



SPECIAL RULE 2 FOR CORNER LOTS
(81-262b.2)

(2/2/11)

81-263

Standard setback requirements

#Buildings# shall comply with the regulations of this Section.

(a) Ten-foot setback requirement

Above the maximum height permitted at the #street line# pursuant to the provisions of Section 81-262, every portion of a #building# shall be set back at least 10 feet from the #street line#.

(b) General setback provisions; depth to height charts

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

Table A

SETBACK REQUIREMENTS
ON #STREETS# 60 FEET OR LESS IN WIDTH

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

Height	Depth of #Setback Line#
90	0.00
100	2.00
110	4.00
120	6.00
130	8.00

140	10.00
150	12.00
160	13.75
170	15.25
180	16.75
190	18.50
200	20.00
210	21.25
220	22.50
230	24.00
240	25.25
250	26.50
260	27.50
270	28.75
280	30.00
290	30.75
300	31.75
310	32.75
320	33.75
330	34.75
340	35.50
350	36.25
360	37.25
370	38.00
380	38.75
390	39.50
400	40.25
410	41.00
420	41.75
430	42.25

440	43.00
450	43.50
460	44.25
470	44.75
480	45.50
490	46.00
500	46.50
510	47.00
520	47.50
530	48.00
540	48.50
550	49.00
560	49.50
570	50.00
580	50.50
590	51.00
600	51.50
610	52.00
620	52.25
630	52.75
640	53.00
650	53.50
660	53.75
670	54.25
680	54.50
690	55.00
700	55.25
710	55.75

Above 710

For every 10 feet the depth
shall increase by one foot

Table B

SETBACK REQUIREMENTS
ON #STREETS# 75 OR 80 FEET WIDE

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

Height	Depth of #Setback Line#
120	0.00
130	1.50
140	3.50
150	5.50
160	7.50
170	9.25
180	11.00
190	12.75
200	14.25
210	15.75
220	17.25
230	18.75
240	20.00
250	21.25
260	22.50
270	23.75
280	24.75
290	26.00
300	27.00
310	28.00
320	29.00
330	30.00

340	31.00
350	32.00
360	32.75
370	33.75
380	34.50
390	35.50
400	36.25
410	37.00
420	37.75
430	38.25
440	39.00
450	39.75
460	40.50
470	41.00
480	41.75
490	42.50
500	43.00
510	43.50
520	44.00
530	44.75
540	45.25
550	45.75
560	46.25
570	46.75
580	47.25
590	47.75
600	48.25
610	48.75
620	49.00
630	49.50

640	50.00
650	50.50
660	50.75
670	51.25
680	51.75
690	52.00
700	52.50
710	53.00
Above 710	For every 10 feet the depth shall increase by one foot

Table C

SETBACK REQUIREMENTS
ON #STREETS# AT LEAST 100 FEET WIDE

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

Height	Depth of #Setback Line#
150	0.00
160	1.50
170	3.00
180	5.00
190	6.75
200	8.50
210	10.25
220	11.75
230	13.25
240	14.75
250	16.00
260	17.25

270	18.75
280	20.00
290	21.00
300	22.25
310	23.50
320	24.50
330	25.50
340	26.50
350	27.50
360	28.50
370	29.50
380	30.25
390	31.25
400	32.00
410	33.00
420	33.75
430	34.50
440	35.25
450	36.00
460	36.75
470	37.25
480	38.00
490	38.75
500	39.25
510	40.00
520	40.50
530	41.25
540	41.75
550	42.25
560	42.75

570	43.50
580	44.00
590	44.50
600	45.00
610	45.50
620	46.00
630	46.50
640	47.00
650	47.50
660	47.75
670	48.25
680	48.75
690	49.25
700	49.50
710	50.00
Above 710	For every 10 feet the depth shall increase by one foot

(c) Use of tables

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

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

Required depths of #setback lines# shall be rounded off to the next highest half foot.

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

(d) #Middle one-third rule#

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

(2/2/11)

81-264

Encroachments and compensating recesses

In addition to complying with the setback requirements of Section 81-263 (Standard setback requirements), a #building# shall not at any height encroach beyond a #half-setback line# or a #ten-foot setback line#, except as provided below. For each #street frontage zone# and for all #street frontage zones#, taken together on a single #encroachment grid#, a #building# shall not, at any level, have an aggregate area of #encroachment# beyond the #setback line#, other than in any #free zones#, greater than the aggregate area of #compensating recess# at such level.

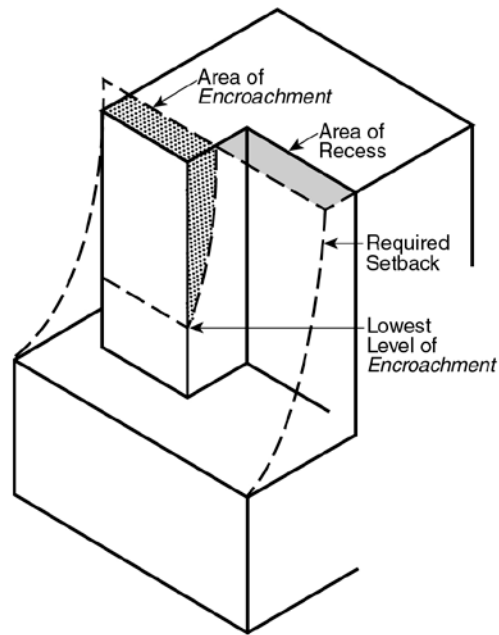
Except as provided below, an area of #compensating recess# in one #street frontage zone# shall not be used to compensate for #encroachment# in another #street frontage zone#. However, a #building# with a #street frontage zone# which lies along a north-south #wide street# and does not meet the above requirements because of excessive #encroachment# will be in compliance with the #street frontage zone# requirements of this Section if compensation is provided for such excessive #encroachment# by an overlapping #street frontage zone#.

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

(a) Rules for measuring #encroachments# and recesses

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

#street frontage zones#.



ENCROACHMENTS AND COMPENSATING RECESSES (81-264a)

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

(b) Limits of #encroachment#

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

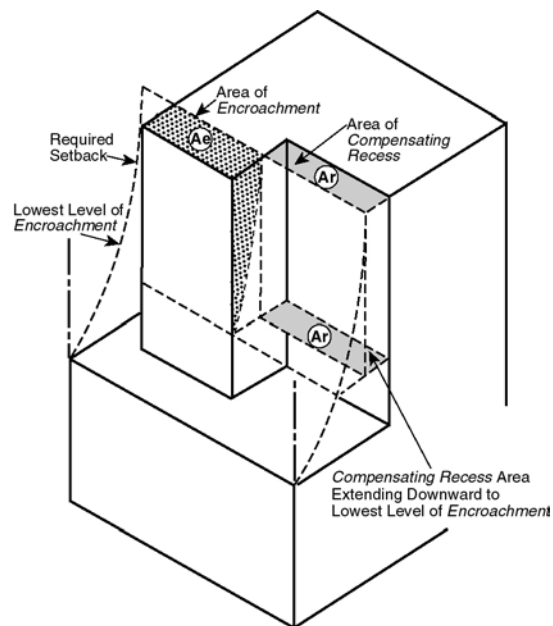
- (1) For each #street frontage zone#, at every height above the maximum front wall height at the #street line#, the area within #Zone A# that is not covered by a #building# and qualifies as #compensating recess# area shall, in the aggregate, equal or exceed the aggregate area in #Zones B# and #C# that is encroached upon by a #building# at such height.

- (2) No part of a #building# shall encroach into #Zone C# unless it complies with the provisions of Section 81-265.
- (3) On #corner lots#, the projection of a #building# beyond the #setback# or #half-setback line# on the narrower #street# shall not count as an #encroachment# except at heights above the maximum height permitted at the #street line# by the #corner lot# provisions in paragraph (b) of Section 81-262 (Maximum height of front wall at the street line).

(c) Limitations on #compensating recess#

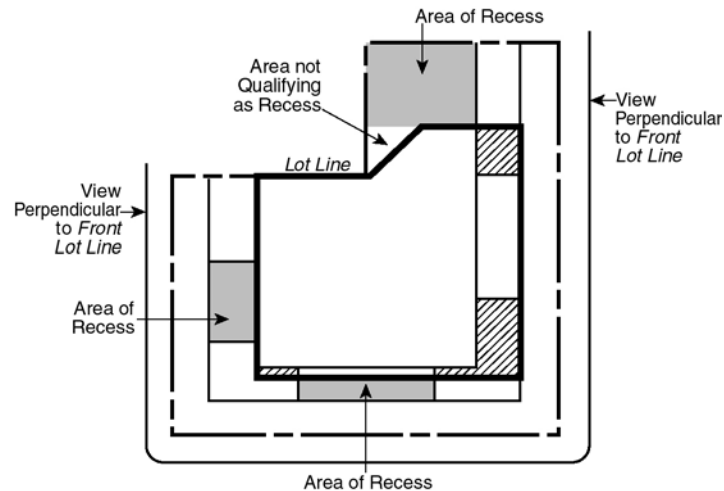
#Compensating recess# areas are subject to the following limitations:

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



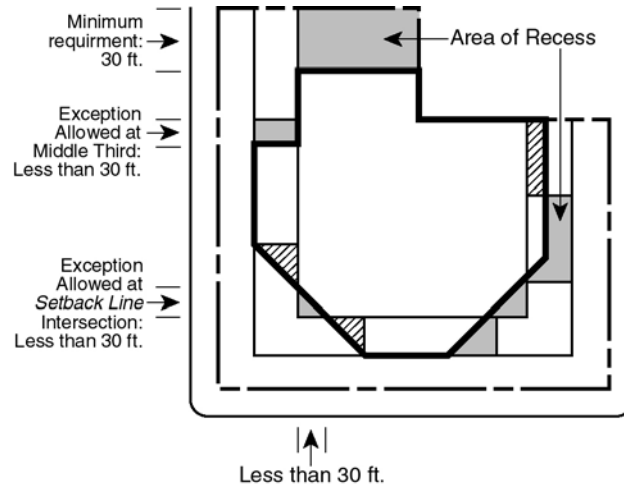
EXTENSION DOWNWARD OF COMPENSATING RECESS AREA
(81-264c1)

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



VISIBILITY OF COMPENSATING RECESS AREA
(81-264c2)

- (3) The minimum length of a #compensating recess#, measured parallel to the #street line#, and behind the #setback line#, is 30 feet, except for any uncovered portion of an area that qualifies as #Zone A# under the #middle one-third rule# or an uncovered area located behind two intersecting #setback lines#. An uncovered area between the #setback# and #half-setback lines# that qualifies as #Zone A# under the #middle one-third rule# is not subject to the minimum length requirement. (See Illustration of Minimum Length of Compensating Recess)



MINIMUM LENGTH OF COMPENSATING RECESS
(81-264c3)

(4) #Compensating recess# area shall be within 100 feet of a #front lot line#.

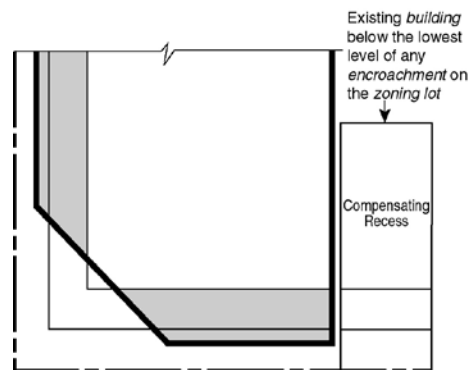
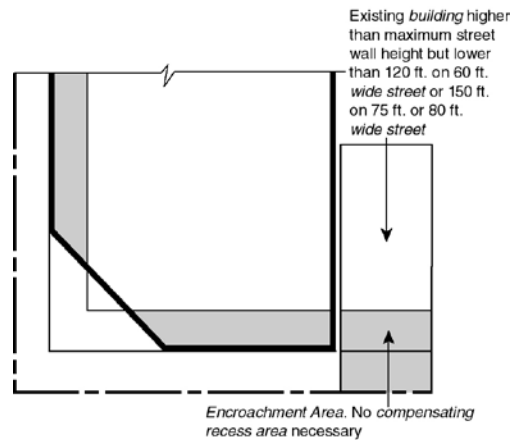
(d) Existing #buildings# on the #zoning lot#

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

- (1) For each #street frontage zone#, if the existing #building# is not more than 120 feet in height at any point and encroaches into #Zone B# or #Zone C# or beyond the #ten-foot setback line# along the frontage of a #street# 60 feet wide, or if the existing #building# is not more than 150 feet in height at any point and encroaches into #Zone B# or #Zone C# or beyond the #ten-foot setback line# along the frontage of a #street# 75 or more feet in width, the new #building# or #enlargement# is not required to compensate for such #encroachment# by the provision of #compensating recess# areas. #Encroachment# by such an existing #building# into #Zone C# or beyond the #ten-foot setback line# will not subject the new #building# or #enlargement# to the provisions of Section 81-265 unless the new #building# or #enlargement# also encroaches into #Zone C#.
- (2) For each #street frontage zone#, space above such existing #building# and within #Zone A# on the #encroachment grid# may count as #compensating recess#

area for the new #building# or #enlargement# provided that such space is at or below the lowest level of any compensable #encroachment# by the new #building# or #enlargement#, that it is located within the same #street frontage zone# as that compensable #encroachment#, and that it qualifies in all respects under the provisions of paragraph (c) of this Section (Limitations on #compensating recess#).

- (3) For each #street frontage zone#, if an existing #building# more than 120 feet in height at any point encroaches into #Zone B# or #Zone C# or beyond the #ten-foot setback line# along the frontage of a #street# 60 feet wide, or if an existing #building# more than 150 feet in height at any point encroaches into #Zone B# or #Zone C# or beyond the #ten-foot setback line# along the frontage of a #street# 75 or more feet in width, the #encroachment# of such #building# into #Zone B# or #Zone C# or beyond the #ten-foot setback line# at any height shall be subject to the requirements for #compensating recess# areas set forth in paragraph (b)(1) of this Section, as if it were a new #building#. Where such an existing #building# encroaches into #Zone C# or beyond the #ten-foot setback line#, the provisions of paragraph (f)(2) in Section 81-265 shall apply in addition to the provisions of this Section. (See Illustration of Existing Buildings on the Zoning Lot)



EXISTING BUILDINGS ON THE ZONING LOT
(81-264d3)

(4/28/88)

81-265

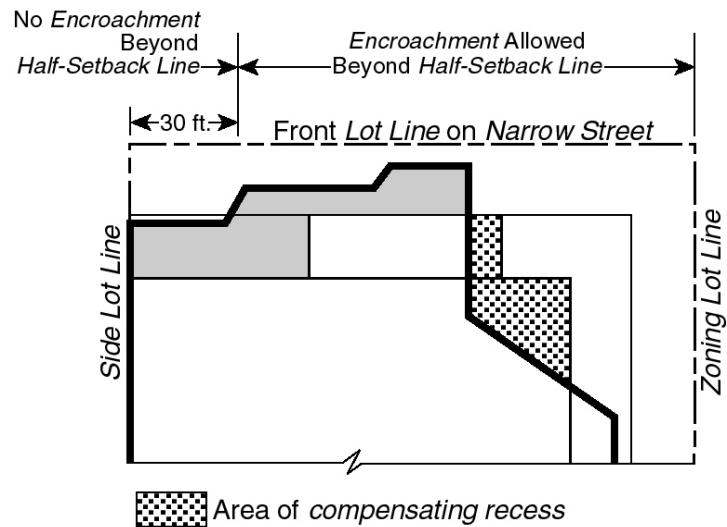
Encroachment limitations by length and height rules

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

(a) Special limitations

No #encroachment# beyond the #half-setback line# shall be within 30 feet of a #side lot line#. (See Illustration of Prohibited and Allowed Encroachment Beyond Half-Setback

Line)



PROHIBITED AND ALLOWED ENCROACHMENT BEYOND
HALF-SETBACK LINE
(81-265a)

(b) General provisions

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

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

(1)

$$\frac{De}{D} = \frac{\text{depth of \#encroachment\#}}{\text{depth of \#setback line\#}}$$

De (depth of #encroachment#) means depth of #encroachment# beyond the #setback line#. Depth of #encroachment# is measured perpendicularly to the #setback line#.

D (depth of #setback line#) means depth of #setback line# from the #street line# or depth of #ten-foot setback line# from the #street line#, whichever depth is greater.

(2)

$$\frac{Le}{L} = \frac{\text{length of \#encroachment\#}}{\text{length of \#front lot line\#}}$$

Le (length of #encroachment#) means total length of #encroachment# outside the #half-setback line#. Length of #encroachment# is measured as the total length of the #encroachments'# projections on the #street line#.

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

(3)

$$\frac{Le}{Lr} = \frac{\text{length of \#encroachment\#}}{\text{length of recess}}$$

Le (length of #encroachment#) as defined in paragraph (b)(2) of this Section.

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

(4)

$$\frac{H}{L} = \frac{\text{height of } \#encroachment\#}{\text{length of } \#front \text{ lot line}\#}$$

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

L (length of #front lot line#) as defined in paragraph (2) of this Section.

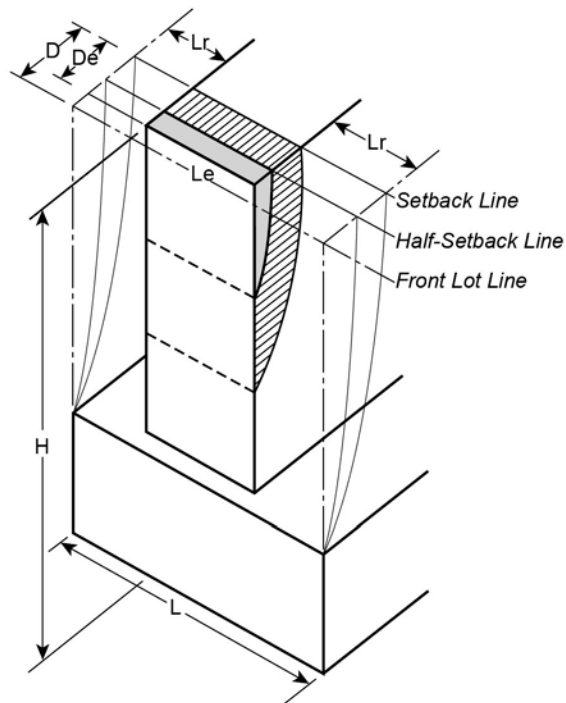
(5)

$$\frac{Ar}{Ae} = \frac{\text{area of } \#compensating \text{ recess}\#}{\text{area of } \#encroachment\#}$$

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

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

Values for the elements in paragraphs (b)(1) through (b)(5) shall be found for each #street frontage zone# on which there is any #encroachment# beyond the #half-setback line#.



- L – Length of *front lot line* along the particular *street*
- L_e – Length of *encroachment* outside *half-setback line* or *ten-foot setback line*
- L_r – Total length of *setback line* not encroached by *building*
- D_e – Depth of *encroachment*
- D – Depth of *setback line*
- H – Height of *encroachment* above *curb level*

ELEMENTS ANALYZED (81-265b)

The elements, weighted according to the effects on daylight access, are represented in the formulas and charts that control the depth, length and height of #encroachments#, as set forth in paragraph (c) of this Section.

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

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

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

$$\text{Formula 1: Maximum } \frac{H}{L} = 5.5 - 4 \left(\frac{De}{D} \right)^{-2.5} \left(\frac{Le}{L} \right)$$

$$\text{Formula 2: Minimum } Lr = \frac{L}{3.5}$$

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

(1) For short frontages

For any frontage less than 200 feet in length, the maximum

$$\frac{H}{L}$$

found by applying Formula 1 may be increased by the following multiplier:

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

(2) For large areas of #compensating recess#

To the extent that the aggregate area of #compensating recess# (Ar) exceeds the aggregate area of #encroachment# (Ae), the maximum

$$\left(\frac{H}{L} \right)$$

found by applying Formula 1 may be increased by the following multiplier:

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

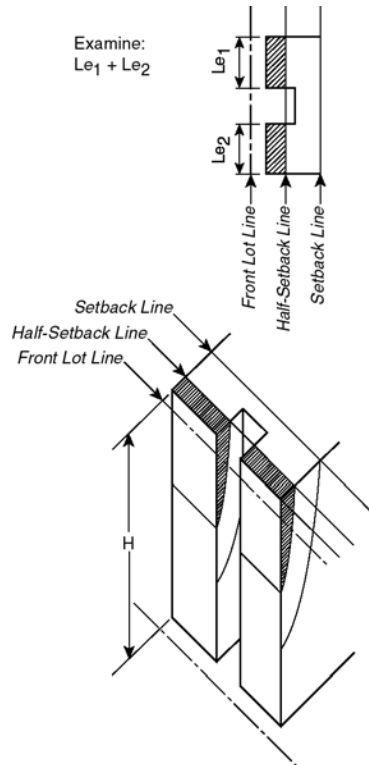
For the purposes of this modification, the measurement of

the area of #compensating recess# (Ar) and the area of #encroachment# (Ae) in each particular #street frontage zone# shall be made on the #encroachment grid# at the height level for which #encroachments# beyond the #half-setback line# are checked. The #encroachment grid# shall include all #street frontage zones#. (Ar) shall include all areas of #compensating recess# in the particular #street frontage zone#, whether or not connected, and (Ae) shall include all #encroachments# in both #Zone B# and #Zone C# in the same #street frontage zone#, whether or not such #encroachments# are connected.

(d) Measurement of #encroachments#

The points at which the formulas are applied will depend upon the shape and dimensions of the #encroachments# beyond the #half-setback line# and shall be in accordance with the provisions of this paragraph and paragraph (e) of this Section.

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



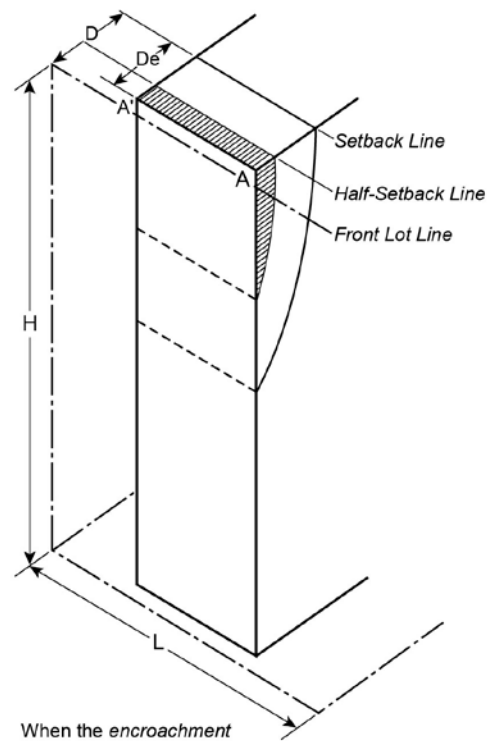
NONCONTIGUOUS ENCROACHMENTS (81-265d)

(e) Heights and depths at which formulas are applied

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

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

Where the length of the #encroachment# (Le) is uniform for the entire height of the #encroachment# (H) and the entire depth (De) at every height, the length, depth and height rules expressed in the formulas shall be applied only at the height where (De/D) is greatest and at the outermost edge of the #encroachment#. (See Illustration of Uniform Length of #Encroachment#)



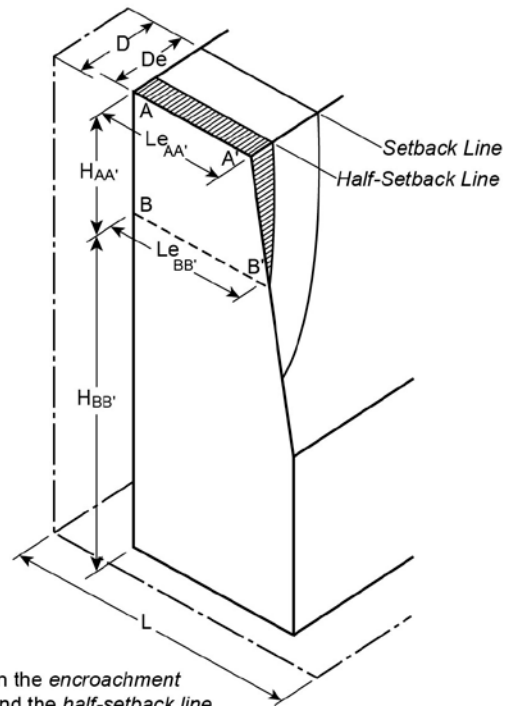
When the *encroachment*
beyond the *half-setback line*
has uniform length. (L_e is constant)
Check: AA' where D_e/D is the largest

UNIFORM LENGTH OF ENCROACHMENT (81-265e1)

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

Where the length of the #encroachment# (L_e) is not uniform, the rules shall be applied at the height level where (D_e/D) is greatest and also at the height level where the length of #encroachment# (L_e) is greatest. If the greatest length of #encroachment# is uniform for part of the #building's# height, the rules shall be applied at the highest level at which such greatest length of #encroachment# occurs. (See Illustrations Where Length of #Encroachment# is Not Uniform).

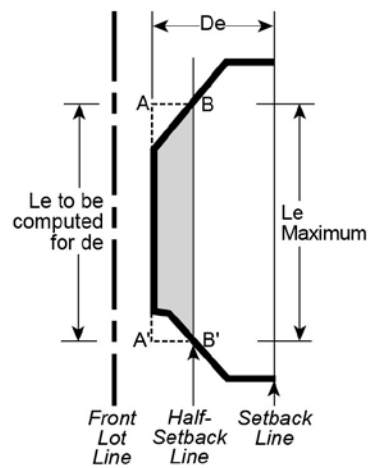
If for a particular height level, the length of the #encroachment# (L_e) varies with the depth of the #encroachment# (D_e), the largest (L_e) of this #encroachment# shall be used together with the largest d_e in applying the rules as if the #encroachment# were of uniform length as provided in paragraph (e)(1) of this Section.



When the *encroachment* beyond the *half-setback line* has variable lengths

Check: AA' where D_e/D is largest

BB' where $L_{e/L}$ is largest



WHERE LENGTH OF ENCROACHMENT IS NOT UNIFORM
(81-265e2)

(f) #Encroachments# by existing #buildings#

When a #zoning lot# contains an existing #building# which encroaches beyond a #half-setback line# or a #ten-foot

setback line#, an #enlargement# or #development# on such #zoning lot# shall comply with the following provisions:

(1) Existing #buildings# below specified heights

- (i) Except as provided in paragraph (f)(1)(ii) of this Section, an existing #building# not more than 120 feet in height shall not be considered in applying the length and height rules even though a portion of such #building# encroaches beyond the #half-setback line# or #ten-foot setback line# along a 60 foot wide #street# and an existing #building# not more than 150 feet in height shall not be considered in applying the length and height rules even though a portion of such #building# encroaches beyond the #half-setback line# or #ten-foot setback line# along a #street# 75 or more feet in width.
- (ii) However, the area occupied by the existing #building# shall be included in the calculation of (Ar/Ae) for the modification of Formula 1 allowed in the case of large areas of #compensating recess#, as set forth in paragraph (c)(2) of this Section.

(2) Existing #buildings# above specified heights

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

- (i) no new construction on the #zoning lot# shall encroach beyond the #half-setback line# along any #street#, and
- (ii) the length and height rules of this Section shall not apply.

(4/28/88)

Special permit for height and setback modifications

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

- (a) the applicant shall demonstrate to the satisfaction of the Commission that a feasible design for the proposed #development# or #enlargement# which accommodates the permitted #floor area# is not possible under the provisions of Sections 81-261 to 81-265, inclusive, and shall further indicate for the proposed design where and to what extent deficiencies of #compensating recess# are necessary or compliance with the length and height rules is not possible. Scale drawings shall be used in presenting the analyses required herein; and
- (b) the Commission shall make the following findings in addition to any required under the applicable provisions of Section 74-71 or Section 74-79:
 - (1) that the requested departure from the height and setback regulations is the minimum amount necessary to achieve a feasible #building# design;
 - (2) that the disadvantages to the surrounding area resulting from reduced light and air access will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole; and
 - (3) that where the landmark is located on the #zoning lot# proposed for #development# or #enlargement# or on a lot contiguous thereto or directly across a #street# therefrom, the modification of height and setback regulations will adequately protect the setting for the landmark.

(5/13/82)

81-27

Alternative Height and Setback Regulations - Daylight Evaluation

(2/2/11)

81-271

Definitions

Center line of the street (bounding a #zoning lot#)

A line equidistant from and parallel or nearly parallel to the #street lines# on both sides of the #street#. However, for the purposes of daylight evaluation:

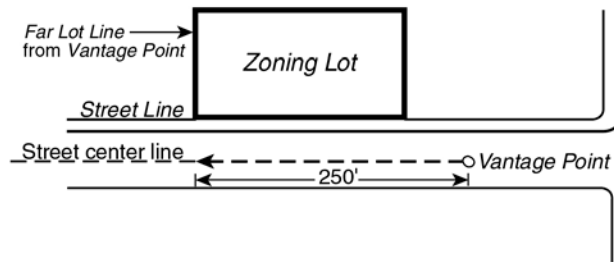
- (a) on a #street# 75 feet in width, the #center line of the street# shall be considered to be a line 40 feet from, and parallel to, the #front lot line# of the #zoning lot#; and
- (b) on a #street# more than 100 feet in width, the #center line of the street# shall be considered to be a line 50 feet from, and parallel to, the #front lot line# of the #zoning lot#.

Daylight Evaluation Chart (DEC)

A graphic tool which permits objective measurements of portions of sky blocked by a #building# when it is viewed from a #vantage point#. There are three #daylight evaluation charts# for use with #street# widths of 60 feet, 75 to 80 feet and 100 feet and over, respectively. All #buildings# are drawn on the appropriate #daylight evaluation chart# to evaluate their compliance with the regulations of Section 81-27 (Alternate Height and Setback Regulations). The three #daylight evaluation charts# are presented in Appendix A of this Chapter.

Far lot line

A #lot line# intersecting the #street line# of the #vantage street# such that, when viewed from the #vantage point#, the #zoning lot# does not contain any #lot area# that is on the far side of and immediately adjoining the #lot line# at its intersection with the #street line#. (See Illustration of #Far Lot Line# and #Vantage Point#)



FAR LOT LINE AND VANTAGE POINT
(81-271.1)

Near lot line

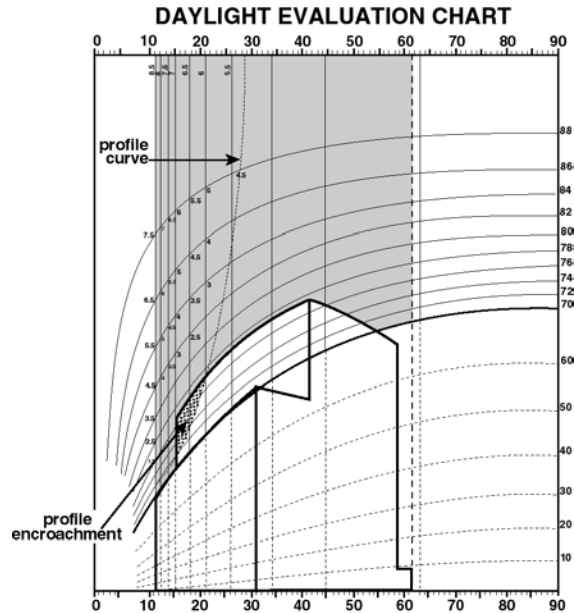
A #lot line#, other than the #far lot line#, which intersects the #street line# of the #vantage street# and which defines the extent of the #zoning lot's# continuous frontage along the #vantage street# from the #far lot line#.

Profile curve

A curved line on the #daylight evaluation chart# rising from the intersection of the curved line representing an elevation angle of 72 degrees with the vertical line at the #far lot line#. The #profile curve# is used to evaluate a #building's# obstruction of the sky as seen in profile from the #vantage point#.

Profile encroachment

The space on the #daylight evaluation chart# which, when viewed from the #vantage point#, is on the far side of the #profile curve# and which is blocked by the projection of the #building# on the #daylight evaluation chart#. (See Illustration of #Profile Encroachment#)



PROFILE ENCROACHMENT
(81-271.2)

Vantage point

A point on the #center line of the street# bounding the #zoning lot# and located 250 feet from the intersection of the extension of the #zoning lot's far lot line# with the #center line of the street#. (See Illustration of #Far Lot Line# and #Vantage Point#)

Vantage street

A #street# bounding the #zoning lot# and on the center line of which a #vantage point# is located.

(2/2/11)

81-272

Features of the Daylight Evaluation Chart

The #daylight evaluation chart(DEC)# is a graphic representation of a pedestrian's field of view as he or she looks down a #street# and sweeps his or her view 90 degrees to the left or to the right.

Under special conditions, this view can be extended to 180 degrees horizontally as specified in Section 81-275 (Special

conditions).

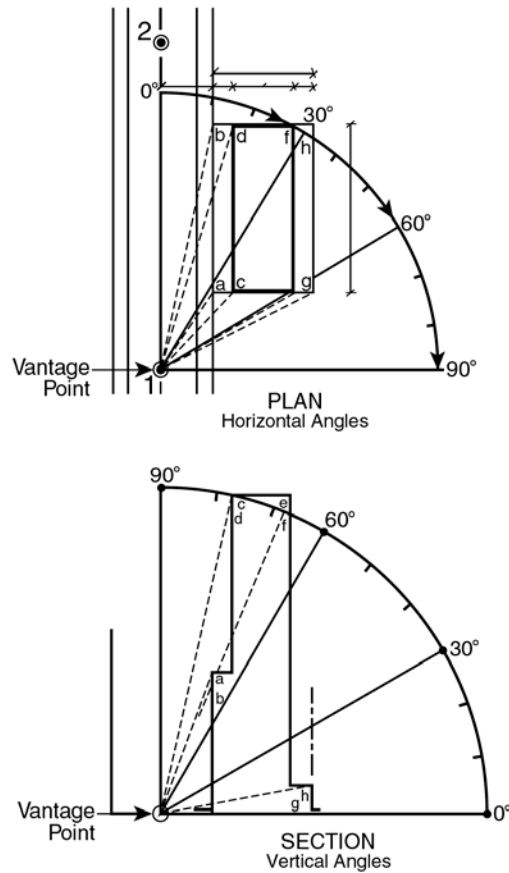
This pedestrian view is based on a #vantage point# located 250 feet from the intersection of the #zoning lot's far lot line# with the #center line of the street#.

There are three #daylight evaluation charts# for use with different Midtown #street# widths. They include a chart for 60-foot wide #streets# (for most east-west crosstown #streets#) as well as a chart for 75-foot or 80-foot wide #streets# and a chart for #streets# 100 feet or more in width (for avenues and major crosstown #streets#). All of these charts have the following features:

(a) Horizontal and vertical axes

The #daylight evaluation chart# has both a horizontal and vertical component, encompassing views sweeping both 90 degrees horizontally and 90 degrees vertically. (See Illustration of Horizontal and Vertical Angles of View)

Under special conditions, this view can be extended to 180 degrees horizontally as specified in Section 81-275 (Special conditions).



HORIZONTAL AND VERTICAL ANGLES OF VIEW
(81-272a.1)

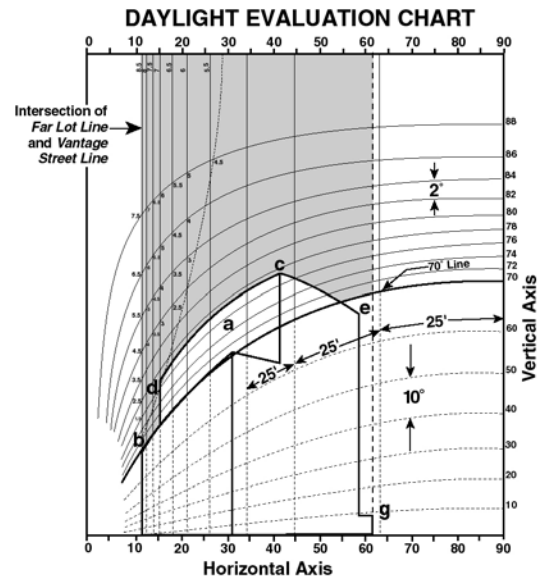
The horizontal axis of the #daylight evaluation chart# is measured in degrees of arc from zero degrees to 90 degrees starting from the #vantage point# along the #center line of the vantage street# and sweeping toward the #building#.

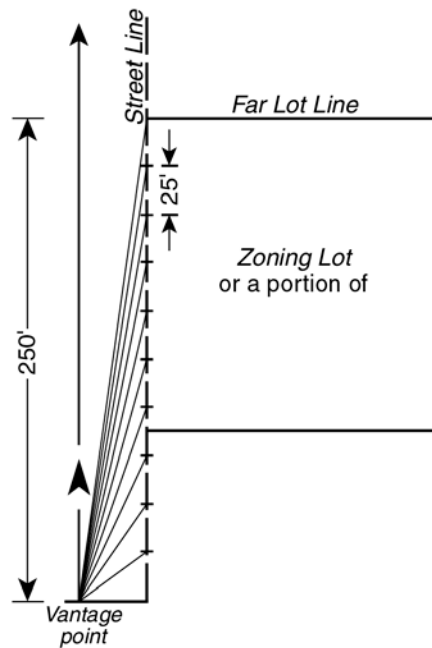
The horizontal axis is intersected by vertical lines corresponding to lines of sight from the #vantage point# to points 25 feet apart on the #front lot line# along the #vantage street# measured from the intersection of the #far lot line# with the #vantage street line#.

The vertical axis of the #daylight evaluation chart# is measured in degrees of arc from zero degrees to 90 degrees starting from the #center line of the vantage street# at #curb level# and sweeping upward.

The vertical axis is intersected by curved elevation lines representing elevation angles from the #center line of the

street# at 10 degree intervals from zero degrees to 70 degrees and at two degree intervals from 70 degrees to 90 degrees. (See Illustration of Horizontal and Vertical Axes)



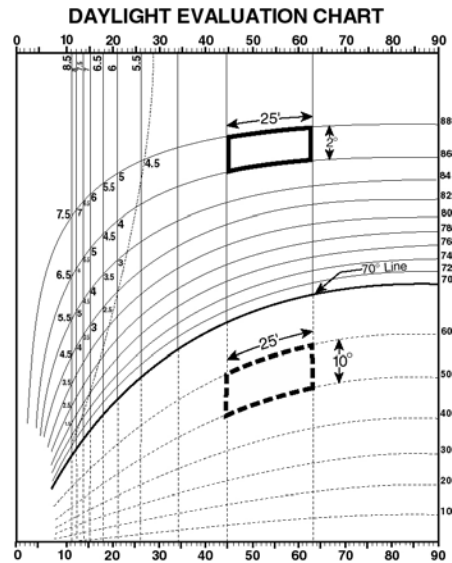


HORIZONTAL AND VERTICAL AXES
(81-272a.2)

(b) Daylight squares

The horizontal and vertical lines form a curvilinear grid dividing the #daylight evaluation chart# into areas called daylight squares. Above the 70 degree line, the grid is divided into 100 daylight squares starting from the vertical line rising from the intersection of the #far lot line# with the #street line# of the #vantage street# and ending at the vertical line representing 90 degrees along the horizontal axis. Each of these 100 squares represents 25 feet of lot frontage on the #vantage street# and two degrees of elevation angle from the #center line of the vantage street#.

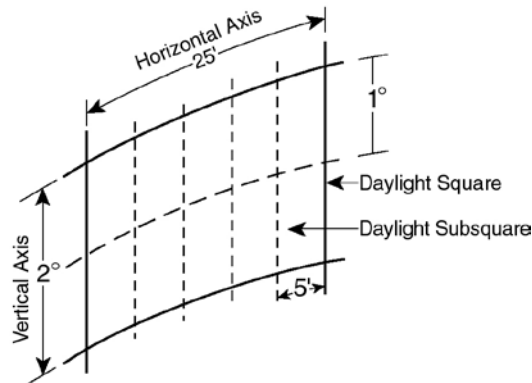
Below 70 degrees, the grid is divided into 70 daylight squares starting from the vertical line rising from the intersection of the #far lot line# with the #street line# of the #vantage street# and ending at the vertical line rising at 90 degrees along the horizontal axis. Each of these 70 squares represents 25 feet of lot frontage on the #vantage street# and 10 degrees of elevation angle from the #center line of the street#. (See Illustration of Daylight Squares)



DAYLIGHT SQUARES
(81-272b)

(c) Daylight subsquares

For greater plotting and scoring precision, the horizontal axis of the grid is further subdivided by vertical lines at points five feet apart on the #front lot line# as seen from the #vantage point#. The vertical axis is further subdivided by curved lines representing lines of equal elevation at one degree intervals from 70 degrees to 90 degrees. Therefore, each daylight square is subdivided into ten subsquares, each representing five feet of lot frontage on the #vantage street# and one degree of elevation angle from the #center line of the vantage street#. (See Illustration of Daylight Squares and Subsquares Above 70 Degrees)



DAYLIGHT SQUARE AND SUBSQUARES ABOVE 70 DEGREES
(81-272c)

(d) The seventy degree line

Research shows that, as an average, 70 degrees is the elevation angle at which #buildings# in the #Special Midtown District# are set back from the #street line#. Most of the daylight below 70 degrees is blocked by such #buildings#. Slabs, towers or other setback portions of #buildings# rise to block an average of 25 percent of the available daylight squares above 70 degrees.

In #building# evaluation, the #DEC# measures the blocked sky above 70 degrees. Below 70 degrees, #buildings# are given credit for unblocked daylight.

(e) The #profile curve#

The grid is traversed by the #profile curve#, which rises from the intersection of the curved line representing an elevation angle of 72 degrees with the vertical line at the #far lot line#. The #profile curve# is derived from the predominant built character of developed Midtown #streets# as seen in profile. #Encroachment# across the #profile curve# is penalized to discourage canyon-like Midtown #streets# and to protect neighboring #buildings#.

(2/2/11)

81-273

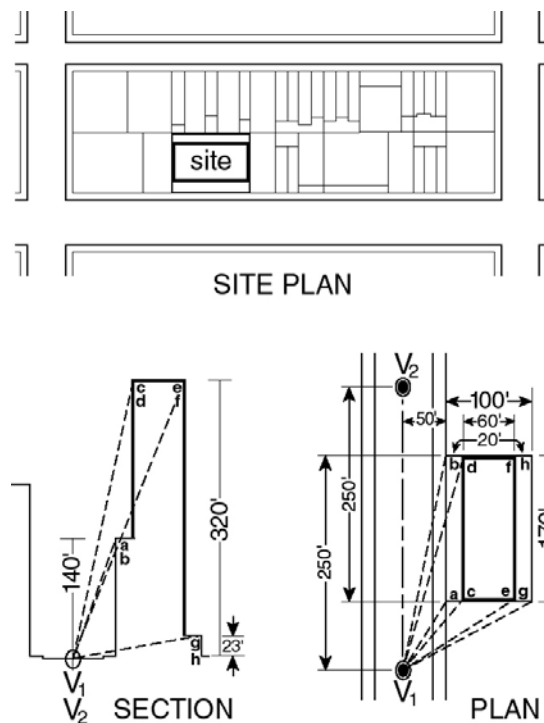
Rules for plotting buildings on the daylight evaluation chart

Evaluation of a #development# or #enlargement# requires drawing

the new #buildings#, remaining #buildings# and open areas on the #zoning lot# on the appropriate #daylight evaluation chart#, as viewed from each required #vantage point# and then scoring the #zoning lot#. The rules for plotting #buildings# on the #DEC# are set forth in the following paragraphs of this Section and illustrated by an example of a #building# which fronts on a 100 foot wide #street# and occupies a site 170 feet long by 100 feet deep.

(a) Draw the #building#

Draw the #building# in plan showing all #street# frontages of the #zoning lot#. Draw the #building# in section perpendicular to each #street# on which the #zoning lot# fronts. On both plan and section drawings label all corners of the #building#. In the example they are labeled corners (a) through (h). (See Illustrations of Example: Building Drawings)



EXAMPLE: BUILDING DRAWINGS
(81-273a)

(b) Establish #vantage points#

Establish on the plan all the #vantage points# from which views must be taken. #Vantage points# shall be established

on the #center line of the vantage street# 250 feet from the intersection of the #zoning lot's far lot line# and the #center line of the street#. For each #vantage street# there are at least two #vantage points#. In the example, they are V1 and V2. For each #vantage point# there shall be a separate #daylight evaluation chart#. The example will use #vantage point# one.

(c) Record plan and section dimensions

Record on a coordinate chart for each corner of the #building# the following dimensions:

(1) Dimensions in plan:

The distance (S) between the corner and the #center line of the street# as measured along a line that intersects the #center line of the street# at right angles. In the example, distance (S) of corner (b) + 50 feet.

The distance (D) measured along the #center line of the street# from the #vantage point# to the point where the #street# center line is intersected by the perpendicular line from the corner. In the example, distance (D) of corner (b) + 250 feet.

(2) Dimension in section:

The height (H) of the corner above #curb level#. In the example, height (H) of corner (b) + 140 feet.

(d) Calculate plan and section angles

Determine the plan and section angles for each corner of the #building# as viewed from the #vantage point#.

(1) A plan angle is an angle on the plan formed at the #vantage point# by the line of sight to a corner of the #building# and the #center line of the vantage street#. The plan angle is found by calculating the tangent. The tangent is the quotient found by dividing distance (S) by distance (D). The plan angle for the resulting tangent is found in a tangent table and is then entered on the coordinate chart in the column marked "plan angles."

(2) The section angle is an angle formed by a line representing the distance in section from a corner of the #building# to the #center line of the vantage

street# and a line representing the distance in plan (S) between the corner and the #center line of the street#. The section angle is found by calculating its tangent. The tangent is the quotient obtained by dividing the height of the corner (H) by its horizontal distance (S) from the #center line of the street#.

The section angle for the resulting tangent is found in a tangent table and is then entered on the coordinate chart in the column marked "section angles."

EXAMPLE OF COORDINATE CHARTS Plan Angles

Point	Distance (S) from #Street# Center line (in feet)	Distance (D) from #Vantage Point# 1 (in feet)	Tangent S (---) D of Angle	Angle
a	50	80	50/80 = 0.63	32.0°
b	50	250	50/250 = 0.20	11.3°
c	70	80	70/80 = 0.87	41.2°
d	70	250	70/250 = 0.28	15.6°
e	130	80	130/80 = 1.63	58.4°
f	130	250	130/250 = 0.52	27.5°
g	150	80	150/80 = 1.88	61.9°
h	150	250	150/250 = 0.60	31.0°

Section Angles

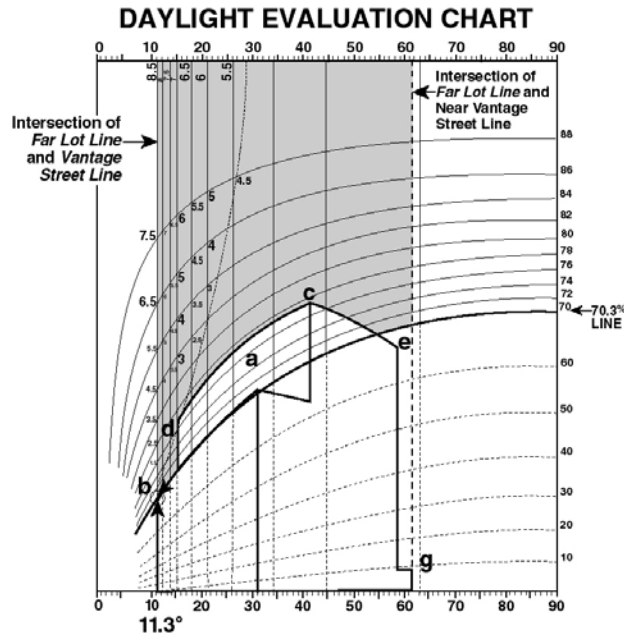
Point	Height (H) above #Curb Level# (in feet)	Distance (S) from #Street# Center line (in feet)	Tangent H (---) S of Angle	Angle
a & b	140	50	140/50 = 2.80	70.3°
c & d	320	70	320/70 = 4.57	77.7°
e & f	320	130	320/130 = 2.46	67.9°
g & h	23	150	23/150 = 0.15	8.7°

(e) Plot corner coordinates

Plot each corner of the #building# onto the #daylight evaluation chart# at the point where the coordinates for that corner intersect. The plan angle coordinates are found on the horizontal axis of the chart and the section angle coordinates are found on the vertical axis. The points plotted are then connected to represent the edges of the #building# as shown on the plan and section drawings. A connecting line parallel to the #vantage street line# is drawn as a curve parallel to the closest elevation line. A connecting line perpendicular to the #vantage street line# is drawn parallel to the closest dotted elevation line, which is perpendicular to the #street#. A connecting line which is neither parallel nor perpendicular to the #vantage street# is approximated on the chart by:

- (1) establishing points along the line in plan at 10 foot intervals;
- (2) finding the coordinates of the points and plotting them on the chart; and
- (3) connecting the resulting points.

The connecting lines produce a curvilinear perspective drawing of the #building# as seen from the #vantage point# projected onto the #daylight evaluation chart#. Since in the example #vantage point# one is on a 100 foot wide #street#, corner coordinates are plotted on a #daylight evaluation chart# for 100 foot wide #streets#. In the example, corner (b) is at the intersection of plan angle 11.3° and section angle 70.3° (See Illustration of Building as Drawn on the Daylight Evaluation Chart)



BUILDING AS DRAWN ON THE DAYLIGHT EVALUATION CHART
(81-273e)

(f) Determine daylight boundaries

Draw a vertical line on the chart rising from the intersection of the #near lot line# of the #zoning lot# with the center line of the #block# or with a line 100 feet distant from and parallel to the #front lot line# on the #vantage street#, whichever line is closer to the #vantage street#. This line and the #far lot line# represent the boundaries of the potential sky area that the #building# could block. (See Illustration of Building as Drawn on the Daylight Evaluation Chart)

(2/2/11)

81-274

Rules for determining the daylight evaluation score

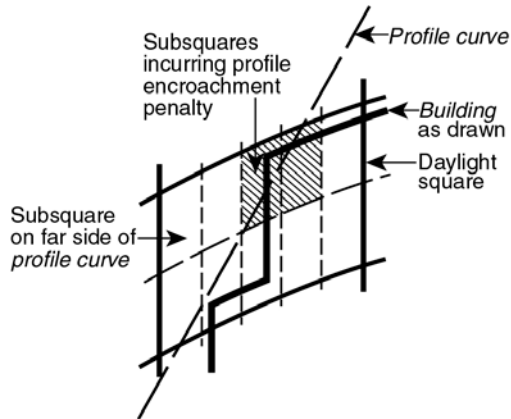
A #zoning lot# is scored by determining the number and the value of the daylight squares the #building# blocks when viewed from the #vantage point#, compared to the total number of daylight squares available within the daylight boundaries as determined in paragraph (f) of Section 81-273 (Rules for plotting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

(a) Assign daylight values

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

- (1) Except along #vantage streets# designated for #street wall# continuity (see Section 81-43), each unblocked daylight square below the curved line representing an elevation of 70 degrees has a positive value of 0.3 and each unblocked subsquare below the same curved line has a positive value of 0.03.
- (2) Each blocked daylight square above the curved line representing an elevation of 70 degrees has a negative value of 1.0.
- (3) Where a #building# blocks any portion of a subsquare the #building# is charged with blocking the entire subsquare in computing the daylight evaluation score. Each blocked subsquare has a negative value of 1.0/10 or 0.1.
- (4) The daylight squares and subsquares which are on the far side of the #profile curve# are assigned additional weighted values set forth on the chart below. (See Illustration of #Profile Encroachment# Incurring Profile Penalty)

Degrees of Elevation	Distance from #Far Lot Line#							
	1 st 25ft	2nd 25ft	3rd 25ft	4th 25ft	5th 25ft	6th 25ft	7th 25ft	8th 25ft
88-90	8.5	8.0	7.5	7.0	6.5	6.0	5.5	5.0
86-88	7.5	7.0	6.5	6.0	5.5	5.0	4.5	4.0
84-86	6.5	6.0	5.5	5.0	4.5	4.0	3.5	-
82-84	5.5	5.0	4.5	4.0	3.5	3.0	2.5	-
80-82	4.5	4.0	3.5	3.0	2.5	2.0	1.5	-
78-80	3.5	3.0	2.5	2.0	1.5	1.0	-	-
76-78	2.5	2.0	1.5	1.0	.5	-	-	-
74-76	1.5	1.0	.5	.5	-	-	-	-
72-74	.5	.5	.5	-	-	-	-	-



PROFILE ENCROACHMENT INCURRING PROFILE PENALTY
(81-274a)

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

(b) Calculate daylight blockage

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

(c) Calculate unblocked daylight credit

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

(d) Calculate profile daylight blockage

Count the number of blocked daylight squares which are entirely

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

(e) Calculate available daylight

Count the number of daylight squares available to the site. This is the total number of daylight squares and subsquares, calculated to the nearest tenth, that are above the curved line representing the boundaries of the potential sky area available to the site, said boundaries being delineated in accordance with the provisions of paragraph (f) of Section 81-273 (Rules for plotting buildings on the daylight evaluation chart). Available daylight in the example is 89.9.

(f) Calculate daylight remaining

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

(g) Calculate daylight score

Compute the remaining daylight score from paragraph (f) of this Section, as a percentage of the available daylight from paragraph (e) of this Section. The percentage is the daylight score for the proposed #building# from that #vantage point#. In the example, the daylight score is $68.95/89.9 = 76.70$ percent for #vantage point# one (V1).

(h) Calculate overall daylight score

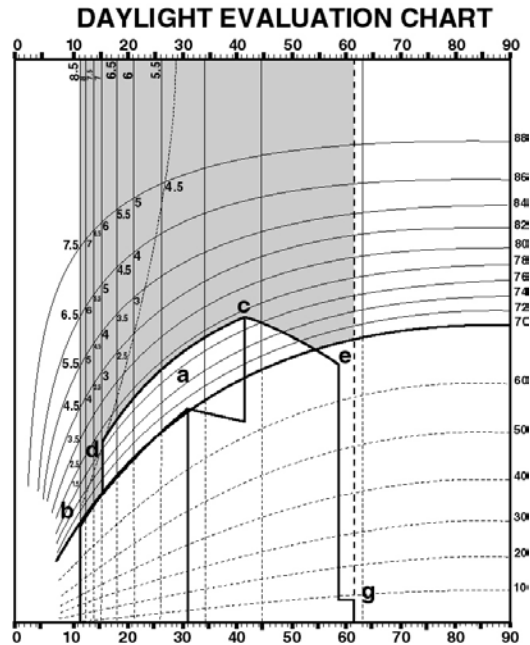
(1) The street score is the arithmetic mean of all the scores from all #vantage points# along a #vantage street#. When a #zoning lot# fronts on only one #street#, the street score is also the overall score. Where a #zoning lot# has more than one #street# frontage along any one #vantage street#, the street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

(2) Where a #zoning lot# fronts on more than one #street#, the

overall score is the average of the street scores, weighted by the length of their respective #vantage street# frontages.

(i) The passing score

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



SCORING SUMMARY
(Vantage point one)

<u>SECTION</u>		<u>SCORE</u>
81-274 (b)	Squares above 70° blocked	-20.5
81-274 (c)	Squares below 70° open	+ 0.0
81-274 (d)	Profile encroachment penalty	
	.1 x 1.5 = .15	
	.3 x 1 = .45	- 0.45
	Total Blockage	- 20.95
81-274 (e)	Available daylight squares	89.9
81-274 (f)	Remaining daylight	68.95
81-274 (g)	DAYLIGHT SCORE	
	$\frac{68.95}{89.9} = 76.70$	76.70%

DAYLIGHT EVALUATION SCORE RESULTS
(81-274i)

(5/13/82)

81-275
Special conditions

Notwithstanding the provisions of Sections 81-271 to 81-274, inclusive, relating to Alternate Height and Setback Regulations-Daylight Evaluation, the provisions of this Section shall apply under special conditions, as follows:

- (a) For #zoning lots# with #street# frontages exceeding 250 feet
- (1) Where the length of the #street# frontage is more than 250 feet but not more than 500 feet, the #building# as viewed from each #vantage point# shall be plotted on a #daylight evaluation chart# that extends in both directions from the 90 degree line on the horizontal axis. In each case, the number of available daylight squares for daylight evaluation shall be the number of squares between the #far lot line# and the #near lot line#.
 - (2) Where the length of the #street# frontage is more than 500 feet, daylight evaluations shall be made from three #vantage points#, as follows: #vantage points# one and two, each 250 feet distant from a #far lot line# extended to the #center line of the street#, and #vantage point# three, on the #center line of the street#, half-way between the other two #vantage points#. The #daylight evaluation charts# for the first two #vantage points# shall in each case encompass a view extending from the #far lot line# to the 90 degree line on the horizontal axis and the number of available daylight squares shall be the number of squares between the #far lot line# and the 90 degree line and above the curved line representing an elevation angle of 70 degrees. The #daylight evaluation chart# for the third #vantage point# shall extend in both directions from the 90 degree line on the horizontal axis to the vertical lines representing the points on the #front lot line# directly opposite #vantage points# one and two. The number of available daylight squares for daylight evaluation shall be the number of daylight squares between such vertical lines and above the curved line representing an elevation angle of 70 degrees.
- (b) For #zoning lots# with interrupted #street# frontages

Where a #zoning lot# has two or more #front lot lines# on the same #street# which are separated by frontage of an intervening #zoning lot#, there shall be two daylight evaluations for each such #front lot line#. Each #lot line# of the #zoning lot# that intersects the #street line# shall be treated as a #far lot line# for the purposes of daylight evaluation from a #vantage point#.

- (c) Where #front lot lines# are curved or broken

If the #front lot line# of the #zoning lot# is curved or bent, the extremities of such #front lot line# shall be connected by a straight line, which shall be considered the #front lot line#.

(2/2/11)

81-276

Modification of score for reflectivity

Where #zoning lots# have utilized the #daylight evaluation chart# but a street score along one frontage is less than 66 percent or the overall score is less than 75 percent, a modest improvement in either the street score or the overall score of a #zoning lot# within a #building# which reflects more light than a medium gray or glass #building# may be obtained by scoring the relative reflectivity of the #building's# surface.

The use of reflectivity is optional and not necessary if a passing score can be obtained under Section 81-274 (Rules for determining the daylight evaluation score). Reflectivity scoring permits greater design flexibility for a light-colored #building# than a dark one.

Because the greatest reflectivity comes from the upper portions of #buildings#, the value of reflected light is credited against the amount of daylight blocked by the portions of the #building# above an elevation angle of 70 degrees from the #center line of the street#.

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

(a) Reflectance

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

(1) Mixed reflectance

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

(2) Relative reflectance

In order to be included in the reflectivity score of a

#zoning lot#, the material of the #building# must reflect more light than a medium gray or glass #building#. The reflectance value of a medium gray or glass #building# in Midtown is .15 so that the #building# with an overall reflectance of .33, given in the example in paragraph (a)(1) of this Section, would be increasing the expected reflectance by .33 minus .15 which equals .18.

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

REFLECTANCE VALUES - EXAMPLES OF BUILDING MATERIALS

White plaster or paint or glaze	.80 to .90
Aluminum paint	.55
Green paint	.50
Red paint	.26
Light gray paint	.25
Flat black paint	.06
Polished aluminum, stainless steel	.85
Polished light marble	.40 to .50
Light granite, limestone	.45
Copper, brass lead	.60 to .80
Smooth concrete	.45+
Rough concrete	.40
Asbestos cement	.31
Light buff brick	.48
Dark buff brick	.40
Light red brick	.45
Dark red glazed brick	.30
Dark red brick	.12
Slate	.11
Wood	.22+

Glass: double glazing with reflective coating*	
Solarcool(r) bronze or gray	.35 to .36
Solarban(r) clear	.36 to .44
Solarban(r) bronze	.18
Solarban(r) gray	.14
Glass: tinted double glazing	
Gray	.08
Bronze	.09
Solex(r) (green or blue)	.12
Glass: clear double glazing	.15
Glass: clear single glazing	.08

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

Sources:

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

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

PPG Industries, Inc., #Architectural Glass Products# (G702). PPG, Pittsburgh, PA., 1977.

(b) Facade orientation

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

The orientation values are shown on the following reflectivity chart. Orientation angles shall be rounded to the nearest 22.5 degrees.

Orientation based on True North		Orientation Value
North:	0°	.09
	22.5°	.15
	45.0°	.22
	67.5°	.40
East:	90.0°	.57
	112.5°	.72
	135.0°	.87
	157.5°	.93
South:	180.0°	1.00
	157.5°	.93
	135.0°	.87
	112.5°	.72
West:	90.0°	.57
	67.5°	.40
	45.0°	.22
	22.5°	.15

(c) Reflectivity Score

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

Reflectance = (% material A x reflectance material A) + (% material B x reflectance material B)

Relative reflectance (RR) = reflectance minus .15

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

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

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

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

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

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

(d) Limits on adjusted scores

(1) Adjusted street score

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

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

(2) Adjusted overall score

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

If the reflectivity scores for any single #street# frontage are used to bring the adjusted street score for that frontage above 66 percent (the passing score for a single #street# frontage), the overall score of the #zoning lot# without adjustment for reflectivity shall be

not less than 75 percent.

(11/25/97)

81-277

Special permit for height and setback modifications

In C5-3, C6-6 or C6-7 Districts, where a special permit application is made pursuant to Section 74-71 (Landmark Preservation) for modification of #bulk# regulations on a #zoning lot# containing a landmark, or where a special permit application is made pursuant to Section 74-79 (Transfer of Development Rights from Landmark Sites) and the #floor area# represented by such transferred development rights exceeds 20 percent of the basic maximum #floor area# permitted on the #zoning lot# receiving the development rights, such application may include a request for modification of the height and setback regulations set forth in Sections 81-261 to 81-275, inclusive, relating to Alternate Height and Setback Regulations - Daylight Evaluation. The City Planning Commission may authorize such height and setback modifications subject to the following conditions:

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

setback regulations will adequately protect the setting for the landmark.

(2/2/11)

81-28

Minimum Distance Between Buildings

On any single #zoning lot# within the #Special Midtown District#, if two or more #buildings# or portions of #buildings# are detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.

(10/31/01)

81-29

Incentives by Special Permit For Provisions of Public Amenities

(2/2/11)

81-291

General provisions and procedures

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

(2/2/11)

81-292

Subway station improvements

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

The subway stations where such improvements are permitted are listed

in the following table and shown on Map 3 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A of this Chapter.

MIDTOWN SUBWAY STATIONS

Station	Line
34th Street-Penn Station	Broadway-7th Avenue
34th Street-Penn Station	8th Avenue
34th Street-Herald Square	6th Avenue/Broadway-60th Street
42nd Street-Times Square/42nd Street-Port Authority Bus Terminal	Broadway-7th Ave/Broadway/8th Ave/42nd Street Shuttle
42nd Street-Bryant Park/Fifth Avenue	6th Avenue/Flushing
42nd Street-Grand Central	Lexington Avenue/Flushing/42nd Street Shuttle
47th-50th Street-Rockefeller Center	6th Avenue
49th Street	Broadway-60th Street
50th Street	8th Avenue
50th Street	Broadway-7th Avenue
7th Avenue	53rd Street
Fifth Avenue-53rd Street	53rd Street
51st Street/Lexington Avenue-53rd Street	53rd Street/Lexington Avenue
57th Street	Broadway-60th Street
57th Street	6th Avenue
59th Street-Columbus Circle	Broadway-7th Avenue/8th Avenue

(5/13/82)

81-30

OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

(5/8/13)

81-31

General Provisions

The regulations of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core), and the applicable underlying district regulations of Article III, Chapter 6, or Article IV, Chapter 4, relating to Off-Street Loading Regulations, shall apply throughout the #Special Midtown District#, except as otherwise provided in this Section.

(5/8/13)

81-311

Prohibitions of off-street parking or off-street loading facilities

Notwithstanding the provisions of Article I, Chapter 3, prohibitions of off-street parking facilities or #accessory# off-street loading berths or restrictions as to their location or access, as provided in Sections 81-44 (Curb Cut Restrictions) or 81-84 (Mandatory Regulations and Prohibitions), may be waived only in accordance with the applicable provisions of Sections 81-44 or 81-84.

(5/13/82)

81-40

MANDATORY DISTRICT PLAN ELEMENTS

(2/2/11)

81-41

General Provisions

The provisions of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS) specify mandatory planning and urban design features. Requirements which apply generally or with minor specified exceptions throughout the #Special Midtown District# are fully set forth in the provisions of Section 81-40. For requirements which are not generally applicable but tied to specific locations within the District, the locations where these requirements apply are shown on Map 2 (Retail and Street Wall Continuity) or Map 3 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A of this Chapter.

The provisions of Section 81-40 are all primarily oriented toward the accommodation and well-being of pedestrians. The requirements pertain to a number of elements which are interrelated and complement one another but are set forth in different sections because they can be treated separately. Sections 81-42 (Retail Continuity along Designated Streets), 81-43 (Street Wall Continuity along Designated Streets) and 81-44 (Curb Cut Restrictions) are a group of sections with closely related purposes concerned with amenity and the well-being and safety of pedestrians. Sections 81-45 to 81-48, inclusive, are all concerned primarily with pedestrian traffic circulation. Major #building# entrances are focal points of heavy pedestrian traffic, so that controls on the locations of these entrances, as set forth in Section 81-48, are closely related to the pedestrian circulation space requirements.

Special district plan requirements for the Penn Center Subdistrict are set forth in Section 81-50 (SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT), for the Grand Central Subdistrict are set forth in Section 81-60 (SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT), for the Theater Subdistrict are set forth in Section 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT), for the Fifth Avenue Subdistrict are set forth in Section 81-80 (SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT) and for the Preservation Subdistrict are set forth in Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT).

(2/2/11)

81-411

Maintenance of pedestrian circulation spaces

Owners of property on which pedestrian circulation spaces are provided shall be responsible for their maintenance unless, in the case of relocated subway stairs, the Metropolitan Transit Authority has agreed in writing to such maintenance responsibility.

(5/13/82)

81-412

Directions signs

Directional #signs# are required to call attention to relocated subway stairs and through #block# connections and announce their accessibility to the public.

(10/17/07)

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.

(2/2/11)

81-42

Retail Continuity along Designated Streets

For #buildings developed# or #enlarged# after May 13, 1982, where the ground floor level of such #development# or #enlarged# portion of the #building# fronts upon a designated retail #street# (see Appendix A, Map 2), #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level# shall be limited to retail, personal service or amusement #uses# permitted by the underlying zoning district regulations but not including #uses# in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Museums and libraries shall be permitted. A #building's street# frontage shall be allocated exclusively to such #uses#, except for:

- (a) lobby space or entrance space;
- (b) entrance areas to subway station improvements for which bonus #floor area# is granted and #street wall# continuity restrictions waived pursuant to Sections 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan) and 81-292 (Subway station improvements);
- (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 37-40 and 81-46 (Off-Street Relocation or Renovation of a Subway Stair);
 - (2) through #block# connections provided in accordance with paragraph (h) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces); and

- (3) off-street improvements of access to rail mass transit facilities provided in accordance with Section 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility).

Except as provided in the following sentence, in no event shall the length of #street# frontage occupied by lobby space, entrance space and/or a #building# entrance recess exceed the lesser of 40 feet or 25 percent of the #building's# total #street# frontage exclusive of any frontage occupied by a relocated subway stair, a through #block# connection, an off-street improvement of access to rail mass transit facility or the entrance area to a bonused subway station improvement. However, the total length of #street# frontage occupied by lobby space and/or entrance space need not be less than 20 feet.

Storefronts for the permitted ground floor #uses# shall be not more than 10 feet from the #street line# or, where an arcade is provided with supporting columns at the #street line#, not more than 10 feet from the supporting columns.

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

Special #use# regulations apply along designated retail #streets# located within the boundaries of the Penn Center Subdistrict, the Theater Subdistrict or the Fifth Avenue Subdistrict and #uses# along such designated #streets# shall be subject to the respective subdistrict retail requirements in Sections 81-531, 81-72 and 81-82.

Special ground level and entertainment-related #use# regulations apply to #zoning lots# located within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), and such #zoning lots# shall meet the ground level and entertainment-related #use# requirements of Section 81-72 (Use Regulations Modified).

81-43

Street Wall Continuity Along Designated Streets

On designated #streets# where #street wall# continuity is required (see Map 2 in Appendix A) and, between 43rd and 50th Streets, on the #narrow street# frontages of #zoning lots# with #street# frontage on Seventh Avenue and/or Broadway, the #street wall# of a #building#, for the minimum width and height set forth in this Section, shall be within 10 feet of the #street line# or within 10 feet of a permitted arcade's supporting columns at the #street line#, except that on 57th Street, 42nd Street, 34th Street and Fifth Avenue, no #street wall# setback below a height of 85 feet is permitted. The width of the #street wall# subject to setback restrictions shall be at least 80 percent of the length of the #front lot line# of the #zoning lot# along the specified #street#, measured at the specific heights or anywhere above the specific heights indicated in the table in this Section. At those specific heights or anywhere above those specific heights, the #street wall# must extend continuously within 10 feet of the #street line# for all of its required width, except that on 57th Street, 42nd Street, 34th Street and Fifth Avenue, at a height of 85 feet or above, the #street wall# must extend continuously without setback for at least 75 percent of its required width and no portion of its required width shall be set back more than 10 feet from the #street line#; and, for #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, any portion of the required width of a #street wall# which lies behind a #sign# required under the provisions of Section 81-732 (Special Times Square signage requirements) may be set back up to 15 feet from the #street line#.

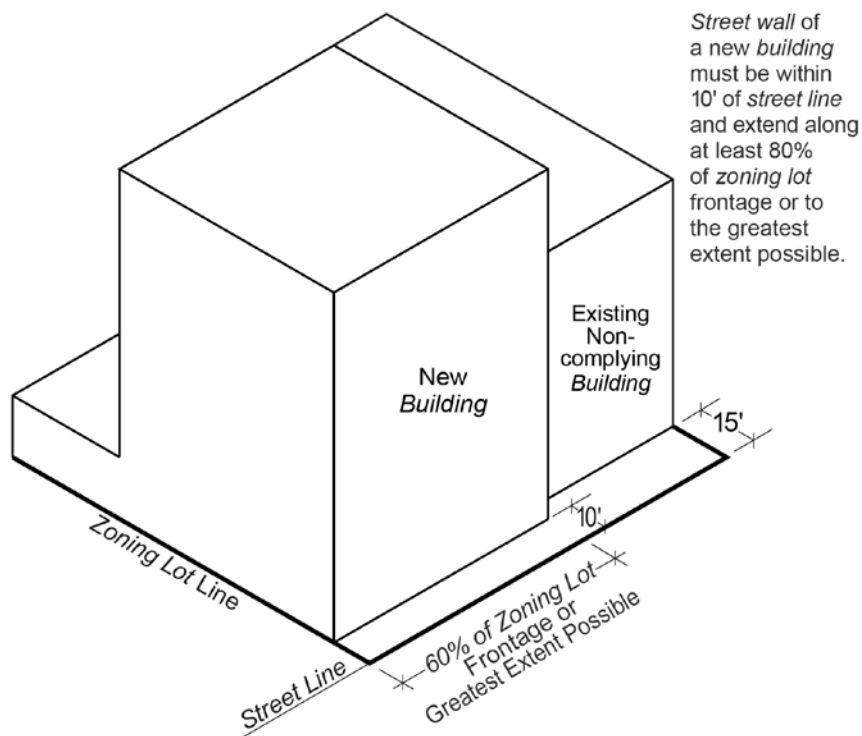
The minimum height of a #street wall# subject to the setback restrictions shall be as follows:

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

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

height requirements set forth in the table in this Section, except that, subsequent to the issuance of a building permit for such #development#, if there are additional #developments# on the #zoning lot# or if any #building# on the #zoning lot# is #enlarged#, the #development# exempt from the requirements set forth in the table in this Section, shall no longer be exempt from such requirements and its #street walls# shall be raised to a height complying with the table.

Existing #buildings# need not comply with the minimum #street wall# height and location provisions of this Section. Such #buildings# shall be included in the calculation of the required percentage of #street wall# width and height along a #street# frontage. No existing #building# shall be altered such that a #non-compliance# with the provisions of this Section is created, nor shall an existing degree of #non-compliance# with these provisions be increased.



STREET WALL REQUIREMENT WITH EXISTING BUILDING
(81-43)

Pedestrian circulation spaces may be provided to meet the requirements of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) or 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), subject to the setback restrictions of this Section and to the

minimum width of the #street wall# subject to such setback restrictions. However, the City Planning Commission may waive such restrictions for a subway entrance area which is part of a subway station or a rail mass transit facility improvement for which bonus #floor area# is granted, in accordance with the provisions of Sections 74-634 (Subway station improvements in Downtown Brooklyn and Commercial Districts of 10 FAR and above in Manhattan), 81-292 (Subway station improvements) and 81-542 (Retention of floor area bonus for plazas or other public spaces), or an off-street improvement of access to a rail mass transit facility that has been certified in accordance with Section 81-48.

Except on 57th Street, 42nd Street, 34th Street and Fifth Avenue, below the minimum height of a #street wall# subject to the setback restriction, recesses (whose depth shall be measured in all cases from the #street line#) shall be permitted only as follows: no recesses greater than 15 feet deep shall be permitted, recesses up to 15 feet deep shall be limited in their aggregate area to no more than 30 percent of the area of the new #street wall# below the minimum required #street wall# height; in addition, recesses up to 12 feet deep shall be limited in their aggregate area to no more than 20 percent of the area of the #street wall# below the minimum required #street wall# height, and recesses up to 10 feet deep shall not be limited in their aggregate area.

On 57th Street, 42nd Street, 34th Street and Fifth Avenue, below the minimum height of a #street wall# subject to the setback restriction, recesses (whose depth shall be measured in all cases from the #street line#) shall be permitted only as follows: no recesses greater than 10 feet deep shall be permitted; recesses up to 10 feet deep shall be limited in their aggregate area to no more than 30 percent of the area of the #street wall# below the minimum required #street wall# height; in addition, recesses up to two feet deep shall be limited in their aggregate area to no more than 20 percent of the area of the #street wall# below the minimum required #street wall# height and recesses up to one foot deep shall not be limited in their aggregate area.

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

No arcades, sidewalk widenings or #public plazas# shall be permitted on Fifth Avenue, 34th Street, 42nd Street or 57th Street frontages.

Between 42nd and 56th Street, no arcades or #public plazas# shall be permitted on Eighth Avenue. Between 43rd and 50th Streets, no arcades or #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.

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

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

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

(5/8/13)

81-44

Curb Cut Restrictions

Along all avenues in Midtown and along 57th, 53rd, 42nd and 34th Streets, no driveway curb cuts for parking facilities or loading berths shall be permitted except for the following:

- (a) the Commissioner of Buildings may approve a curb cut where there are no alternative means of access to off-street loading berths from other #streets# bounding the #zoning lot#; or
- (b) the City Planning Commission may authorize curb cuts where such curb cuts are needed for required loading berths. Such loading berths must be adjacent to a fully enclosed maneuvering area on

the #zoning lot# at least equal in area to the area of the required loading berth and arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#. The City Planning Commission will refer such applications to the Department of Transportation for their comment.

In addition, for #zoning lots# with frontage along such avenues and #streets# in Midtown where curb cuts are prohibited, the Commissioner of Buildings may waive required off-street loading berths pursuant to the provisions set forth in Section 13-35 (Modification of Loading Berth Requirements).

Where a curb cut is permitted as indicated in this Section, the maximum width of such curb cut shall be 15 feet for one-way traffic and 25 feet for two-way traffic. These curb cut requirements shall be in addition to any other applicable City rules or regulations concerning driveway curb cuts.

The above exceptions do not apply to Fifth Avenue, or between 43rd and 50th Streets, to Seventh Avenue or Broadway and no curb cuts shall be permitted in these cases. Between 43rd and 50th Streets, access to #accessory# off-street loading berths or off-street parking facilities shall not be permitted on Seventh Avenue or Broadway or, except where the length of a #narrow street block# frontage between the #street lines# of Seventh Avenue and Broadway exceeds 75 feet but is less than 125 feet, within 50 feet of the Seventh Avenue or Broadway #street line#. #Interior lots# between 43rd and 50th Streets with a #street# frontage only on Seventh Avenue or Broadway shall not contain loading berths.

(2/2/11)

81-45

Pedestrian Circulation Space

Within the #Special Midtown District#, all #developments# or #enlargements# constructed after May 13, 1982, 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 on such #zoning lot# in accordance with the provisions of Section 37-50, 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 #public plaza#.

In addition to the types of pedestrian circulation spaces listed in Section 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 #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.

#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 37-50.

Special dimensional requirements for arcades and sidewalk widenings along designated #streets# are set forth in Section 37-53 (Design

Standards for Pedestrian Circulation Spaces). Where a new #building# or #enlarged# portion of an existing #building# provides an arcade, no obstructions, including columns, shall be permitted within such arcade, and the maximum height of such arcade shall be 20 feet and the maximum width shall be 10 feet. Arcades or sidewalk widenings shall not be permitted on 34th Street, 42nd Street, 57th Street or Fifth Avenue frontages or on any #street# frontage within the Preservation Subdistrict. Between 43rd and 50th Streets, no arcades shall be permitted parallel to and along Seventh Avenue or Broadway.

(8/6/98)

81-451

Theater waiting space

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

- (a) such space shall adjoin and open onto a sidewalk or sidewalk widening for its entire length and shall have a minimum length of 30 feet measured parallel to the #street line# and a minimum clear depth of 10 feet measured perpendicular to the #street line# exclusive of any columns. Its level shall be entirely the same as that of the adjoining sidewalk. When located under an overhanging portion of a #building or other structure#, it shall have a minimum clear height of 15 feet and be free of any obstructions except for #building# columns;
- (b) such space shall provide direct access to a #building's# entrance or the theater's lobby. Where the theater and the theater waiting space are on separate #zoning lots#, a plaque shall be provided within the theater waiting space adjacent to the theater stating that the space is available as a waiting area for the theater audience. Such plaque shall be placed between four feet and six feet above #curb level#, and shall be visible from the sidewalk;
- (c) such space shall not adjoin a driveway or an off-street loading berth; and
- (d) the entire theater waiting space shall be illuminated with a minimum level of not less than eight horizontal foot-candles

(lumens per foot).

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

(2/2/11)

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 37-40 (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 37-50.

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

Station	Line
34th Street-Penn Station	Broadway-7th Avenue
34th Street-Penn Station	8th Avenue
34th Street-Herald Square	6th Avenue/Broadway-60th Street
42nd Street-Times Square/42nd Street-Port Authority Bus Terminal	Broadway-7th Ave/Broadway/8th Ave/42nd St. Shuttle
42nd Street-Bryant Park/Fifth Avenue	6th Avenue/Flushing
42nd Street-Grand Central	Lexington Avenue/Flushing/42nd St. Shuttle
47th-50th Street-Rockefeller Center	6th Avenue

49th Street	Broadway-60th Street
50th Street	8th Avenue
50th Street	Broadway-7th Avenue
7th Avenue	53rd Street
Fifth Avenue-53rd Street	53rd Street
51st Street/Lexington Ave.- 53rd Street	53rd Street/Lexington Avenue
57th Street	Broadway-60th Street
57th Street	6th Avenue
59th Street-Columbus Circle	Broadway-7th Avenue/8th Avenue

(2/2/11)

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 #buildings developed# after May 13, 1982, as 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 #public plaza# or an open through #block# connection located entirely outside of the #building#, the major entrance to the #building# shall open on the #public plaza# or the open through #block# connection.
- (b) Where there is no #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:

(1) #Corner lots#

On a #corner lot# with frontage on no more than one #narrow street#, the major entrance shall be located on the #narrow street#.

On a #corner lot# with frontages on two #wide streets#, the major entrance shall be located on either #wide street#.

(2) #Block# front lots

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

(c) Exceptions to requirements

Under the following conditions, #developments# shall not be subject to the locational requirements of this Section:

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

(2/2/11)

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 #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 #zoning lot#.

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 #public plaza# with the rail mass transit station or facility.

(c) Hours of public accessibility

An off-street rail mass transit access improvement shall be accessible to the public during the hours when the circulation areas to which it connects are open to the public or during such hours as are otherwise approved by both the Chairperson of the City Planning Commission and the operating entity of the mass transit station or facility.

(d) Enclosures

The rail mass transit access improvement may be provided within a #building# but shall not be enclosed by any doors unless the Chairperson certifies that such improvement is an integral part of the #building# lobby and public circulation space, and such doors are secured only during the hours that the circulation areas of the rail mass transit facility to which it connects are closed.

(e) Maintenance

An off-street rail mass transit access improvement shall be maintained by the owner of the #development# or #enlargement#.

One and a half times the area of the new off-street rail mass transit access improvement measured at #street# level shall, upon the Chairperson's certification, count toward the minimum area of pedestrian circulation space required under the provisions of Section 81-45, up to a maximum of 3,000 square feet.

(10/31/01)

81-50

SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT

(8/25/10)

81-51

General Provisions

In order to establish the Penn Center Subdistrict as a destination and enhance its retail, entertainment and commercial character and expand accessibility to its transportation network, special regulations are set forth governing the location and type of #signs#, urban design and streetscape relationships, and the improvement of pedestrian circulation to and from public transit facilities.

The regulations of Section 81-50 are applicable only in the Penn Center Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, except as set forth for rail mass transit improvements, pursuant to Section 81-541. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

(10/31/01)

81-52

Sign Regulations

The provisions of this Section shall apply to all #zoning lots# with frontage along Seventh Avenue. The height of all #signs# shall be measured from the #curb level#.

- (a) #Signs#, including #advertising signs#, #flashing signs# and #illuminated signs#, unlimited in area, shall be permitted to a height of 40 feet. Below a height of 14 feet, such #signs# shall not occupy more than 50 percent of the glazed #street wall# surface required, pursuant to Section 81-42, nor shall such #signs# be located within ten feet of an entrance to a rail mass transit facility or subway station.
- (b) #Signs#, including #advertising signs#, #flashing signs# and #illuminated signs#, except as otherwise provided in Section 81-52, paragraph (c), may be permitted above a height of 40 feet by the City Planning Commission, upon certification that:

- (1) such #signs# and #sign# structures to which #signs# are attached shall not exceed a height of 60 feet; except that #signs# and #sign# structures onto which #signs# are attached, within 40 feet of the intersection of two #streets# or within 30 feet of the centerline of the westerly prolongation of West 32nd Street along the west #block# front of Seventh Avenue between West 31st and West 33rd Streets, shall not exceed a height of 100 feet;
- (2) such #signs# above a height of 60 feet are located on #zoning lots# that contain an entrance to, or are adjacent to, an entrance to a rail mass transit facility and/or subway station;
- (3) such #signs# shall not project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for other signs, except that #signs# within 40 feet of the intersection of two #streets# may project up to three feet across a #street line# above a height of 25 feet;
- (4) such #signs# that exceed a height of 60 feet, shall be no wider than 40 feet each;
- (5) such #signs# or #sign# structures that exceed a height of 60 feet, may include lighting effects at the top of such #sign# structure and such lighting effects shall not exceed a height of 10 feet above such #sign# or #sign# structure.
- (6) such #signs# and #sign# structures onto which #signs# are attached within 30 feet of the centerline of the westerly prolongation of West 32nd Street shall have a minimum clearance of 10 feet from the adjacent #building#, and such #sign# structure shall have a minimum clearance of 20 feet from the #street line# in order not to obstruct visibility of the transit entrance from the #street#;
- (7) on #zoning lots# that contain an entrance to, or are adjacent to, an entrance to a rail mass transit facility and/or subway station, the requirements for rail mass transit or subway entrance informational #signs# of Section 81-521 are met; and
- (8) monies will be deposited into an escrow account or similar fund established by the City, to be used at the direction of the Chairperson of the City Planning Commission and the Commissioner of the Department of Transportation, acting in consultation with the Metropolitan Transit Authority,

as necessary, for streetscape and for above-grade and below-grade pedestrian circulation improvements within the Penn Center Subdistrict. For the period through January 1, 2003, and thereafter, until adjusted by rule of the City Planning Commission pursuant to the City Administrative Procedure Act, such #sign# contribution shall be equal to \$30 per square foot of #sign# permitted above a height of 40 feet. Any net increase in the surface area of a previously approved #sign# shall require a new certification and the deposit of a supplemental #sign# contribution in an amount reflective of such increase.

Alternatively, an applicant may, at the time of the first certification for a #sign# at a location under its control, deposit a #sign# contribution in an amount equal to \$20 per square foot of #sign# above a height of 40 feet for the total amount of square footage of all #signs# eligible for certification at locations under the applicant's control. The deposit of monies under this alternative procedure shall not relieve the applicant of the requirement to seek and obtain a certification for each such #sign#, pursuant to this paragraph, (b), prior to installation.

For purposes of this paragraph, (b), the square footage of the #sign# shall mean the #surface area# of a #sign#, except that it shall also include the area of any structural frame or similar enclosure in which the #sign# is located or to which it is attached. No #sign# for which a certification has been received shall be installed prior to deposit of the #sign# contribution in accordance with this paragraph, (b).

(c) #Signs# above a height of 40 feet on any #building# listed on the State and/or National Register of Historic Places, or any #building# formally determined eligible for inclusion on the Register, may be permitted upon authorization by the City Planning Commission, that:

- (1) the proposed method of attachment of such #signs# shall be reversible;
- (2) such #signs# shall not be disruptive to the historic fabric of the #building#;
- (3) such #signs# shall comply with all other requirements of paragraph (b) of this Section;
- (4) the requirements for rail mass transit or subway entrance informational #signs# of Section 81-521 are met; and
- (5) monies shall be deposited into an escrow account or

similar fund established by the City, to be used at the direction of the Chairperson of the City Planning Commission and the Commissioner of the Department of Transportation, acting in consultation with the Metropolitan Transit Authority, as necessary, for streetscape and for above-grade and below-grade pedestrian circulation improvements within the Penn Center Subdistrict. For the period through January 1, 2003, and thereafter, until adjusted by rule of the City Planning Commission pursuant to the City Administrative Procedure Act, such #sign# contribution shall be equal to \$30 per square foot of #sign# permitted above a height of 40 feet. For purposes of this paragraph, (c), the square footage of the #sign# shall mean the #surface area# of a #sign#, except that it shall also include the area of any structural frame or similar enclosure in which the #sign# is located or to which it is attached. No #sign# for which an authorization has been approved shall be installed prior to deposit of the #sign# contribution in accordance with this paragraph, (c), or the alternative #sign# contribution provided in paragraph (b)(8) of this Section.

Any net increase in the #surface area# of a previously approved #sign# shall require a new authorization and the deposit of a supplemental #sign# contribution in an amount reflective of such increase.

(10/31/01)

81-521

Rail mass transit and subway entrance informational signs

For a #zoning lot# that contains or is adjacent to an entrance or entrances to a rail mass transit facility or subway station, no permit shall be issued for any #signs# that extend or are located above a height of 40 feet, unless the City Planning Commission certifies that each such entrance is clearly identified with rail mass transit or subway entrance informational #signs# and marquees in accordance with the paragraphs (a) and (b) of this Section. Such rail mass transit or subway entrance informational #sign# or marquee shall remain, or be upgraded or replaced by a similar #sign# or marquee, for the life of the related development.

- (a) Rail mass transit or subway entrance informational #signs# shall prominently identify the entrance on both #streets# of a #corner lot#. Where rail mass transit or subway entrance informational #signs# are provided at the western #block# front of Seventh Avenue between West 31st and West 33rd Streets, such

#signs# shall prominently identify the entrance to Pennsylvania Station to pedestrians on both Seventh Avenue and West 32nd Street. All such informational #signs# shall comply with the following requirements:

- (1) such #signs# shall contain only transit information;
 - (2) such #signs# shall be illuminated and located no less than 12 feet above and no more than 25 feet above #curb level#;
 - (3) such #signs# shall contain the word "Subway" and/or appropriate other rail mass transit identification and transit line symbols. The graphic standards shall adhere to New York City Transit or other pertinent transit agency standards with all letters no less than three feet and transit symbols no less than two feet in dimension;
 - (4) such #signs# shall be no less than 30 feet in length on each #street# and shall extend farther than 30 feet in order to include the actual entrance; and
 - (5) such #signs# may project up to five feet beyond the #street line#.
- (b) At the rail mass transit or subway entrance, a marquee shall be provided to further identify the entrance and shall:
- (1) contain only transit sign information;
 - (2) be illuminated and located no less than 12 feet above and no more than 25 feet above #curb level#;
 - (3) have a minimum length of 20 feet or the full width of the entrance, whichever is less;
 - (4) project no less than five feet beyond the transit or subway informational #sign#; and
 - (5) include illuminated mass transit identification and transit line symbols that meet the New York City Transit or other pertinent transit agency standards.

(2/2/11)

81-53

Special Bulk and Urban Design Requirements

In addition to the requirements set forth in Sections 81-25 (General

Provisions Relating to Height and Setback of Buildings) and 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), the provisions of this Section shall apply to a #zoning lot# having 50 percent or more of its #lot area# within the Penn Center Subdistrict. For the purposes of this Section, all such #zoning lots# shall be deemed to be entirely within the Subdistrict. If any of the provisions of Sections 81-25, 81-40 and 81-53 are in conflict, the regulations of this Section shall govern.

(10/31/01)

81-531

Special retail frontage requirements

The provisions of Section 81-42 (Retail Continuity along Designated Streets) shall apply within the Penn Center Subdistrict. However, the requirement that at least 50 percent of the #street wall# surface of each ground floor establishment be glazed with clear, untinted, transparent material, and not more than 50 percent of such transparent surface be painted or obstructed with #signs# shall not apply to any informational #signs# or marquees provided to identify rail mass transit or subway entrances in accordance with Section 81-52 (Sign Regulations).

(2/2/11)

81-532

Special street wall requirements

The provisions of Section 81-43 (Street Wall Continuity along Designated Streets) shall apply, except that the #street wall# of all #buildings# along the Seventh Avenue frontage of #zoning lots# shall be a minimum of 85 feet above #curb level# or the full height of the #building#, whichever is less. All other provisions of 81-43 shall apply without modification.

In addition, the restrictions on permitted recesses contained in Section 81-43 shall not apply to pedestrian circulation spaces provided in accordance with Sections 81-46 (Off-Street Relocation or Renovation of a Subway Stair) or 81-48 (Off-Street Improvement of Access to Rail Mass Transit Facility) nor to interstitial spaces between #signs# or between #building# walls and #signs#.

(10/31/01)

81-54

Floor Area Bonus in the Penn Center Subdistrict

(2/2/11)

81-541

Rail mass transit facility improvement

In addition to the provisions of Section 81-29 (Incentives by Special Permit for Provisions of Public Amenities), the City Planning Commission may grant #floor area# bonuses for subway station and/or rail mass transit facility improvements for #non-residential# or #mixed buildings#, in accordance with Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), and may modify or waive the provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) in accordance with the provisions of Section 74-634, provided that such improvement is approved by the entities which own and/or operate the rail mass transit facility.

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

- (a) a letter from each entity that operates the rail mass transit facility confirming that the drawings of the subway and/or rail mass transit improvement are of sufficient scope and detail to describe the layout and character of the improvements and that the proposed implementation of the improvements is physically and operationally feasible, and
- (b) a legally enforceable instrument containing:
 - (1) drawings of the improvements, as approved by the transit operator;
 - (2) provisions that all easements required for the on-site improvements will be conveyed and recorded against the property;
 - (3) the obligations of the applicant to construct, maintain and provide capital maintenance for the improvements; and
 - (4) a schedule for completion of the improvements and a requirement that a performance bond or other appropriate security be provided to ensure the completion of the improvements.

For the purposes of this Section, improvements to any rail mass transit facility on a #zoning lot# located wholly or partially within the Subdistrict qualifies for bonus #floor area# in accordance with the provisions of Section 74-634, as modified herein. For #zoning lots# located partially within the Subdistrict, such bonus #floor area# may be located anywhere on such #zoning lot#. In addition, if a subway and/or rail mass transit improvement has been constructed in accordance with an approved special permit and has received a Notice of Substantial Completion in accordance with the provisions of Section 74-634, the bonus #floor area# may be retained at the full amount granted by the special permit and may be utilized elsewhere on the #zoning lot# subject to any applicable review and approval process for such #development# or #enlargement#.

(10/17/07)

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 #publicly accessible open areas# or other bonused public amenity in the Penn Center Subdistrict, the maximum allowed #floor area# bonus for all existing #publicly accessible open areas# 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#.

(8/26/92)

81-60

SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT

(5/27/15)

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 and mass transit circulation network, and to facilitate the development of exceptional and sustainable buildings within the Vanderbilt Corridor, special regulations are set forth in

Section 81-60 (SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT), inclusive, governing urban design and streetscape relationships, the transfer of development rights from landmarks, and the improvement of the pedestrian and mass transit 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 set forth in Section 81-212(Special provisions for transfer of development rights from landmark sites), 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 Public Plazas) are inapplicable to any #zoning lot#, any portion of which is located within the Grand Central Subdistrict.

Where the #lot line# of a #zoning lot# coincides with the boundary of the public place located at the southerly prolongation of Vanderbilt Avenue between East 42nd Street and East 43rd Street, such #lot line# shall be considered to be a #street line# for the purposes of applying the #use#, #bulk# and urban design regulations of this Chapter.

(5/27/15)

81-611

Special use provisions

- (a) Except as provided in paragraph (b) of this Section, within the Vanderbilt Corridor, as shown in on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed by special permit of the City Planning Commission, pursuant to Section 81-65.
- (b) In the event a casualty damages or destroys a #building# within the Vanderbilt Corridor, that was used as a #transient hotel# as of May 27, 2015, to an extent greater than the limits set forth in Section 52-53 (Buildings or Other Structures in All Districts), such #building# may be reconstructed and used as a

#transient hotel# without obtaining a special permit, provided the #floor area# of such reconstructed #building# does not exceed the underlying district #floor area ratio# regulations.

(2/2/11)

81-62

Special Bulk and Urban Design Requirements

In addition to the requirements set forth in Sections 81-25 (General Provisions Relating to Height and Setback of Buildings) and 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), the provisions of this Section shall apply to a #zoning lot# having 50 percent or more of its #lot area# within the Grand Central Subdistrict. For the purposes of this Section, all such #zoning lots# shall be deemed to be entirely within the Subdistrict. If any of the provisions of Sections 81-25, 81-40 and 81-62 are in conflict, the regulations of this Section shall govern.

(2/2/11)

81-621

Special street wall requirements

The requirements of Section 81-43 (Street Wall Continuity Along Designated Streets) shall be applicable within the Subdistrict, except as modified in this Section.

#Buildings# with frontage on Park, Lexington, Madison and Vanderbilt Avenues, or Depew Place, shall have a #street wall# within 10 feet of the #street line# of such #streets#.

On 42nd Street, the #street wall# shall be at the #street line#. The width of the required #street wall# shall be at least 80 percent of the length of the #front lot line#. The minimum height of such #street walls# without any setback shall be 120 feet above #curb level# or the height of the #building#, whichever is less, and the maximum height shall not exceed 150 feet above #curb level#. Where a #zoning lot# is bounded by the intersection of Park, Lexington, Madison and Vanderbilt Avenues, 42nd Street or Depew Place and any other #street#, these #street wall# height regulations shall apply along the full length of the #zoning lot# along the other #street# or to a distance of 125 feet from the intersection, whichever is less.

Beyond 125 feet from the intersection, the maximum height of the #street wall# above #curb level# shall not exceed 120 feet. For such #building#, the provisions of Section 81-262 (Maximum height of front wall at the street line) shall not be applicable.

However, the ten foot setback requirement of Section 81-263, paragraph (a), shall apply only to those portions of the #building# above this height.

(2/2/11)

81-622

Special height and setback requirements

Within the Subdistrict, the provisions of Sections 81-26 (Height and Setback Regulations-Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) shall apply to all #buildings# on a #zoning lot#, except that:

- (a) where such #buildings# are governed by Section 81-26, no #compensating recess# shall be required for the #encroachment# of that portion of the #building# below 150 feet above #curb level#; or
- (b) where such #buildings# are governed by Section 81-27, the computation of daylight evaluation shall not include any daylight blockage, daylight credit, profile daylight blockage or available daylight for that portion of the #building# below 150 feet above #curb level#. However, the passing score required pursuant to paragraph (i) of Section 81-274 shall apply.

(2/2/11)

81-623

Building lobby entrance requirements

For #buildings developed# or #enlarged# on the ground floor after August 26, 1992, #building# lobby entrances 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. #Buildings developed# from May 13, 1982, to August 25, 1992, shall be subject to the provisions of Section 81-47 (Major Building

Entrances).

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 37-53 (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 37-53, except that for #developments# or #enlargements# with frontage on Madison or Lexington Avenues or 42nd Street, the width 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.

(8/26/92)

81-624

Curb cut restrictions and loading berth requirements

In addition to the provisions of Section 81-44 (Curb Cut Restrictions), for a #through lot#, the required loading berth shall be arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

The maximum width of any curb cut (including splays) shall be 15 feet for one-way traffic and 25 feet for two-way traffic. Curb cuts shall not be permitted on 47th Street between Park and Madison Avenues or on 45th Street between Depew Place and Madison Avenue.

(5/27/15)

81-625

Pedestrian circulation space requirements

Any #development# or #enlargement# within the Grand Central Subdistrict shall be subject to the provisions of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) and 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), except that:

- (a) no arcade shall be allowed within the Subdistrict;
- (b) within the Subdistrict, a sidewalk widening may be provided

only for a #building# occupying an Avenue frontage, provided that such sidewalk widening extends for the length of the full #block# front; and

- (c) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, up to a maximum of 3,000 square feet of on-site improvements to the public realm provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) may be applied toward the pedestrian circulation space requirement.

(5/27/15)

81-626

Retail continuity requirements

For #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, where a #building# fronts upon a designated retail #street#, as shown on Map 2 (Retail and & Street Wall Continuity), any portion of such #building's# ground floor level frontage along such designated retail #street# allocated to above- or below-grade public realm improvements provided in accordance with a special permit pursuant to Section 81-635 (Transfer of development rights by special permit) or Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) shall be excluded from the retail continuity requirements of Section 81-42 (Retail Continuity along Designated Streets).

(8/26/92)

81-63

Transfer of Development Rights from Landmark Sites

For the purposes of the Grand Central Subdistrict:

A "landmark #building or other structure#" shall include any structure designated as a landmark pursuant to the New York City Charter, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments or bridges. No transfer of development rights is permitted pursuant to this Section from those portions of #zoning lots# used for cemetery purposes, or any structures within historic

districts, statues, monuments or bridges.

A "granting lot" shall mean a #zoning lot# which contains a landmark #building or other structure#. Such "granting lot" may transfer development rights pursuant to Sections 81-634 or 81-635 provided that 50 percent or more of the "granting lot" is within the boundaries of the Grand Central Subdistrict.

A "receiving lot" shall mean a #zoning lot# to which development rights of a "granting lot" are transferred. Such "receiving lot" may receive a transfer of development rights pursuant to Sections 81-634 or 81-635 provided that 50 percent or more of the "receiving lot" is within the boundaries of the Grand Central Subdistrict and provided that the "receiving lot" occupies frontage on Madison or Lexington Avenues or 42nd Street, if such "receiving lot" is west of Madison Avenue or east of Lexington Avenue.

(5/27/15)

81-631

Requirements for application

In addition to the land use review application requirements, an application filed with the City Planning Commission for certification pursuant to Section 81-634 (Transfer of development rights by certification) or special permit pursuant to Section 81-635 (Transfer of development rights by special permit) shall be made jointly by the owners of the "granting lot" and "receiving lot" and shall include:

- (a) site plan and zoning calculations for the "granting lot" and "receiving lot";
- (b) a program for the continuing maintenance of the landmark;
- (c) a report from the Landmarks Preservation Commission concerning the continuing maintenance program of the landmark and, for those "receiving" sites in the immediate vicinity of the landmark, a report concerning the harmonious relationship of the #development# or #enlargement# to the landmark;
- (d) for #developments# or #enlargements# pursuant to Section 81-635, a plan of any required pedestrian network improvement; and
- (e) any such other information as may be required by the Commission.

A separate application shall be filed for each transfer of development rights to an independent "receiving lot" pursuant to Section 81-63 (Transfer of Development Rights from Landmark Sites).

(2/2/11)

81-632

Conditions and limitations

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

- (a) the maximum amount of #floor area# that may be transferred from a "granting lot" shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on such landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;
- (b) for each "receiving lot," the #floor area# allowed by the transfer of development rights under Section 81-63 shall be in addition to the maximum #floor area# allowed by the district regulations applicable to the "receiving lot," as shown in Section 81-211; and
- (c) each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be #developed# or #enlarged# on the "granting lot" by the amount of #floor area# transferred. If the landmark designation is removed, the landmark #building# is destroyed or #enlarged#, or the "landmark lot" is redeveloped, the "granting lot" may only be #developed# or #enlarged# up to the amount of permitted #floor area# as reduced by each transfer.

(2/2/11)

81-633

Transfer instruments and notice of restrictions

The owners of the "granting lot" and the "receiving lot" shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the "granting lot" and the "receiving lot" shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New

York), a certified copy of which shall be submitted to the City Planning Commission.

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

(7/26/01)

81-634

Transfer of development rights by certification

Within the Grand Central Subdistrict, the City Planning Commission may allow by certification:

- (a) a transfer of development rights from a "granting lot" to a "receiving lot" in an amount not to exceed a #floor area ratio# of 1.0 above the basic maximum #floor area ratio# allowed by the applicable district regulations on the "receiving lot," provided that a program for the continuing maintenance of the landmark approved by the Landmarks Preservation Commission has been established; and
- (b) in conjunction with such transfer of development rights, modification of the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements), as follows:

For any "receiving lot," whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations which allow a greater #floor area ratio# may be located on a portion of such "receiving lot" within a district which allows a lesser #floor area ratio#, provided that the amount of such #floor area#, #dwelling units# or #rooming units# to be located on the side of the district boundary permitting the lesser #floor area ratio# shall not exceed 20 percent of the basic maximum #floor area ratio# or number of #dwelling units# or #rooming units# of the district in which such #bulk# is to be located.

(5/27/15)

81-635

Transfer of development rights by special permit

Within the Grand Central Subdistrict Core, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may permit the transfer of development rights from a "granting lot" to a "receiving lot", and, in conjunction with such transfer, the Commission may permit modifications to #bulk# regulations, mandatory plan elements, and provisions regarding #zoning lots# divided by district boundaries, as set forth in paragraph (a) of this Section, provided that the Commission determines that the #development# or #enlargement# complies with the conditions of paragraph (b), the findings of paragraph (c) and the additional requirements of paragraph (d) of this Section.

(a) The Commission may permit:

- (1) a transfer of development rights from a "granting lot" to a "receiving lot" provided that:
 - (i) for #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 in Appendix A of this Chapter, the resultant #floor area ratio# on the "receiving lot" does not exceed 30.0; and
 - (ii) for #zoning lots# outside the Vanderbilt Corridor, the resultant #floor area ratio# on the "receiving lot" does not exceed 21.6;
- (2) modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any #zoning lot#, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, #floor area#, #dwelling units# or #rooming units# permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;
- (3) in the case of an #enlargement# to an existing #building# utilizing the transfer of development rights from a designated landmark, modifications of the provisions of Sections 81-621 (Special street wall requirements), 81-622 (Special height and setback requirements), 81-623 (Building lobby entrance requirements), 81-624 (Curb cut restrictions and loading berth requirements), 81-625 (Pedestrian circulation space requirements), and Sections 81-25 (General Provisions Relating to Height and Setback

of Buildings), 81-26 (Height and Setback Regulations-Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations-Daylight Evaluation) in order to accommodate existing structures and conditions;

- (4) for #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, modifications of #bulk# regulations, except #floor area ratio# regulations; and
- (5) for #zoning lots# located within the Vanderbilt Corridor, modifications, whether singly or in any combination, to:
 - (i) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets), or 81-621 (Special street wall requirements), inclusive;
 - (ii) the height and setback regulations of Sections 81-26 (Height and Setback Regulations-Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation), inclusive, or 81-622 (Special height and setback requirements); or
 - (iii) the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-623 (Building lobby entrance requirements), 81-624 (Curb cut restrictions and loading berth requirements), 81-625 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Conditions

As a condition for granting a special permit pursuant to this Section, the design of the #development# or #enlargement# shall include a major improvement of the above- or below-grade, pedestrian or mass transit circulation network in the Subdistrict. However, in the case of #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, this condition may be waived by the Commission, where appropriate, or may be deemed to have been met by utilization of the provisions of Section 81-64 (Special Permit for Grand

Central Public Realm Improvement Bonus). The improvement shall increase the general accessibility and security of the network, reduce points of pedestrian congestion and improve the general network environment through connections into planned expansions of the network. The improvement may include, but is not limited to, widening, straightening or expansion of the existing pedestrian network, reconfiguration of circulation routes to provide more direct pedestrian connections between the #development# or #enlargement# and Grand Central Terminal, and provision for direct daylight access, retail in new and existing passages, and improvements to air quality, lighting, finishes and signage.

The special permit application to the Commission shall include information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the general public from the proposed improvement. As part of the special permit application, the applicant shall submit schematic or concept plans of the proposed improvement to the Department of City Planning, as well as evidence of such submission to the Metropolitan Transportation Authority (MTA) and any other entities that retain control and responsibility for the area of the proposed improvement. Prior to ULURP certification of the special permit application, the MTA and any other entities that retain control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement including a statement of any considerations regarding the construction and operation of the improvement.

(c) Findings

In order to grant a special permit for the transfer of development rights to a "receiving lot," the Commission shall find that:

- (1) a program for the continuing maintenance of the landmark has been established;
- (2) for any proposed improvement required pursuant to this Section:
 - (i) the improvement to the above- or below-grade pedestrian or mass transit circulation network provided by the #development# or #enlargement# increases public accessibility to and from Grand Central Terminal;
 - (ii) the streetscape, the site design and the location of #building# entrances contribute to the overall

improvement of pedestrian circulation within the Subdistrict and minimize congestion on surrounding #streets#; and

- (iii) a program is established to identify solutions to problems relating to vehicular and pedestrian circulation problems and the pedestrian environment within the Subdistrict;
- (3) where appropriate, for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, the design of the #development# or #enlargement# includes provisions for public amenities including, but not limited to, publicly accessible open spaces, and subsurface pedestrian passageways leading to subway or rail mass transit facilities;
- (4) for #developments# or #enlargements# with a proposed #floor area ratio# in excess of 21.6 on #zoning lots# located within the Vanderbilt Corridor, the #building# has met the ground floor level, building design, sustainable design measures and, for #zoning lots# not located on two #wide streets#, the site characteristic considerations set forth in the applicable conditions and findings of Section 81-641 (Additional floor area for the provision of public realm improvements);
- (5) where the modification of #bulk# regulations is proposed:
 - (i) any proposed modification of regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the "receiving lot," density of population or intensity of #use# on any #block# to the detriment of the occupants of #buildings# on the #block# or the surrounding area;
 - (ii) for #enlargements# to existing #buildings#, any proposed modifications of height and setback requirements and the requirements of Section 81-62 are necessary because of the inherent constraints or conditions of the existing #building#, that the modifications are limited to the minimum needed, and that the proposal for modifications of height and setback requirements demonstrates to the satisfaction of the Commission that an integrated design is not feasible for the proposed #enlargement# which accommodates the transfer of development rights due to the conditions imposed by the existing #building#

or configuration of the site; and

(iii) for #developments# or #enlargements# on #zoning lots# of more than 40,000 square feet of #lot area# that occupy an entire #block#, any proposed modifications of #bulk# regulations are necessary because of inherent site constraints and that the modifications are limited to the minimum needed; or

(6) for #developments# or #enlargements# on #zoning lots# located within the Vanderbilt Corridor, any proposed modifications meet the applicable application requirements and findings set forth in Section 81-642 (Permitted modifications in conjunction with additional floor area).

(d) Additional requirements

Prior to the grant of a special permit, the applicant shall obtain approvals of plans from the MTA and any other entities that retain control and responsibility for the area of the proposed improvement, and, if appropriate, the applicant shall sign a legally enforceable instrument running with the land, setting forth the obligations of the owner and developer, their successors and assigns, to construct and maintain the improvement and shall establish a construction schedule, a program for maintenance and a schedule of hours of public operation and shall provide a performance bond for completion of the improvement.

The written declaration of restrictions and any instrument creating an easement on privately owned property shall be recorded against such private property in the Office of the Register of the City of New York (County of New York) and a certified copy of the instrument shall be submitted to the City Planning Commission.

No temporary certification of occupancy for any #floor area# of the #development# or #enlargement# on a "receiving lot" shall be granted by the Department of Buildings until all required improvements have been substantially completed as determined by the Chairperson of the City Planning Commission and the area is usable by the public. Prior to the issuance of a permanent certificate of occupancy for the #development# or #enlargement#, all improvements shall be 100 percent complete in accordance with the approved plans and such completion shall have been certified by letter from the Metropolitan Transportation Authority.

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

area.

(5/27/15)

81-64

Special Permit for Grand Central Public Realm Improvement Bonus

In order to facilitate the development of exceptional and sustainable #buildings# within the Vanderbilt Corridor as well as improvements to the pedestrian and mass transit circulation network in the vicinity of Grand Central Terminal, for #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown in on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may permit:

- (a) additional #floor area# for the provision of on-site or off-site, above- or below-grade improvements to the pedestrian or mass transit circulation network in the Grand Central Subdistrict, in accordance with the provisions of Section 81-641 (Additional floor area for the provision of public realm improvements); and
- (b) in conjunction with additional #floor area# granted pursuant to Section 81-641, modifications to #street wall# regulations, height and setback regulations, and mandatory district plan elements, provided such modifications are in accordance with the provisions of Section 81-642 (Permitted modifications in conjunction with additional floor area).

(5/27/15)

81-641

Additional floor area for the provision of public realm improvements

For #developments# and #enlargements# on #zoning lots# located within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may allow by special permit #floor area# in excess of the basic maximum #floor area ratio# established in the table in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), up to the maximum #floor area# set forth in the table, in accordance with the provisions of this Section.

All applications for a special permit for additional #floor area#

pursuant to this Section shall include on-site or off-site, above- or below-grade improvements to the pedestrian or mass transit circulation network, or a combination thereof, in the Grand Central Subdistrict. In addition, requirements pertaining to the ground floor level, building design, and sustainable design measures are set forth in this Section in order to ensure that any #development# or #enlargement# receiving additional #floor area# constitutes an exceptional addition to the #Special Midtown District#.

In order for the City Planning Commission to approve a special permit application for additional #floor area#, the Commission shall determine that such #development# or #enlargement# complies with the conditions and application requirements of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c) of this Section.

(a) Conditions and application requirements

All applications for a special permit for additional #floor area# pursuant to this Section shall include the following:

- (1) Above- or below-grade improvements to the pedestrian or mass transit circulation network.

In order to ensure that the proposed #development# or #enlargement# contributes to the improvement of pedestrian and mass transit circulation in the Grand Central Subdistrict, especially in the vicinity of Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall include above- or below-grade public realm improvements.

- (i) Where a #development# or #enlargement# proposes the inclusion of above-grade public realm improvements, such improvements may consist of on-site or off-site improvements to the pedestrian circulation network, or a combination thereof.

On-site, above-grade public realm improvements shall consist of open or enclosed publicly accessible spaces, of ample size, provided for public use and enjoyment. Such publicly accessible spaces shall include amenities characteristic of #public plazas# or public atriums, as applicable, and include amenities for the comfort and convenience of the public.

Off-site, above-grade public realm improvements shall consist of major improvements to the public right-of-way that support pedestrian circulation in the areas

surrounding Grand Central Terminal. Where the area of such improvements is to be established as a pedestrian plaza, such improvements shall be characteristic of best practices in plaza design, as set forth by the Department of Transportation. Where the area of such improvements is along a #street# accommodating both vehicular and pedestrian access, such improvements shall be characteristic of current best practices in #street# design, as set forth by the Department of Transportation, and include improvements to the right-of-way such as pedestrian amenities, or streetscape, sidewalk, crosswalk and median enhancements.

- (ii) Where a #development# or #enlargement# proposes the inclusion of below-grade public realm improvements, such improvements shall consist of on-site or off-site enhancements to the below-grade pedestrian and mass transit circulation network. Such improvements shall be characteristic of current best practice in mass-transit network design, and shall include improvements such as on-site or off-site widening, straightening, expanding or otherwise enhancing the existing below-grade pedestrian circulation network, additional vertical circulation, reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities, or providing daylight access, retail #uses#, or enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways.

Applications shall include information and justification sufficient to provide the Commission with the basis for evaluating the benefits to the general public; determining the appropriate amount of bonus #floor area# to grant; and determining whether the applicable findings set forth in paragraph (b) of this Section have been met. Such application materials shall also include initial plans for the maintenance of the proposed improvements.

Where the Metropolitan Transportation Authority or any other City or State agency has control and responsibility for the area of a proposed improvement, the applicant shall submit concept plans for the proposed improvement to such agency and the Commission. At the time of certification of the application, any such agency with control and responsibility for the area of the proposed improvement shall each provide a letter to the Commission containing a conceptual approval of the improvement,

including a statement of any considerations regarding the construction and operation of the improvement.

(2) Ground floor level

In order to ensure that the proposed #development# or #enlargement# contributes to the improvement of the pedestrian circulation network in the Grand Central Subdistrict, especially in the vicinity of Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall provide enhancements to the ground floor level of the #building#, including, but not limited to, sidewalk widenings, streetscape amenities or enhancements to required pedestrian circulation spaces.

Where a #development# or #enlargement# includes #street# frontage along Madison Avenue or a #narrow street# between East 43rd Street and East 47th Street, sidewalk widenings shall be provided as follows:

- (i) where a #development# or #enlargement# is on a #zoning lot# which occupies the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue, to the extent necessary, so that a minimum sidewalk width of 20 feet is achieved, including portions within and beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#;
- (ii) where a #development# or #enlargement# is on a #zoning lot# that does not occupy the entire #block# frontage along Madison Avenue, a sidewalk widening shall be provided along Madison Avenue where all existing #buildings# on the #block# frontage have provided such a widening. Such required widening shall match the amount of widened sidewalk provided on adjacent #zoning lots#, provided that no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#; or
- (iii) where a #development# or #enlargement# with frontage on a #narrow street# between East 43rd Street and East 47th Street is on a #zoning lot# with a #lot width# of 100 feet or more, as measured along the #narrow street line#, a sidewalk widening shall be provided along such #narrow street#, to the extent necessary, so that a minimum sidewalk width of 15 feet is achieved, including portions within and

beyond the #zoning lot#. However, no sidewalk widening need exceed 10 feet, as measured perpendicular to the #street line#.

Applications shall contain a ground floor level site plan, and other supporting documents of sufficient scope and detail to enable the Commission to determine the type of proposed #uses# on the ground floor level, the location of proposed #building# entrances, the size and location of proposed circulation spaces, the manner in which such spaces will connect to the overall pedestrian circulation network and the above- or below-grade public realm improvements required pursuant to this Section and any other details necessary for the Commission to determine whether the applicable findings set forth in paragraph (b) of this Section have been met.

(3) Building design

In order to ensure that the proposed #development# or #enlargement# contributes to its immediate surroundings, with particular emphasis on Grand Central Terminal, any #development# or #enlargement# proposed under the provisions of this Section shall demonstrate particular attention to the building design, including, but not limited to, the proposed #uses#, massing, articulation and relationship to #buildings# in close proximity and within the Midtown Manhattan skyline.

Applications shall contain materials of sufficient scope and detail to enable the Commission to determine the proposed #uses# within the #building#, as well as the proposed #building bulk# and architectural design of the #building#, and to evaluate the proposed #building# in the context of adjacent #buildings# and the Midtown Manhattan skyline. Such materials shall include a description of the proposed #uses# within the #building#; measured elevation drawings, axonometric views, and perspective views showing such proposed #building# within the Midtown Manhattan skyline; and any other materials necessary for the Commission to determine whether the applicable findings set forth in paragraph (b) of this Section have been met.

For those "receiving lots" that are contiguous to a lot occupied by Grand Central Terminal or a lot that is across a #street# and opposite the lot occupied by Grand Central Terminal, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by Grand Central Terminal, applications shall contain a report from the Landmarks Preservation

Commission concerning the harmonious relationship of the #development# or #enlargement# to Grand Central Terminal.

(4) Sustainable design measures

In order to foster the development of sustainable #buildings# in the Grand Central Subdistrict, any #development# or #enlargement# proposed under the provisions of this Section shall include sustainable design measures, including, but not limited to, enhancements to the energy performance, enhanced water efficiency, utilization of sustainable or locally sourced materials and attention to indoor environmental air quality of the #building#.

Applications shall contain materials of sufficient scope and detail to enable the Commission to determine whether the applicable findings in paragraph (b) of this Section have been met. In addition, any application shall include materials demonstrating the sustainable design measures of the #building#, including its anticipated energy performance, and the degree to which such performance exceeds either the New York City Energy Conservation Code (NYCECC) or the Building Performance Rating method of the applicable version and edition of American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., Standard 90.1 (ASHRAE 90.1), as referenced within the NYCECC.

(b) Findings

The Commission shall find that:

- (1) for a #development# or #enlargement# not located on two #wide streets#, the amount of additional #floor area# being granted is appropriate based on the extent to which any or all of the following physical factors are present in the #development# or #enlargement#:

- (i) direct access to subway stations and other rail mass transit facilities;

- (ii) the size of the #zoning lot#;

- (iii) the amount of wide #street# frontage; and

- (iv) adjacency to the open area above Grand Central Terminal;

- (2) for above-grade improvements to the pedestrian circulation

network that are located:

- (i) on-site, the proposed improvements will, to the extent practicable, consist of a prominent space of generous proportions and quality design that is inviting to the public; improve pedestrian circulation and provide suitable amenities for the occupants; front upon a #street# or a pedestrian circulation space in close proximity to and within view of and accessible from an adjoining sidewalk; provide or be surrounded by active #uses#; be surrounded by transparent materials; provide connections to pedestrian circulation spaces in the immediate vicinity; and be designed in a manner that combines the separate elements within such space into a cohesive and harmonious site plan, resulting in a high-quality public space; or
 - (ii) off-site, the proposed improvements to the public right-of-way, to the extent practicable, will consist of significant street and sidewalk designs that improve pedestrian circulation in the surrounding area; provide comfortable places for walking and resting, opportunities for planting and improvements to pedestrian safety; and create a better overall user experience of the above-grade pedestrian circulation network that supports the Grand Central Subdistrict as a high-density business district. Where the area of such improvement is to be established into a pedestrian plaza that will undergo a public design and review process through the Department of Transportation subsequent to the approval of this special permit, the Commission may waive this finding;
- (3) for below-grade improvements to the pedestrian or mass transit circulation network, the proposed improvements will provide:
- (i) significant and generous connections from the above-grade pedestrian circulation network and surrounding #streets# to the below-grade pedestrian circulation network;
 - (ii) major improvements to public accessibility in the below-grade pedestrian circulation network between and within subway stations and other rail mass transit facilities in and around Grand Central Terminal through the provision of new connections, or the addition to or reconfiguration of existing

connections; or

- (iii) significant enhancements to the environment of subway stations and other rail mass transit facilities including daylight access, noise abatement, air quality improvement, lighting, finishes, way-finding or rider orientation, where practicable;
- (4) the public benefit derived from the proposed above- or below-grade improvements to the pedestrian or mass transit circulation network merits the amount of additional #floor area# being granted to the proposed #development# or #enlargement# pursuant to this special permit;
- (5) the design of the ground floor level of the #building#:
 - (i) contributes to a lively streetscape through a combination of retail #uses# that enliven the pedestrian experience, ample amounts of transparency and pedestrian connections that facilitate fluid movement between the #building# and adjoining public spaces; and demonstrates consideration for the location of pedestrian circulation space, #building# entrances, and the types of #uses# fronting upon the #street# or adjoining public spaces;
 - (ii) will substantially improve the accessibility of the overall pedestrian circulation network, reduce points of pedestrian congestion and, where applicable, establish more direct and generous pedestrian connections to Grand Central Terminal; and
 - (iii) will be well-integrated with on-site, above or below-grade improvements required by this Section, where applicable and practicable;
- (6) the design of the proposed #building#:
 - (i) ensures light and air to the surrounding #streets# and public spaces through the use of setbacks, recesses and other forms of articulation, and the tower top produces a distinctive addition to the Midtown Manhattan skyline which is well-integrated with the remainder of the #building#;
 - (ii) demonstrates an integrated and well-designed facade, taking into account factors such as #street wall# articulation and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area,

especially Grand Central Terminal; and

(iii) involves a program that includes an intensity and mix of #uses# that are harmonious with the type of #uses# in the surrounding area;

(7) the proposed #development# or #enlargement# comprehensively integrates sustainable measures into the #building# and site design that:

(i) meet or exceed best practices in sustainable design; and

(ii) will substantially reduce energy usage for the #building#, as compared to comparable #buildings#; and

(8) in addition:

(i) the increase in #floor area# being proposed in the #development# or #enlargement# will not unduly increase the #bulk#, density of population or intensity of #uses# to the detriment of the surrounding area; and

(ii) all of the separate elements within the proposed #development# or #enlargement#, including above- or below-grade improvements, the ground floor level, #building# design, and sustainable design measures, are well-integrated and will advance the applicable goals of the #Special Midtown District# described in Section 81-00 (GENERAL PURPOSES).

(c) Additional requirements

Prior to the grant of a special permit pursuant to this Section, and to the extent required by the Metropolitan Transportation Authority (MTA) or any other City or State agencies with control and responsibility for the area in which a proposed improvement is to be located, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; where applicable, establish a program for maintenance; and, where applicable, establish a schedule of hours of public access for the proposed improvement. Where the MTA, or any other City or State agencies with control and responsibility for the area of a proposed improvement, deems necessary, such executed agreement shall set forth obligations of the applicant

to provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA or any other such agencies.

Where the proposed #development# or #enlargement# proposes an off-site improvement located in an area to be acquired by a City or State agency, the applicant may propose a phasing plan to sequence the construction of such off-site improvement. To determine if such phasing plan is reasonable, the Commission may consult with the City or State agency that intends to acquire the area of the proposed improvement.

Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, setting forth the obligations of the owner to construct, and, where applicable, maintain and provide public access to public improvements provided pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of New York). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

Except where a phasing plan is approved by the City Planning Commission, no temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of Section 81-64 (Special Permit for Grand Central Public Realm Improvement Bonus) until the required improvements have been substantially completed, as determined by the Chairperson of the City Planning Commission, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the MTA, or any other City or State agencies with control and responsibility for the area where a proposed improvement is to be located, where applicable.

The Commission may prescribe appropriate conditions and safeguards

to minimize adverse effects on the character of the surrounding area.

(5/27/15)

81-642

Permitted modifications in conjunction with additional floor area

In conjunction with the grant of a special permit pursuant to Section 81-641 (Additional floor area for the provision of public realm improvements), the City Planning Commission may permit modifications to #street walls#, height and setback regulations and mandatory plan elements, as set forth in paragraph (a) of this Section, provided that the Commission determines that the application requirements set forth in paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

(a) The Commission may modify the following, whether singly or in any combination:

- (1) the #street wall# regulations of Sections 81-43 (Street Wall Continuity Along Designated Streets) or 81-621 (Special street wall requirements), inclusive;
- (2) the height and setback regulations of Sections 81-26 (Height and Setback Regulations-Daylight Compensation), inclusive, 81-27 (Alternative Height and Setback Regulations-Daylight Evaluation), inclusive, or 81-622 (Special height and setback requirements); or
- (3) the mandatory district plan elements of Sections 81-42 (Retail Continuity along Designated Streets), 81-44 (Curb Cut Restrictions), 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair), 81-47 (Major Building Entrances), 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), 81-623 (Building lobby entrance requirements), 81-624 (Curb cut restrictions and loading berth requirements), 81-625 (Pedestrian circulation space requirements) or 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, except that no modifications to the required amount of pedestrian circulation space set forth in Section 37-51 shall be permitted.

(b) Application requirements

Applications for a special permit for modifications pursuant to

this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications. In addition, where modifications to #street wall# or height and setback regulations are proposed, any application shall contain the following materials, at a minimum:

- (1) drawings, including but not limited to, plan views and axonometric views, that illustrate how the proposed #building# will not comply with the #street wall# regulations of Section 81-43 (Street Wall Continuity Along Designated Streets), or as such provisions are modified pursuant to Section 81-621 (Special street wall requirements), as applicable, and that illustrate how the proposed #building# will not comply with the height and setback regulations of Sections 81-26 (Height and Setback Regulations - Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation), or as such provisions are modified pursuant to Section 81-622 (Special height and setback requirements), as applicable;
- (2) where applicable, formulas showing the degree to which such proposed #building# will not comply with the length and height rules of Section 81-26, or as such provisions are modified pursuant to Section 81-622; and
- (3) where applicable, #daylight evaluation charts# and the resulting daylight evaluation score showing the degree to which such proposed #building# will not comply with the provisions of Section 81-27 or as such provisions are modified pursuant to Section 81-622.

(c) Findings

The Commission shall find that such proposed modifications:

- (1) to the mandatory district plan elements will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions); and
- (2) to the #street wall# or height and setback regulations will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations).

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

(5/27/15)

81-65

Special Permit for Transient Hotels

Within the Vanderbilt Corridor, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the City Planning Commission may permit the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or may permit the #conversion# or change of #use# within an existing #building# to a #transient hotel#, provided the Commission finds that the proposed #transient hotel# will:

- (a) be appropriate to the needs of businesses in the vicinity of Grand Central Terminal; and
- (b) provide on-site amenities and services that will support the area's role as an office district. Such business-oriented amenities and services shall be proportionate to the scale of the #transient hotel# being proposed, and shall include, but shall not be limited to, conference and meeting facilities, and telecommunication services.

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

(5/13/82)

81-70

SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

(9/13/06)

81-71

General Provisions

The regulations of Sections 81-72 to 81-75, inclusive, relating to Special Regulations for the Theater Subdistrict, are applicable only in the Theater Subdistrict, of which the Theater Subdistrict Core and the Eighth Avenue Corridor are parts, except that any listed

theater designated in Section 81-742, or portion thereof, located outside of the Theater Subdistrict shall be deemed to be a "granting site" pursuant to Section 81-744 (Transfer of development rights from listed theaters).

The Theater Subdistrict is bounded by West 57th Street, Avenue of the Americas, West 40th Street, Eighth Avenue, West 42nd Street, a line 150 feet west of Eighth Avenue, West 45th Street and Eighth Avenue.

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

The Eighth Avenue Corridor is bounded by West 56th Street, a line 100 feet east of Eighth Avenue, West 43rd Street, Eighth Avenue, West 42nd Street, a line 150 feet west of Eighth Avenue, West 45th Street and Eighth Avenue.

The west side of Eighth Avenue between 42nd and 45th Streets is also subject to the provisions of the Special Clinton District to the extent set forth in Article IX, Chapter 6, subject to Section 81-023 (Applicability of Special Clinton District regulations).

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

In order to preserve and protect the character of the Theater Subdistrict as a cultural, theatrical and entertainment showcase as well as to help ensure a secure basis for the useful cluster of shops, restaurants and related amusement activities, special incentives and controls are provided for the preservation and rehabilitation of existing theaters and special restrictions are placed on ground floor #uses# within the Subdistrict. In order to preserve and protect the special scale and character of the Theater Subdistrict Core, which includes Times Square, special #building street wall# height and setback controls and requirements for the inclusion of #illuminated signs# and entertainment and entertainment-related #uses# apply within the Subdistrict Core. In order to ensure the orderly growth and development of the Eighth Avenue Corridor and its transition to the scale and character of adjoining midblocks, special #building street wall#, height and setback controls apply within the Corridor. In order to preserve and maintain the character of the western edge of the Theater Subdistrict as both an integral part of the Theater Subdistrict and as a transition to the Clinton neighborhood, the west side of Eighth Avenue between 42nd and 45th Streets is also subject to the

provisions of the Special Clinton District.

A Theater Subdistrict Council shall be created comprised of the Mayor, three (3) representatives appointed by the Mayor from the performing arts, theatrical and related industries, the Director of the Department of City Planning, the Speaker of the City Council and his or her designee, and the Manhattan Borough President. The members shall choose a Chair from among themselves. The Theater Subdistrict Council shall be a not-for-profit corporation whose organizational purpose shall be limited solely to promoting theater and theater-related use and preservation within the Theater Subdistrict and promoting the welfare of the Theater Subdistrict generally. The goals of the Theater Subdistrict Council shall include enhancing the long-term viability of Broadway by facilitating the production of plays and small musicals within the Theater Subdistrict, developing new audiences for all types of theatrical productions, and monitoring preservation and use covenants in Broadway's "listed theaters."

The Theater Subdistrict Council shall adopt a plan every three years for the sale, distribution and marketing of reduced price tickets to new and undeveloped audience groups. Such plan shall include locations outside of the Theater Subdistrict where such reduced price tickets will be available. The plan shall also include a way to evaluate yearly its effectiveness by:

- (a) the number of tickets sold; and
- (b) the penetration of the new identified markets which shall be reported to the Chairperson of the City Planning Commission and filed with the Council of the City of New York.

The Theater Subdistrict Council shall advise the Chairperson of the City Planning Commission concerning applications for any special permit, authorization or certification pursuant to the special regulations for the Theater Subdistrict and shall be the holder and administrator of the funds received in connection with transfers of development rights from "listed theaters" pursuant to Section 81-744 in accordance with the provisions for the Theater Subdistrict Fund set forth in paragraph (h) of Section 81-741 (General provisions).

(2/2/11)

81-72

Use Regulations Modified

The #use# regulations of this Section, inclusive, shall apply within that portion of the Theater Subdistrict bounded by West 40th Street,

a line 100 feet east of Eighth Avenue, West 51st Street and a line 200 feet west of Avenue of the Americas, to #buildings developed# after May 13, 1982, to portions of #buildings enlarged# on the ground floor level after May 13, 1982, and to #extensions#.

(8/6/98)

81-721

Required use allocations on street frontages

#Uses# located on the ground floor or entered by stairs from a sidewalk entry, except for #uses# with no #street# frontage and accessible only through a lobby, shall be limited as follows:

- (a) On any #wide street#, at least 80 percent of any #wide street front lot line# ground level frontage shall be allocated to #uses# indicated in Section 81-722 (Use Group T).
- (b) On any #narrow street#, at least 50 percent of any #narrow street front lot line# ground level frontage shall be allocated to #uses# indicated in Section 81-722.
- (c) For #zoning lots# between 43rd and 50th Streets with #street# frontage on Broadway and/or Seventh Avenue, at least 50 percent of any length of #narrow street front lot line# ground level frontage within 100 feet of Broadway or Seventh Avenue shall be allocated to #uses# permitted only on #wide street# frontages in Section 81-722.

Where a stairway entrance into a subway is relocated onto a #zoning lot# pursuant to Section 81-46 (Off-Street Relocation of a Subway Stair), up to, but not more than, 40 feet of the #narrow street front lot line# ground level frontage occupied by that stairway may be excluded from the length of #narrow street# frontage to which the requirements of this Section apply.

(9/9/04)

81-722

Use Group T

The following #uses# are subject to the limitations on location and #floor area# of the underlying zoning district:

#Uses# marked with an asterisk (*) are allowed only on #narrow street# frontages.

#Uses# marked with double asterisks (**) are allowed only on floors other than the ground floor.

#Uses# marked thus (***) qualify as #uses# satisfying the requirements of Section 81-724 (Requirements for entertainment-related uses).

#Use#

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

Antique stores

#Apartment hotels# - lobby space is limited to 20 percent of total #zoning lot# frontage on #wide streets#

Appliance, repair shops - not permitted in C5 Districts

Appliances, sales

Art galleries, commercial

* Art galleries, non-commercial

Art metalcraft shops

Art needlework

Artists' supply stores

Athletic goods stores

*** Auditoriums

* Automobile rental establishments - not permitted in C5 Districts

Bakeries

Banks - limited to 15 percent of total #zoning lot# frontage on #wide streets#

* Banquet halls

** Barber shops

** Beauty parlors

Bicycle stores, rental or repair - not permitted in C5 Districts

Bicycle stores, sales

* Blueprinting establishments

* Boarding houses

Book stores or card stores

* Bowling alleys - not permitted in C5 Districts

** Business machines, small shops, rental, repairs, sales

** Business schools or colleges

Candy stores

Carpet, rug, linoleum or other floor covering stores

* Catering establishments

Cigar stores

Clock or watch stores or repair shops

Clothing rental establishments

Clothing stores

* Clubs, non-commercial

Coin stores

* Colleges or universities

* Community centers

* Convents

*** Costume rental establishment

** Dance halls, public - not permitted in C5 Districts

Delicatessen stores

Dressmaking shops, custom

Drug stores

- * Dry cleaning establishments
- Dry goods or fabric stores
- Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less in C5 Districts, without restrictions in C6 or M1 Districts
- *** Eating or drinking places - where there is entertainment or dancing in C6 Districts.
- * Fire stations
- Fishing tackle or equipment, stores or rental establishments
- Florist shops
- Food stores, including supermarkets, grocery stores, markets or delicatessen stores
- Furniture stores
- Furrier shops, custom
- Gift shops
- * Gymnasiums
- Hair products for headwear
- Hardware stores
- Historical exhibits - not permitted in C5 Districts
- Hotels - lobby space limited to 20 percent of total #zoning lot# frontage on #wide streets#
- * Household appliance repair shops - not permitted in C5 Districts
- * Houses of worship
- Ice cream stores
- * Institutions, philanthropic or non-profit
- Interior decorating establishments
- Jewelry shops

Leather goods or luggage stores

* Libraries

Locksmith shops

Luggage stores

* Meeting halls

Millinery shops

*** Motion picture production studios

* Museums

*** Music stores

*** Musical instruments, repair

Newsstands, enclosed

Office or business machine stores, sales or rental

Offices - only lobby space is permitted at grade on #wide street# frontages; lobby is limited to 20 percent of total #zoning lot# frontage on #wide streets#

Optician or optometrist establishments

Orthopedic stores

Paint stores

* Parish houses

* Parks, public or private

#Parking lots, public# and #parking garages, public#, subject to the provisions of Section 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING RESTRICTIONS)

Pet shops

* Phonographic repair shops - not permitted in C5 Districts

Photographic developing or printing establishments

Photographic equipment stores

Photographic studios

Photographic supply stores

* Photostatting establishments

Picture framing stores

* Police stations

* Post offices

* Printing establishments

* Radio appliance repair - not permitted in C5 Districts

*** Record stores

* Recreation centers, non-commercial

* Rectories

#Residences# - only lobby space is permitted at grade on #wide streets#; lobby space is limited to 20 percent of total #zoning lot# frontage on #wide streets#

* Rooming houses

* #Schools#

* Settlement houses

Sewing machine stores, selling household machines

* Shoe repair shops

Shoe stores

* Sign painting shops - not permitted in C5 Districts

* Skating rinks, indoor - not permitted in C5 Districts

* Skating rinks, outdoor ice

Sporting goods stores

Stamp stores

Stationery stores

- * ***Studios, music, dancing or theatrical
- * ***Studios, radio or television
- * Table tennis halls - not permitted in C5 Districts
Tailor shops, custom
Telegraph offices
- * Television repair shops - not permitted in C5 Districts
- *** Theater - a new motion picture theater in a new or existing
#building# shall provide a minimum of 4 square feet of waiting
area within the #zoning lot# for each seat in such theater. The
required waiting space shall be either in an enclosed lobby or
open area that is covered or protected during inclement weather
and shall not include space occupied by stairs or space within
10 feet of a refreshment stand or entrance to a public toilet -
not permitted in C5 Districts
- *** Ticket sales
Tobacco stores
Tour operators
Toy stores
- * Trade or other schools for adults
Travel expositions - not permitted in C5 Districts
Travel bureau - limited to 15 percent of total #zoning lot#
frontage on #wide streets#
Typewriter stores
- * Typewriter or other small business machine
repair stores
Variety stores
Wallpaper stores
- * Wholesale establishments
- * Wholesale offices or showrooms

(8/6/98)

81-723

Special ground floor street frontage restrictions

No single establishment shall have a #wide street front lot line# ground level frontage of less than 10 feet.

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

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

(2/2/11)

81-724

Requirements for entertainment-related uses

With the exception of a #development# or #enlargement# in which more than 50 percent of the new #floor area# is allocated to #transient hotel use#, or all of the #floor area# of the #development# or #enlargement# is allocated to #public parking

garage use#, a #development# or #enlargement# on a #zoning lot# with more than 50 percent of its #zoning lot# area located within the Theater Subdistrict Core shall meet the following requirements:

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

Except as provided in paragraphs (b), (f) and (g) of this Section, the amount of floor space specified shall be located on the same #zoning lot# as the #development# or #enlargement# for which that floor space is provided to meet the requirements of this Section.

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

(1) one of the following conditions exists:

- (i) more than 50 percent of the area of the separate #zoning lot# is located within the Theater Subdistrict Core;
- (ii) the separate #zoning lot# is located within the Theater Subdistrict and the floor space located on such separate #zoning lot# is allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, and #uses# accessory thereto, or a combination thereof, as listed in Section 81-725, and that the separate #zoning lot# is located within the Theater Subdistrict; or
- (iii) the separate #zoning lot# is located within an area bounded by West 42nd Street, Sixth Avenue, West 57th Street, a line 175 feet west of Ninth Avenue, West 52nd Street and a line 150 feet west

of Eighth Avenue, and the floor space located on such separate #zoning lot# is allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, or a combination thereof, and any support spaces related thereto, not including administrative office space, where such floor space occupies no less than 25,000 square feet;

- (2) the floor space located on the separate #zoning lot# is in addition to any floor space provided to meet the requirements of this Section for any other #development# or #enlargement#;
 - (3) the floor space located on the separate #zoning lot# is constructed or renovated specifically for the purpose of meeting the requirements of this Section and has not been utilized for any of the #uses# listed in Section 81-725 at any time during the two-year period immediately prior to the date on which this authorization, as described in paragraph (b) of this Section, is granted; and
 - (4) the #use# located on the separate #zoning lot# achieves a reasonable distribution of entertainment-related #uses# and locations of such #uses#.
- (c) Except as provided in this paragraph, (c), floor space allocated to entertainment-related #uses# listed in Section 81-725, accommodating any number of occupants, shall be classified under Sections 27-254 to 27-258 (Title 27, Chapter 1, Subchapter 3, Article 8 - Occupancy Group F-Assembly) of the 1968 Building Code or Section BC 303 of the 2008 Building Code, as applicable, and shall meet all relevant requirements of Sections 27-522 to 27-549 (Title 27, Chapter 1, Subchapter 8-Places of Assembly) of the 1968 Building Code or Section BC 1024 of the 2008 Building Code, as applicable.

Alternatively, where floor space in an existing #building# is allocated to #uses# listed in Section 81-725 in order to meet the requirements of this Section, the Commission may, by authorization, modify or waive the Code requirements of this paragraph, (c), if, upon examination of proposed plans, it finds that:

- (1) the existing #building# does not otherwise require structural alteration to accommodate the entertainment-related #uses#; and

(2) two plaques will be provided prior to the issuance of any certificate of occupancy for the floor space so allocated to be affixed, as follows:

- (i) the first in a prominently visible location either to the exterior wall of the #building# at ground level adjacent to the main entry or in the main lobby stating that floor space in the #building# is provided to meet the requirements of this Section; and
- (ii) the second either on or immediately adjacent to the corridor or lobby side of the main door to the space itself stating that such floor space is located within that part of the #building#.

Each plaque shall indicate in letters, not less than one inch high, the amount of entertainment-related floor space in square feet, the floor or floors on which it is located, the category of #use# under Section 81-725 to which it is dedicated, and the name and street address of the #development# or #enlargement# for which it partially fulfills the requirements of this Section.

- (d) The certificate of occupancy for the #development# or #enlargement# shall record and specifically describe all floor space allocated to meet the requirements of this Section and shall require the permanent reservation of this space for such purposes as a condition of the certificate of occupancy.

If a portion of the amount of the specified floor space is located on a separate #zoning lot#, no certificate of occupancy for the #development# or #enlargement# shall be issued until a certificate of occupancy has been issued for that floor space provided on the separate #zoning lot# and all other floor space allocated to fulfill the requirements of this Section.

The certificate of occupancy for the #development# or #enlargement# shall identify the amount and location of such specified floor space provided on the separate #zoning lot#. The certificate of occupancy of the separate #zoning lot# shall identify the #development# or #enlargement# for which the specified floor space is provided and the amount and location of that floor space on the separate #zoning lot#. Both certificates of occupancy shall require the permanent reservation of the floor space provided on the separate

#zoning lot# for #uses# which meet the requirements of this Section.

An amount of floor space allocated in an existing #building# to meet the requirements of this Section may be reallocated to another location, except that no floor space allocated in an existing #building# located within the Theater Subdistrict may be reallocated to another location outside the Theater Subdistrict. Such reallocation shall be made provided that the Commission finds, by authorization, that all of the requirements of this Section are still met and that the Commission has received sufficient assurances that the certificates of occupancy of the #development# or #enlargement# and the #building# to which the floor space has been reallocated, will be amended within a period of time after the date of such authorization specified therein to accord with the provisions of this Section.

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

If floor space allocated to entertainment-related #uses# on the separate #zoning lot# is reallocated in accordance with the provisions of paragraph (d) of this Section, the agreement contained in the written declaration shall be amended so that the #zoning lot# on which the newly allocated floor space is located complies with paragraph (d).

- (f) If a certificate of occupancy for floor space to be located on a separate #zoning lot#, pursuant to the provisions of paragraph (b) of this Section, is not reasonably anticipated to be issued prior to the date upon which the #development# or #enlargement# would otherwise be eligible for issuance of a certificate of occupancy, the Commission may also authorize the waiver of any or all of the provisions of paragraphs (b)(3), (d) and (e) of this Section, provided that:

- (1) the owner or lessee of the #development# or #enlargement#, or an affiliate thereof, will make or cause to be made a financial contribution, through payment or repayment of the costs thereof, which will facilitate on such separate #zoning lot#, the #development# of a #building# that will consist predominantly of either entertainment-related #uses#

and #uses# accessory thereto or #community facility# #uses# where at least 25,000 square feet of such floor space allocated to meet the requirements of this Section shall be allocated in its entirety to studios (music, dancing or theatrical), a theater designed and arranged for live performances of drama, music or dance, or a combination thereof, and any support spaces related thereto not including administrative office space;

- (2) the Department of City Planning has received a fully-executed copy of a written declaration against such separate #zoning lot#, requiring that the floor space allocated to meet the requirements of this Section and located on the separate #zoning lot# shall be used solely for entertainment-related #uses# and #uses accessory# thereto for the life of the #development# or #enlargement#. Prior to the release of the financial contribution, pursuant to paragraph (f)(3) of this Section, such declaration 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;
- (3) such financial contribution will be deposited in a trust and agency account, to be released upon a determination made in writing by the Chairperson of the City Planning Commission, made in consultation with the Commissioner of Buildings, that all work on foundations has been completed for such #building#; and
- (4) the prospective operator of the entertainment-related #uses# in the #building# on such separate #zoning lot#:
 - (i) has made substantial financial and construction-related commitments towards the development of the #building#, including, at a minimum, commitments for site acquisition, such as a purchase agreement, deed or ground lease, and architectural agreements for the design of the floor space; and
 - (ii) has secured, or has implemented a fund-raising plan to secure, the funding necessary for the development of the #building#, other than the financial contribution by the owner or lessee of the #development# or #enlargement#.

Where the Commission makes the findings set forth in

paragraphs (f)(1) through (f)(4) of this Section, inclusive, a certificate of occupancy may be issued for the #development# or #enlargement# requiring the provision of such floor space, notwithstanding that no certificate of occupancy has been issued with respect to the floor space located on the separate #zoning lot#.

- (g) In the event that all work on foundations of the #building# on the separate #zoning lot# has not been completed within three years of the grant of an authorization provided under the provisions of paragraph (f) of this Section, the owner or lessee of the #development# or #enlargement# shall, in accordance with the terms of the written declaration recorded against the #development# or #enlargement# at the time of the grant of such authorization, apply to the Commission for:

- (1) an extension of the authorization for up to one additional year for good cause shown; or
- (2) a new authorization, under paragraph (b) of this Section, for alternative floor space consisting of entertainment-related #uses# to be located on a separate #zoning lot# as necessary to meet the requirements of this Section.

In granting such authorization for alternative floor space, the Commission may waive the provisions of paragraph (b)(3) of this Section, provided the floor space was not utilized for any of the #uses# listed in Section 81-725 at any time during the two-year period immediately prior to the date on which the authorization was originally granted under paragraph (b) of this Section.

- (h) Floor space allocated in an existing #building# on a separate #zoning lot#, pursuant to an authorization granted under paragraph (f) of this Section, may be reallocated to another location, provided that the Commission finds, by authorization, that all applicable requirements of this Section are met, except that no floor space allocated in an existing #building# located within the Theater Subdistrict may be reallocated to another location outside the Theater Subdistrict.
- (i) All #uses# satisfying the requirements of this Section shall be subject to the locational requirements of Section 81-72 (Use Regulations Modified).

(4/28/88)

81-725

Entertainment-related uses

Auditoriums, with capacity limited to 2,500 seats

Dance halls, public

Eating or drinking places, where there is entertainment or dancing

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

Studios, motion picture production

Studios, music, dancing or theatrical

Studios, radio or television

Theaters

(5/13/82)

81-73

Special Sign and Frontage Regulations

(5/8/13)

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# of a #development# or ground floor #enlargement# 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 #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 entrances and exits to #accessory# off-street parking provided pursuant to the 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 37-53 (Design Standards for Pedestrian Circulation Spaces) shall be treated as transparent glazed surfaces.

- (b) Canopies (as defined in the Building Code) and awnings shall not be permitted on the exterior of any #building#.

For the purposes of this Section, any #signs# which do not comply with the regulations of this Section may be continued for one year after May 13, 1982, provided that after the expiration of that period such #non-conforming sign# shall terminate; a #sign# which the Chairperson of the City Planning Commission certifies as an integral part of the #building# shall not be required to terminate.

(2/2/11)

81-732

Special Times Square signage requirements

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

No building permit shall be issued by the Department of Buildings for any portion or all of a #development# or #enlargement# on a #zoning lot# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway without prior submission of drawings showing that the #sign# requirements related to #surface area#, location and number of #signs# set forth in paragraphs (a), (b) and (c) of this Section have been met and that electrical power is provided in amounts and locations sufficient to illuminate all such required #signs# to the illumination

levels specified herein. Such drawings shall include, at a scale of 1/16 inch equals one foot, a plan, elevations of #narrow streets# and Seventh Avenue and/or Broadway and cross-sections showing setbacks on Seventh Avenue, Broadway and #narrow streets#. These drawings shall show, for all the #signs# required under this Section, their number and for each, its #surface area# and location and shall list each requirement and the actual dimensions or areas achieved in the design.

Temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising in aggregate more than 50 percent of the total #floor area# of the #development# or #enlargement# shall not be issued by the Department of Buildings until 50 percent of the aggregate #surface area# of #signs# required under paragraph (a)(3) of this Section has been installed and put in operation in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section.

Temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising in aggregate more than 90 percent of the total #floor area# of the #development# or #enlargement# shall not be issued by the Department of Buildings until 90 percent of the aggregate #surface area# of #signs# required under paragraphs (a)(3) of this Section has been installed and put in operation in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section.

Neither temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising in aggregate 100 percent of the total #floor area# of the #development# or #enlargement# nor a first permanent certificate of occupancy for the #development# or #enlargement# shall be issued by the Department of Buildings until all of the #signs# required under this Section have been installed and put in operation in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section.

Notwithstanding the foregoing requirements relating to the granting of certificates of occupancy, the City Planning Commission may, prior to January 1, 2003, certify to the Commissioner of Buildings that compelling circumstances warrant the waiver of any or all such provisions. In granting any such waiver, the Commission shall establish a completion schedule, not to exceed one year from the date of such certification, for the installation and operation of all requisite #signs# in accordance with all of the requirements and standards as set forth in paragraphs (a)(3) and (a)(7) of this Section. The Commission, as it deems appropriate, shall also require security for performance

under the schedule and may prescribe other conditions to address the delay in installation and operation of requisite #signs#.

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

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

No portion of any #illuminated sign# required under this paragraph, (a)(2), shall be located:

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

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

- (3) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 50 square feet for each linear foot of #street# frontage of the

#zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Broadway or Seventh Avenue, except that for any one #zoning lot#, the required minimum aggregate #surface area# shall not exceed 12,000 square feet.

No portion of any #illuminated sign# required under this paragraph, (a)(3), shall be located:

- (i) further than 40 feet from the Seventh Avenue or Broadway #street line# except that, for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and at least one #narrow street#, the areas of required #signs# specified in paragraph (a)(3)(ii) of this Section may be located without distance limit from the Seventh Avenue or Broadway #street line#;
- (ii) below a height of 10 feet or above a height of 120 feet above #curb level#, except that for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and 47th Street, a minimum of 25 percent of the minimum aggregate #surface area# required under this Section or 7,500 square feet, whichever is greater, shall comprise #signs# no portion of which shall exceed 250 feet in height above #curb level#, and each of which shall face the intersection of the center lines of 45th Street and Broadway and shall have its #surface area# measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane; and, for other #zoning lots# with #street# frontage on Seventh Avenue, Broadway and a #narrow street# a maximum of 25 percent of the minimum aggregate #surface area# required under this Section may comprise #signs# located without height limit provided that each such #sign# faces the intersection of the center lines of 45th Street and Broadway and its #surface area# is measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane.

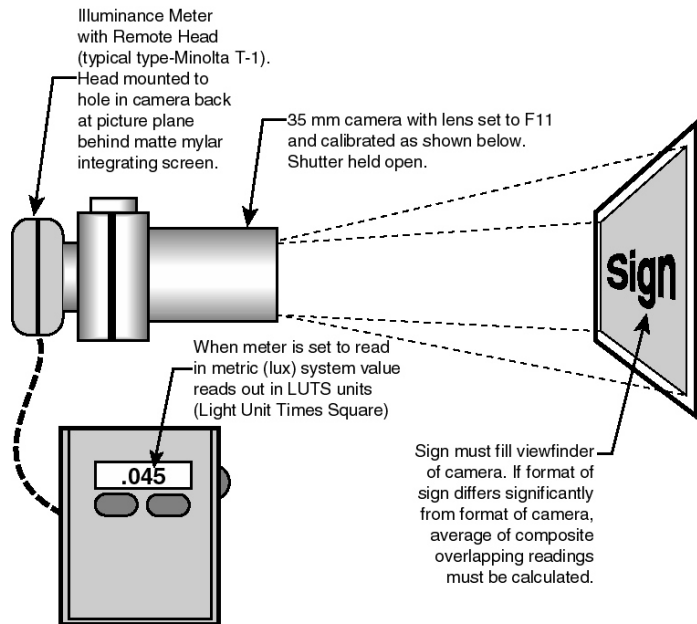
Where a #zoning lot# is located at the intersection of Seventh Avenue or Broadway and one

or more #narrow streets#, at least 60 percent of the minimum aggregate #surface area# of signage required under this paragraph, (a)(3), shall be located within 50 feet of the #narrow streets#. Where a #zoning lot# is located at two such intersections, at least 15 percent of the minimum aggregate #surface area# required under this subsection shall be within 50 feet of each #narrow street#. Where a #zoning lot# is located at three or more such intersections, at least seven percent of the minimum aggregate #surface area# required under this Section shall be within 50 feet of a #narrow street# at each intersection of that #narrow street# and Seventh Avenue or Broadway.

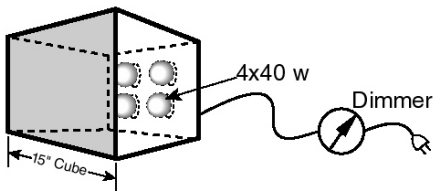
There shall be a minimum of one #illuminated sign# with a #surface area# of not less than 1,000 square feet for each 50 linear feet, or part thereof, of #street# frontage on Seventh Avenue or Broadway, except that for any one #zoning lot# no more than five #signs# shall be required.

With the exception of #signs# defined in paragraph (a)(3)(ii) of this Section as facing the intersection of the centerlines of 45th Street and Broadway, at least 75 percent of the #surface area# of #signs# required under this paragraph, (a)(3), shall be placed at an angle in plan view of not more than 45 degrees to the Seventh Avenue or Broadway #street line#.

#Signs# required under this paragraph, (a)(3), shall, when installed on the #building# and set in operation, meet at a minimum the requirements set out in paragraphs (a)(3)(iii), (iv) and (v) of this Section. The illumination standards contained therein for each #sign# shall be measured with an apparatus (to be known as a Light Unit Times Square or "LUTS" meter) comprising an illuminance meter attached to a 35 millimeter single lens reflex camera body and fitted with a lens of appropriate focal length in accordance with the diagrams herein (see Illustrations of Sign Brightness Measurement System - LUTS Meter). The lens shall be set at F-stop 11.



The LUTS meter must be calibrated prior to use. Although the lens is nominally set to F11, the actual light transmission value may differ especially with long focal length zoom lenses



To calibrate, build a lightbox as shown above. The front of the box shall be 1/4" #2447 opal plexiglass; the other five interior sides shall be painted matte white.

Four standard 40 watt 120 volt incandescent lamps shall be mounted on the back of the box and wired through a dimmer.

In a dark room adjust the dimmer so that the plexiglass is illuminated to a brightness (exitance) of 125 Footlamberts as measured with an accurate luminance meter (e.g. Minolta LS100, Photo Research 1500).

Using the measuring lens of the LUTS meter set to the appropriate focal length, fill the viewfinder with the lightbox, and adjust the aperture until the meter reads 1.5 LUTS. If different lenses or degrees of zoom are to be used, calibrate the meter for each condition and record the appropriate aperture settings.

SIGN BRIGHTNESS MEASUREMENT SYSTEM (LUTS Meter) (81-732aii)

The LUTS Meter shall be calibrated against a reference standard (See Illustrations of Sign Brightness Measurement System - LUTS Meter). Alternative measuring equipment may be employed provided such equipment provides identical measurement against the reference standard described herein.

In measuring the brightness of the whole of a #sign# under the provisions of paragraphs (a)(3)(iii) and (iv) of this Section, the illumination level of the #sign# shall be determined by pointing the LUTS Meter at the #sign# so that the entire #sign# completely fills the viewing frame of the meter. If, because of the shape of the #sign#, the entire #sign# cannot be viewed within the viewing frame, readings may be taken of discrete portions of the #sign# separately, provided, however, that no more of the #sign# than is absolutely necessary to measure the entire #sign#, may be included in more than one such reading. Readings of portions of a #sign# shall be averaged to obtain the average illumination level of the entire #sign#.

In measuring the brightness of a portion of a #sign# required to meet the incident illumination standards specified in paragraphs (a)(3)(iii) and (iv) of this Section, the illumination level of that portion of the #sign# shall be determined by pointing the LUTS Meter at that portion so that the entire portion completely fills the viewing frame of the meter. If, because of the shape or configuration of that portion of the #sign#, the entire portion cannot be viewed within the viewing frame, readings may be taken of discrete sections of that portion separately, provided, however, that no more of the portion than is absolutely necessary to measure the entire portion, may be included in more than one such reading. Readings of sections of that portion of the #sign# shall be averaged to obtain the average illumination level of the entire portion.

If the illumination of a required #sign# or portion thereof is measured prior to its installation on the #building#, all measurements shall be taken in an interior environment with an ambient air temperature of between 65 and 75 degrees Fahrenheit and no ambient light. For all

readings, the LUTS meter shall be located so that its relationship to the #sign# or portion thereof is identical to that described below for taking measurements when the same #sign# or portion thereof is installed on the #building#.

If the illumination of a required #sign# or portion thereof is measured after its installation on the #building#, all measurements shall be taken at night when the ambient air temperature, at a height above #street# level equal to that of the center of the #sign#, is between 65 and 75 degrees Fahrenheit. To measure the illumination level of a #sign# or portion thereof, an imaginary line shall be established which is perpendicular in plan view to the surface of the #sign# or portion thereof and connects its center to a point from which the #sign# or portion thereof is actually visible and which is five feet above #street# level and 60 or more feet away from the #sign#. The LUTS meter shall be located along this line at the furthest distance from the #sign# or portion thereof at which a reading may be obtained by the method specified above.

The duration of one complete operating cycle of any #sign# required under this paragraph, (a)(3), which is animated, in whole or in part, shall not exceed five minutes.

During any one complete operating cycle of any such #sign#, the aggregate time for which such #sign# is unlit shall not exceed 10 percent of the operating cycle and in no case shall exceed 15 seconds. In addition, no single continuous time period during which such a #sign# is unlit shall exceed three seconds. During any one complete operating cycle of any such #sign#, the brightness levels specified below in paragraphs (a)(3)(iii) and (iv) shall be attained for an aggregate time of not less than 20 percent of the operating cycle and in no case shall be less than 10 seconds. In addition, the #surface area# of any #sign# required to be continuously animated, either in whole or in part and either electrically or mechanically, shall exhibit visual changes clearly discernable by an observer at #street# level at intervals not exceeding 30 seconds.

(iii) A minimum of 25 percent of the required minimum

aggregate #surface area# of #signs# required under this paragraph, (a)(3), shall comprise #signs# each of which shall attain for a minimum of 25 percent of its #surface area# at least 1.5 LUTS incident illumination measured as specified in this paragraph, (a)(c), by means of electric lamps, such as neon tubes, incandescent lamps or cathode ray tubes, which are exposed directly to view. All of the remainder of each such #sign# shall attain at least 0.2 LUTS incident illumination measured as specified by means of electric lamps exposed directly to view and/or luminous surfaces comprising translucent material lit from behind by electric lamps.

In addition, each of the #signs# required to meet the standards of this paragraph, (a)(3)(iii), shall have either: a minimum of 20 percent of its #surface area# continuously electrically animated either by means of flashing borders, writing, pictorial representations, emblems or other figures of similar character or by means of #flashing sign surface area# serving as a field or background thereto; or, a minimum of 50 percent of its #surface area# continuously mechanically animated.

- (iv) In addition, a minimum of 25 percent of the required minimum aggregate #surface area# of #signs# required under this paragraph, (a)(3), shall comprise #signs# each of which shall attain for all of its #surface area# at least 0.4 LUTS incident illumination measured as specified by means of luminous surfaces comprising translucent material lit from behind by electric lamps. Alternatively, but also in addition to paragraph (a)(3)(iii) of this Section, a minimum of 25 percent of the required minimum aggregate #surface area# of #signs# required under this paragraph, (a)(3), shall achieve the same incident illumination levels for the same amounts of #surface area# as specified in paragraph (a)(3)(iii).

In addition, each of the #signs# required to meet the standards of this paragraph, (a)(3)(iv), shall have either: a minimum of 20 percent of its #surface area# continuously electrically animated either by means of flashing borders, writing, pictorial representations, emblems or other

figures of similar character or by means of #flashing sign surface area# serving as a field or background thereto; or, a minimum of 50 percent of its #surface area# continuously mechanically animated.

- (v) The provisions of paragraphs (a)(3)(iii) and (iv) of this Section may be modified or waived upon certification by the Chairperson of the City Planning Commission that the dynamic character and attractiveness of the #sign# or #signs# for which the modification or waiver is granted are assured by the proposed design and operation and that the signage on the #zoning lot# will produce an effect at least equal to that achieved through the application of paragraphs (a)(3)(iii) and (iv).

Except for an individual #sign# meeting the illumination requirements of paragraphs (a)(3)(iii) and (iv) for at least 50 percent of its #surface area#, for all of the #signs# required under this paragraph, (a)(3), all #surface area# not complying with paragraphs (a)(3)(iii) and (iv) shall be lighted with an average level of illuminance across the entirety of that #surface area# of 75 foot candles and with an average to minimum illuminance ratio of not greater than 3.0 to 1.0.

- (4) One illuminated marquee and one additional #illuminated# projecting identification #sign# are required for each theater on a #zoning lot#. A group of motion picture theaters under single ownership and operation shall be treated as one theater for the purposes of this requirement.

Each required marquee shall have a minimum area in plan of 500 square feet and each projecting identification #sign# shall have a minimum #surface area# of 200 square feet. Marquees and identification #signs# may count towards meeting the minimum aggregate #surface area# requirements of paragraph (a)(2) or (a)(3) of this Section, provided that they comply with the locational requirements therein.

- (5) #Signs# which do not meet the locational requirements of paragraph (a)(2) or (a)(3) are permitted, but shall not count towards meeting minimum aggregate #surface area# requirements.

- (6) Required minimum aggregate #surface areas# of #signs# for #zoning lots# with #street# frontage on both Seventh Avenue and Broadway shall be calculated by including both those #street# frontages and any #narrow street# frontages up to the first 40 linear feet of #street# frontage from either Seventh Avenue or Broadway.
- (7) All required #illuminated signs# shall at a minimum remain lit from dusk until 1:00 a.m. daily.

All of the #surface area# of #signs# required under paragraphs (a)(2) and (a)(3) shall be visible from a height of five feet above #street# level at any point 60 feet from the Seventh Avenue or Broadway #street line# of the #zoning lot# on which they are required to be provided.

At least 50 percent of the minimum aggregate #surface area# of #signs# required under paragraph (a)(3) shall comprise #signs# each of which shall be legible during daylight hours from a minimum distance of 60 feet when viewed from ground level at a point perpendicular in plan to the center of the #sign#.

- (b) For #enlargements# which add #floor area# amounting to a #floor area ratio# of at least 1.0, the #sign# requirements of this Section shall apply as follows:

- (1) If the #enlargement# involves an increase in #floor area#, minimum aggregate #surface areas# of required #signs# shall be determined in the same manner as for #developments# on the basis of the length of the #zoning lot's# frontage as set forth in paragraphs (a)(2), (a)(3) and (a)(6) of this Section.
- (2) All other requirements for #signs# required for #enlargements# shall be as provided for #developments# in paragraphs (a)(1), (a)(2), (a)(3), (a)(4), (a)(5) and (a)(7) of this Section.
- (3) The provisions of paragraphs (a)(1) or (a)(2) may be modified or waived upon certification by the Chairperson of the City Planning Commission that such modification or waiver results from compelling necessity.

- (c) #Zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway comprising #developments# or #enlargements# and existing #buildings# to

remain shall meet the requirements of paragraph (a) of this Section for #developments# or paragraph (b) for #enlargements# on the basis of the configuration and #street# frontages of the entire #zoning lot#.

There shall be no reduction in the aggregate #surface area# of #signs# on any existing #buildings# to remain. A #non-conforming sign# may be structurally altered, reconstructed or replaced in the same location and position, provided that such structural alteration, reconstruction or replacement does not result in the creation of a new #non-conformity# or an increase in the degree of #non-conformity# of such #sign#.

(2/2/11)

81-733

Special provisions for central refuse storage area

For all #buildings# or portions of #buildings developed# or #enlarged# after May 13, 1982, located within the Theater Subdistrict, facilities shall be provided for central refuse storage within the #building#, and no refuse shall be stored outside the #building#.

In all cases there shall be an area for central refuse storage provided at the rate of 75 square feet for non-compressed refuse or 50 square feet for compressed refuse for each 10,000 square feet of #lot area#. Such area shall be ventilated.

For carting purposes, such central storage area shall be directly accessible on a 24-hour basis to loading berths, where provided, or to the exterior of the #building#. Furthermore, the central storage area shall be accessible at all times to all #uses# occupying space within the #building#.

Such area shall be exempt from calculations for #floor area# as defined in Section 12-10 (DEFINITIONS).

(5/13/82)

81-74

Special Incentives and Controls in the Theater Subdistrict

(2/2/11)

81-741

General provisions

(a) Certifications

- (1) The transfer of development rights from any "granting site" in accordance with the provisions of Section 81-744 (Transfer of development rights from listed theaters) shall be permitted upon certification by the City Planning Commission.
- (2) In the Theater Subdistrict, modifications of the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), in accordance with the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries), shall be permitted upon certification of the Chairperson of the Commission.

(b) Authorizations by the City Planning Commission

The transfer of development rights from any "granting site" in accordance with the provisions of paragraph (b) of Section 81-744 shall be permitted by authorization by the City Planning Commission.

(c) Special permit by the City Planning Commission

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

- (1) demolition of a theater where permissible under the provisions of Section 81-742 (Listed theaters);
- (2) a #floor area# bonus for rehabilitation of an existing theater in accordance with the provisions of Section 81-745 (Floor area bonus for rehabilitation of existing theaters); and
- (3) transfer of development rights from a #zoning lot# occupied by a theater that is a designated landmark in accordance with the provisions of Section 81-747 (Transfer of development rights from landmark theaters).

(d) Additional #floor area# bonuses

All #developments# or #enlargements# located on the west side of Eighth Avenue between 42nd and 45th Streets within the Theater Subdistrict may receive an increase in #floor area# pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area) for those #developments# or #enlargements# complying with the provisions of Section 23-90 (INCLUSIONARY HOUSING).

(e) Required assurances

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

(f) Limits on total additional #floor area#

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

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

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

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

For #zoning lots# or portions thereof in C6-4 or C6-5 Districts, some or all of the bonus #floor area# or other special #floor area# allowances permitted pursuant to the provisions of Sections 81-744, 81-745, 81-746 or 81-747, relating to the preservation or rehabilitation of existing theaters, may be allocated to a #residential building# or the #residential# portion of a #mixed building#, provided that the total #residential floor area ratio# with such

#floor area# allowances shall not exceed 12.0.

(i) Theater Subdistrict Fund

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

- (1) a portion of any such revenues shall be reserved, sufficient in the judgment of the Theater Subdistrict Council but in no event less than 20 percent of such revenues, to undertake the ongoing periodic inspection and maintenance report requirements pursuant to paragraph (c) of Section 81-743. The Theater Subdistrict Council may petition the City Planning Commission for a reduction in the percentage of such reserve and the Commission may grant such reduction if, in its judgement, a lesser percentage will be sufficient to carry out the purposes of this paragraph; and
- (2) the remainder of such revenue shall be used for activities chosen by the Theater Subdistrict Council furthering the objectives and purposes of this Section, which activities may include judicial or administrative proceedings instituted by the Theater Subdistrict Council against any property owner or lessee to enforce the obligations of such owner or lessee pursuant to any restrictive declaration entered into in connection with a transfer of development rights pursuant to Section 81-744. Notwithstanding the foregoing, funds shall not be used for the physical repair and preservation of theaters.

The Theater Subdistrict Council shall provide an annual report to the Department of City Planning, the Comptroller, the Speaker and the City Planning Commission indicating the amounts and dates of any deposits to the Theater Subdistrict Fund in the immediately preceding calendar year, the balance of the Theater Subdistrict Fund at the close of the calendar year, the amounts expended on activities within the Theater

Subdistrict and the nature of those activities. The Theater Subdistrict Council shall maintain complete, accurate and detailed records, with supporting documentation, in respect to all deposits to and withdrawals from the Theater Subdistrict Fund, and shall make such records available to the City of New York, the Department of City Planning, the Comptroller, the Speaker and the City Planning Commission upon reasonable notice and during business hours for inspection and copying.

(2/2/11)

81-742

Listed theaters

(a) Designation of listed theaters

"Listed theaters" are theaters to which special provisions of this and other Sections as set forth in 81-741 (General provisions) apply, and are predominantly free-standing theaters with full stage and wings. The theaters as identified on August 6, 1998, in the table in this Section, are designated as "listed theaters."

LISTED THEATERS

Theater Name	Address	Block Number	Lot Number
Ambassador	215 West 49th St.	1021	15
Barrymore	243 West 47th St.	1019	12
Belasco	111 West 44th St.	997	23
Biltmore	261 West 47th St.	1019	5
Booth	222 West 45th St.	1016	15
Broadhurst	235 West 44th St.	1016	11
Broadway	1681 Broadway	1024	46
Brooks Atkinson	256 West 47th St.	1018	57
City Center	131 West 55th St.	1008	15
Cort	138 West 48th St.	1000	49
Ed Sullivan	1697 Broadway	1025	43

*Empire	236 West 42nd St.	1013	50
Eugene O'Neill	230 West 49th St.	1020	53
Forty-Sixth St.	226 West 46th St.	1017	48
Golden	252 West 45th St.	1016	58
*Harris	226 West 42nd St.	1013	45
Helen Hayes	240 West 44th St.	1015	51
Henry W. Miller	124 West 43rd St.	995	45
Hudson	139 West 44th St.	997	15
Imperial	249 West 45th St.	1017	10
*Liberty	234 West 42nd St.	1013	49
Longacre	220 West 48th St.	1019	50
Lunt-Fontanne	205 West 46th St.	1018	20
Lyceum	149 West 45th St.	998	8
*Lyric	213 West 42nd St.	1014	39
Majestic	245 West 44th St.	1016	5
Mark Hellinger	237 West 51st St.	1023	11
Martin Beck	302 West 45 th St.	1035	37
Music Box	239 West 45th St.	1017	11
Nederlander	208 West 41st St.	1012	30
Neil Simon	250 West 52nd St.	1023	54
*New Amsterdam	214 West 42nd St.	1013	39
*New Amsterdam- Roof Garden	214 West 42nd St.	1013	39
*New Apollo	234 West 43rd St.	1014	20
Palace	1564 Broadway	999	63
Plymouth	236 West 45th St.	1016	51
Ritz	225 West 48th St.	1020	14
Royale	242 West 45th St.	1016	55
St. James	246 West 44th St.	1015	54
*Selwyn	229 West 42nd St.	1014	17

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

* Indicates theaters which do not qualify as a "granting site" pursuant to Section 81-744

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

(b) Restrictions on demolition of listed theaters

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

- (1) it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Article 216 of the New York City Administrative Code;
- (2) it has been designated a landmark by the Landmarks Preservation Commission and a notice to proceed has been issued to the owner pursuant to Section 25-309 of Title 25, Chapter 3, of the New York City Administrative Code permitting demolition that contemplates removal of the theater from theater #use#; or
- (3) the City Planning Commission, by special permit, allows its demolition in accordance with the provisions of paragraph (c) of this Section.

(c) Special permit for demolition of listed theaters

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

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

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

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

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

(2/2/11)

81-743

Required assurances for continuance of legitimate theater use

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

- (a) a signed lease from a prospective theater operator, or a written commitment from the owner of the theater if such owner is also the operator, for occupancy of the theater and its operation as a legitimate theater for a period of not less than five years;
- (b) a licensed engineer's and/or architect's report certifying either that the theater is physically and operationally sound so as to permit its use as a legitimate theater or, if it is determined that the theater is not physically or operationally sound, a plan and program for the upgrade of the theater to put it in condition of physical and operational soundness. For the purposes of this Section, physical and operational soundness shall include the structural integrity of the exterior and interior elements of the #building# to the extent that they relate to the theater, compliance with applicable electrical and fire safety codes, and compliance with applicable building code standards.

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

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

- (c) A plan and program shall be accompanied by written commitment from such owner of the financial resources available to ensure timely completion of the identified scope of work;
- (d) a legal commitment providing for inspection and ongoing maintenance of the theater to ensure its continued availability for theater use. Such inspection shall be conducted every five years by a licensed engineer and/or architect or by the Theater Subdistrict Council, and a report issued to the Chairperson of the City Planning Commission and notice of such report shall be published in the City Record. Such report shall also be issued to the Theater Subdistrict Council unless the Theater Subdistrict Council has performed such inspection, and, in the event the theater has been designated a landmark or an interior landmark, such report shall also be issued to the Landmark Preservation Commission and notice of such report shall be published in the City Record. Such reports shall describe the condition of the theater and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the theater and to maintain the condition of any landmark architectural features and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and
- (e) a legal commitment for continuance of its #use# as a legitimate theater for the life of the related #development# or #enlargement#.

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

81-744

Transfer of development rights from listed theaters

For the purposes of the Theater Subdistrict:

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

A "granting site" shall mean either a #zoning lot# or that portion of a #zoning lot# occupied by a "listed theater" and comprised of those block and lot numbers specified for such theater pursuant to the table in Section 81-742, as such block and lots existed on January 12, 1998. However, a "granting site" shall not include any #zoning lot# occupied by a "listed theater" located within the geographical area covered by the 42nd Street Development Land Use Improvement Project, adopted by the New York State Urban Development Project in 1984, as such Project has and may be subsequently amended.

A "receiving site" shall mean a #zoning lot# or the portion of a #zoning lot# located within the Theater Subdistrict to which development rights of the "granting site" are transferred. However, no portion of a "receiving site" shall be located within the 42nd Street Development Project Area. In addition, for #zoning lots# containing "listed theaters," that portion of the #zoning lot# occupied by the "listed theater" and comprised of the block and lot numbers specified for such theater, pursuant to the table in Section 81-742, shall not be included in the "receiving site."

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

(a) Transfer of development rights by certification

The City Planning Commission shall allow, by certification, a transfer of development rights from a "granting site" to a "receiving site," except that any "granting site," or portion thereof, located outside the Theater Subdistrict, may not transfer development rights to any portion of a "receiving site" within the Special Clinton District, provided that:

- (1) the maximum amount of #floor area# transferred from a "granting site" is the basic maximum #floor area ratio# established pursuant to Sections 81-211 (Maximum floor

area ratio for non-residential or mixed buildings) or 81-213 (Special provisions for transfer of development rights from listed theaters within the Special Clinton District), as applicable, for such "granting site" as if it were undeveloped, less the total #floor area# of all existing #buildings# or portions of #buildings# on the "granting site" and #floor area# attributed to the "granting site" that has been previously used or transferred;

- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be #developed# or #enlarged# on the #zoning lot# containing the "granting site" by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a "receiving site" shall not exceed the basic maximum #floor area ratio# established pursuant to Section 81-211 for such "receiving site" by more than 20 percent;
- (4) the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) are met; and
- (5) appropriate legal documents are executed ensuring that a contribution in an amount equal to ten dollars* per square foot of transferred #floor area# be deposited in the Theater Subdistrict Fund established pursuant to paragraph (i) of Section 81-741 (General provisions) at the earlier of either the time of closing on the transfer of development rights pursuant to this Section or the filing for any building permit for any #development# or #enlargement# that anticipates using such development rights.

The City Planning Commission shall review such amount no more than once every three years and no less than once every five years and shall adjust the amount to reflect any change in assessed value of all properties on #zoning lots# wholly within the Theater Subdistrict.

(b) Transfer of development rights by authorization

The City Planning Commission shall allow, by authorization, an additional transfer of development rights beyond the amount of #floor area# transfer permitted by certification in paragraph (a) of this Section from a "granting site" to any portion of a "receiving site" located within the Eighth Avenue Corridor, except that any "granting site," or portion thereof, located outside the Theater Subdistrict may not transfer development rights to any portion of a "receiving

site" within the Special Clinton District, subject to the following conditions:

- (1) the maximum amount of such additional #floor area# transfer to that portion of a "receiving site" located within such Corridor shall not exceed the maximum total #floor area ratio# with as-of-right #floor area# allowances in the Theater Subdistrict set forth in Section 81-211 by more than 20 percent; and
- (2) such transfer complies with the conditions and limitations set forth for the transfer of development rights in paragraph (a) of this Section.

In order to grant such authorization, the City Planning Commission shall find that such #development# or #enlargement#:

- (i) relates harmoniously to all structures and #open space# in its vicinity in terms of scale, location and access to light and air in the area; and
- (ii) serves to enhance or reinforce the general purposes of the Theater Subdistrict.

Any application pursuant to paragraphs (a) and/or (b) of this Section shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. The Commission shall not grant any such certification or authorization prior to sixty days after such referral and sixty days after the date any reports required to be submitted to the Landmarks Preservation Commission pursuant to Section 81-743, paragraph (b), or the Theater Subdistrict Council pursuant to Section 81-71 (General Provisions) have been so submitted.

(c) Requirements for Application

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

- (1) a site plan and #floor area# zoning calculations for the "granting site" and the "receiving site" and, for authorizations and/or special permit applications, any

such other information as may be required by the City Planning Commission;

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

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

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

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

- * The contribution of ten dollars per square foot of transferred #floor area# was adjusted by rule on November 15, 2006, to \$14.91 per square foot and on December 10, 2011, to \$17.60 per square foot

(2/2/11)

Floor area bonus for rehabilitation of existing listed theaters

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

(a) Conditions for rehabilitation bonus

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

(1) Location of #development#

The #development# or #enlargement# for which a theater rehabilitation bonus is granted is located on the same #zoning lot# as the "listed theater."

(2) Qualification of substantial rehabilitation

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

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

(3) Timing and commitment

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

(ii) the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) shall be satisfied; and

(iii) a rehabilitation bonus shall not be granted for a

substantial rehabilitation completed before May 13, 1982.

(b) Amount of rehabilitation bonus

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

- (1) how and to what extent the proposed rehabilitation will improve the theater's suitability for #use# as a legitimate theater;
- (2) how the proposed rehabilitation will contribute toward satisfying the needs of the Theater Subdistrict;
- (3) whether the bonus #floor area# will unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of #use# on any #block# to the detriment of occupants of #buildings# on the #block# or the surrounding area; and
- (4) whether the distribution and location of such #floor area# bonus will adversely affect the surrounding area by restricting light and air or otherwise impair the essential character or future development of the surrounding area.

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

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

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

(2/2/11)

81-746

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

- (a) For any #zoning lot# which includes a "listed theater" as set forth in Section 81-742 (Listed theaters) or is, or contains, a "receiving site" pursuant to Section 81-744 (Transfer of development rights from listed theaters), and which is divided by a boundary between districts with different basic maximum #floor area ratios# as set forth in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), the Chairperson of the City Planning Commission, by certification, shall allow modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements), as follows.

For any #zoning lot#, #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations on either side of the district boundary may be located on the other side of the district boundary, provided:

- (1) the amount of such #floor area# to be located on either side of the district boundary shall not exceed 20 percent of the basic maximum #floor area ratio# of the district in which it is to be located;
- (2) the number of such #dwelling units# or #rooming units#, if any, to be located on either side of the district boundary shall not exceed the number permitted by the applicable district regulations; and
- (3) the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) are met for any "listed theater" on such #zoning lot#.

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

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

- (b) Notwithstanding any other provisions of this Resolution, for any #zoning lot# which is divided by a boundary of the Theater Subdistrict Core as defined in Section 81-71 (General Provisions) and for which the basic maximum #floor area ratio# as set forth in Section 81-211 is the same for both the portion within and the portion outside of the Theater Subdistrict Core, the applicable underlying #bulk# regulations shall be modified, as follows:
 - (1) #floor area#, including bonus #floor area#, #dwelling units# or #rooming units#, permitted by the applicable district regulations on that portion of the #zoning lot# within the Theater Subdistrict Core may be located on the portion of the #zoning lot# outside the Core, provided that the number of such #rooms#, if any, to be located outside of the Core shall not exceed the number permitted by the applicable district regulations; and
 - (2) #floor area#, including bonus #floor area#, #dwelling units# or #rooming units#, permitted by the applicable district regulations on that portion of the #zoning lot# outside of the Theater Subdistrict Core shall not be located on the portion of the #zoning lot# within the Core.
- (c) Notwithstanding any other provisions of this Resolution, for any #zoning lot# located wholly within the Theater Subdistrict and outside of the Theater Subdistrict Core that is divided by a boundary of the Eighth Avenue Corridor as defined in Section 81-71 and for which the basic maximum #floor area ratio# as set forth in Section 81-211 is the same for both the portion within and the portion outside of the Eighth Avenue Corridor, #floor area#, including bonus #floor area#, #dwelling units# or #rooming units#, permitted by the applicable district regulations may be located on either side of the Eighth Avenue Corridor boundary.

(2/2/11)

81-747

Transfer of development rights from landmark theaters

The City Planning Commission by special permit may authorize development rights to be transferred from #zoning lots# occupied by landmark #buildings# to other #zoning lots# proposed for #developments# or #enlargements# in accordance with the provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites), as modified by this Section and by Section 81-212 (Special provisions for transfer of development rights from landmark sites).

The limitations on development rights transferred to #development# sites from landmark sites, including sites of landmark theaters, are set forth in Section 81-212.

In the case of landmarks which are theaters and which are located in the Theater Subdistrict, in addition to the modifications set forth in Section 81-212, the provisions of Section 74-79 are modified as follows:

- (a) "Landmark buildings" shall include #buildings# which contain interior landmarks as well as #buildings# which are themselves landmarks.
- (b) In all underlying districts throughout the Theater Subdistrict, "adjacent lots" to which landmark theaters' development rights may be transferred shall be construed to include a contiguous lot or one which is across a #street# and opposite to another lot or lots which, except for the intervention of #streets# or #street# intersections, form a series extending to the lot occupied by the landmark #building#, all such lots being in the same ownership, fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS).
- (c) The provisions of paragraph (c) of Section 74-792 are further modified to provide that in any underlying district within the Theater Subdistrict, the "adjacent lot" may be #developed# or #enlarged# with either a #commercial# or a #mixed building#.

Where development rights are proposed to be transferred and exercised in accordance with the provisions of Section 74-79, as modified by this Section, the Commission, in addition to the findings required in paragraph (e) of Section 74-792, shall find that:

- (1) the series of intervening lots in common ownership leading to the "adjacent lot" include lots, identified by the Commission, which are occupied by "listed theaters" or by #uses# which directly support neighborhood theater business,

such as, but not limited to, rehearsal space, recording facilities or theater costume rental facilities and that such #uses# will be continued or replaced by other legitimate theaters or theater supportive #uses# as evidenced by covenants binding the owners of such lots, their successors and assigns to provide for such continuation or replacement; or

- (2) useful circulation improvements or other public facilities will be provided and maintained on one or more of the lots comprising the series of intervening lots to accommodate pedestrian or vehicular traffic generated by legitimate theaters.

The Commission shall require the owner of any intervening lot on which special #use# restrictions are applicable or on which circulation improvements or other public facilities are to be provided and maintained to sign a written declaration of restrictions setting forth the obligations of the owner, his successors and assigns and providing a performance bond for the completion of any required improvements. The declaration of restrictions shall be recorded in the Office of the Register of the City of New York (County of New York) and the Commission shall be provided with a certified copy.

The provision of Section 74-79 empowering the Commission to grant variations in the front height and setback regulations is modified by the provisions of Sections 81-266 or 81-277 (Special permit for height and setback modifications).

Compliance with the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) shall be a condition for issuance of a special permit under the provisions of this Section.

(2/2/11)

81-75

Special Street Wall and Setback Requirements

#Buildings# located on #zoning lots#, or portions of #zoning lots# within the Theater Subdistrict Core or the Eighth Avenue Corridor, shall comply with the regulations of this Section. The height of all #buildings or other structures# shall be measured from #curb level#.

(2/2/11)

81-751

Special street wall and setback regulations within the Theater Subdistrict Core

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

With the exception of #signs# and parapets not exceeding four feet in height, no obstructions are permitted to penetrate the mandatory #street wall# height limits or setback requirements for #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway set forth in this Section.

For the purposes of this Section, #signs# are permitted as exceptions to the special #street wall# and setback requirements contained herein, except that above the top of a #street wall# before setback required under this Section, no #sign# may be located closer than six feet to the Seventh Avenue or Broadway #street wall# before setback. #Signs# located below the top of a required #street wall# before setback, as defined in this Section, may project across a #street line# up to ten feet. Marquees are not subject to the requirements of this Section.

(a) With the exception of #buildings# located on #zoning lots# between Seventh Avenue and Broadway, #buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue or Broadway shall meet the following requirements:

(1) The #street walls# of any #building# shall have a minimum #street wall# height before setback of 50 feet above #curb level# and a maximum #street wall# height before setback of 60 feet above #curb level# on all #street# frontages, except that:

(i) if the #zoning lot# contains a complete #wide street block# frontage, #wide street street walls#

within 25 feet of the #street line# of a #narrow street# and #narrow street street walls# shall have a minimum #street wall# height before setback of 30 feet above #curb level#; and/or

- (ii) if the #zoning lot# contains a theater listed in the table in Section 81-742 (Restrictions on demolition of theaters) and the theater is retained as part of a #development# or #enlargement#, the maximum #street wall# height above #curb level# before setback of a #narrow street street wall# which is a reconstruction or replacement of an existing #narrow street street wall# of the theater shall be equal to the height above #curb level# of that existing theater #street wall# and the same maximum #street wall# height above #curb level# shall apply only for the width of that existing theater #street wall#.
- (2) Above the required #street wall# height before setback, the #street wall# of any #building# shall be set back at least 15 feet along all #narrow street# frontages of the #zoning lot#.
- (3) For #zoning lots# greater than 15,000 square feet in area:
 - (i) Above the required #street wall# height before setback, the #street wall# of any #building# shall be set back at least 50 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#.
 - (ii) Alternatively, above the required #street wall# height before setback, the #street wall# shall be set back at least 60 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#, except that a portion of the #building# at least 50 feet from the #street line# of any #narrow street# and with aggregate area per floor not exceeding 10 square feet for each linear foot of #zoning lot street# frontage on Seventh Avenue or Broadway may extend forward of the 60 foot #setback line#, provided that no portion is closer than 35 feet to the Seventh Avenue or Broadway #street line#.
 - (iii) Alternatively, if the #zoning lot# contains a theater listed in the table in Section 81-742 and if any portion of the theater is within 100

feet of the #street line# of Seventh Avenue or Broadway, above the required #street wall# height before setback the #street wall# shall be set back at least 60 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#, except that a portion of the #building# with aggregate area per floor not exceeding the lesser of 4,500 square feet or 30 square feet for each linear foot of #zoning lot street# frontage on Seventh Avenue or Broadway, may extend forward of the 60 foot #setback line#, provided that no portion is closer than 20 feet to the Seventh Avenue or Broadway #street line#, 15 feet to the #street line# of the #narrow street# on which the theater has frontage and 50 feet to any other #narrow street street line#.

- (4) For #zoning lots# 15,000 square feet in area or less, above the required #street wall# height before setback, the #street wall# of any #building# shall be set back at least 35 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#.
- (5) Above the required #street wall# height before setback, a portion of any such #building# up to a height of 120 feet above #curb level# may occupy area forward of the setbacks required in paragraphs (a)(3) or (a)(4) of this Section but not closer than 20 feet to the Seventh Avenue or Broadway #street line#, provided that:
 - (i) 90 percent of any #narrow street street wall#, higher than 60 feet above #curb level# and forward of the setbacks required in paragraphs (a)(3) or (a)(4) of this Section is covered with #illuminated signs#.
 - (ii) In addition, 90 percent or 6,000 square feet, whichever is less, of any Seventh Avenue or Broadway #street wall# higher than 60 feet above #curb level# and forward of the setbacks required in paragraphs (a)(3) or (a)(4) of this Section is covered with #illuminated signs#.

For the purposes of this Section, a portion of a #street wall# shall be deemed to be covered with an #illuminated sign# if such #sign# obscures that portion of the #street wall# from view at #street# level at a point perpendicular in plan to the #sign# and 60 feet from the #street line# of the #narrow street# for

paragraph (a)(5)(i) of this Section, and of Seventh Avenue or Broadway for paragraph (a)(5)(ii).

Neither temporary certificates of occupancy for #floor area# of the #development# or #enlargement# comprising, in aggregate, more than 50 percent of the total #floor area# of the #development# or #enlargement#, nor a first permanent certificate of occupancy for the #development# or #enlargement#, shall be issued by the Department of Buildings until all of the requirements as set forth in this Section at the time of issuance of such certificates of occupancy have been met and all #illuminated signs# required under this Section have been installed and put in operation.

- (b) The #street wall# of any #building# on a #zoning lot# between 43rd and 50th Streets and between Seventh Avenue and Broadway shall have a minimum #street wall# height of 50 feet on all #street# frontages.
- (c) For #zoning lots# located partially within the Theater Subdistrict Core and partially within the Eighth Avenue Corridor, the #street wall# of any #building# or portion of a #building# within the Theater Subdistrict Core shall have a minimum #street wall# height of 50 feet or the height of the #building#, whichever is less, and a maximum #street wall# height of 60 feet within 15 feet of the #narrow street line#.

(2/2/11)

81-752

Special street wall and setback regulations within the Eighth Avenue Corridor

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

#Buildings# on #zoning lots# located in whole or in part within the Eighth Avenue Corridor, as defined in Section 81-71, and west of Eighth Avenue shall comply with the requirements of this Section. The provisions of Sections 81-25, 81-26 and 81-27 shall

not apply.

The provisions of paragraphs (a) and (b) of this Section shall apply to #developments#, #enlargements# and alterations, where such alterations change the height, width or location of a #street wall#.

(a) #Street wall# location and minimum and maximum heights before setbacks

- (1) On Eighth Avenue and 42nd Street, #street walls# shall extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, and shall rise to a minimum height of 50 feet or the height of the #building#, whichever is less. At least 70 percent of the width of such #street walls# shall be located on the #street line#, and the remaining 30 percent may be located beyond the #street line# in compliance with #residential outer court# regulations for #residential# portions of #buildings# and #community facility outer court# regulations for all other portions of #buildings#. However, within 30 feet of the intersection of two #street lines#, #street walls# shall comply with the location requirements of paragraph (a)(3) of this Section. The maximum height of #street walls# within 10 feet of the #wide street line# shall be 150 feet beyond 15 feet of a #narrow street line# and 85 feet within 15 feet of a #narrow street line#.
- (2) On a #narrow street# east of Eighth Avenue, and on a #narrow street# west of and within 100 feet of Eighth Avenue, #street walls# shall extend along the entire width of such #narrow street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, and shall rise to a minimum height of 50 feet or the height of the #building#, whichever is less. At least 70 percent of the width of such #street walls# along such #narrow street# frontage shall be located on the #street line#, and the remaining 30 percent may be located beyond the #street line# in compliance with #residential outer court# regulations for #residential# portions of #buildings# and #community facility outer court# regulations for all other portions of #buildings#. However, within 30 feet of the intersection of two #street lines#, #street walls# shall comply with the location requirements of paragraph (a)(3) of this Section. The maximum height of #street walls# within 15 feet of the #narrow street line# shall be 85 feet.

On a #narrow street# west of and beyond 100 feet of Eighth Avenue, the maximum height of #street walls# within 15 feet of the #narrow street line# shall be 66 feet, except in accordance with paragraphs (b) or (c)(3) of this Section. However, no #street wall# need be provided where at least 70 percent of the entire frontage of the #zoning lot# along such #narrow street# is occupied by #street walls# located on the #street line#.

- (3) Within 30 feet of the intersection of two #street lines#, the #street wall# shall be located on the #street line# or anywhere within an area bounded by the two #street lines# and lines parallel to and 15 feet from such #street lines#.
 - (4) Where a continuous sidewalk widening is provided along the entire #block# frontage of a #wide street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.
- (b) Special #street wall# regulations for #buildings# adjacent to listed theaters

For #buildings# that are adjacent to a theater listed pursuant to Section 81-742 (Listed theaters), the maximum height of the #street wall# of the #building# facing the same #street# as the "listed theater" shall be 60 feet within 15 feet of the #street line#.

- (c) Additional regulations applying west of Eighth Avenue
- (1) West of Eighth Avenue, at any level above a height of 85 feet, any #building# or #buildings# or portions thereof shall, in the aggregate, occupy not more than 40 percent of the #lot area# of the #zoning lot#, except that for #zoning lots# of less than 20,000 square feet of #lot area#, this percentage may be increased as set forth in Section 23-65 (Towers Regulations). At any level above a height of 85 feet, any #building# or #buildings# or portions thereof shall, in the aggregate, occupy not less than 33 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall not apply to the highest four #stories# of the #building#.
 - (2) Beyond 125 feet of the western #street line# of Eighth Avenue, and beyond 100 feet of the northern #street

line# of 42nd Street, no #building or other structure# shall exceed a height of 66 feet, except in accordance with paragraph (c)(3) of this Section.

- (3) Where the new or #enlarged building abuts# an existing #building# located entirely beyond 125 feet of the western #street line# of Eighth Avenue and the northern #street line# of 42nd Street, and such existing #building# exceeds a height of 66 feet, the new or #enlarged building# may exceed any height limits specified in this Section up to the height of the existing #building#, provided that, within 15 feet of the #narrow street line#, such portion of the new or #enlarged building# does not exceed either the height of the existing #building# or 85 feet, whichever is less. For the purposes of this paragraph, the height of the existing #building# shall be the height of its #street wall#, before setback, if applicable, of that portion of the existing #building abutting# the new or #enlarged building#, fronting on the same #street line#, and located on the same or adjoining #zoning lot#.

(5/13/82)

81-80

SPECIAL REGULATIONS FOR FIFTH AVENUE SUBDISTRICT

(10/17/07)

81-81

General Provisions

The regulations of Sections 81-82 to 81-85, 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 of this Chapter. They supplement or modify the regulations of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

(2/2/11)

81-82

Special Regulations on Permitted and Required Uses

In order to preserve, protect and enhance the character of the Fifth Avenue Subdistrict as the showcase of New York and national retail shopping, and to allow for #uses# that are consistent with the character of the Fifth Avenue Subdistrict as a major shopping and tourist destination, the following special limitations are imposed on the location and kinds of #uses# and #signs# permitted within the Fifth Avenue Subdistrict. These requirements and limitations shall apply to #developments#, #enlargements#, #extensions# or changes of #use#.

(a) Restriction on ground floor #uses#

#Uses# within #stories# located on the ground floor level or on a floor within five feet of #curb level#, except for lobby space, shall be limited to #uses# listed in Use Group F.

(b) Minimum retail space requirement

Any #zoning lot#, or portion thereof, located within the Fifth Avenue Subdistrict shall contain #uses# listed in Use Group F with a #floor area ratio# of not less than 1.0. When existing #uses# listed in Use Group F are retained, their #floor area# may be counted toward such requirement. In order to count toward the requirement, retail or service establishments shall be located on levels up to but not exceeding a height of six #stories# or 85 feet, whichever is less, or not more than five feet below #curb level#.

(c) Use Group F

Use Group F comprises a group of establishments selected to promote and strengthen retail business in the Fifth Avenue Subdistrict.

Antique stores

Art galleries, commercial

Artists' supply stores

*Banks

Beauty parlors

Book or card stores

Candy stores

Clothing or clothing accessory stores, with no limitation on
#floor area# per establishment

Department stores

Eating or drinking establishments including those which
provide outdoor table service or have music for which there
is no cover charge and no specified showtime

Eating or drinking establishments with musical entertainment
but not dancing, with a capacity of 200 persons or less

Florist shops

Food stores, including supermarkets, grocery stores, meat
markets or delicatessen stores

Furrier shops, custom

Gift shops

Jewelry shops

Leather goods or luggage stores

Millinery shops

Music shops

Newsstands, open or enclosed

Optician or optometrist establishments

Package liquor stores

Photographic equipment or supply stores

Record shops

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Stationery stores

**Studios, television or radio

Tailor or dressmaking shops, custom

Television, radio, phonograph or household appliance stores

Toy stores

*Travel bureaus

Variety stores

Watch or clock stores or repair shops

Any #use# or #uses# marked with an asterisk (*) shall occupy, in the aggregate at the ground floor level, no more than 15 percent of the linear #street# frontage of the #zoning lot# on or within 50 feet of Fifth Avenue and no more than 10 percent of the total #lot area# of the #zoning lot# within 50 feet of Fifth Avenue.

Any #use# or #uses# marked with two asterisks (**) shall be permitted on the ground floor level only if:

- (1) the #building# has frontage on Fifth Avenue; and
 - (2) all portions of the #street wall# of the #building# are set back from the #street line# of Fifth Avenue by a minimum of 40 feet.
- (d) Modification of #use# regulations on a #zoning lot# with no frontage on Fifth Avenue

For a #zoning lot# which has no frontage on Fifth Avenue, the mandatory retail #use# regulations of this Section may be modified for that portion of the #zoning lot# located more than 100 feet from the #street line# of Fifth Avenue, provided that the City Planning Commission certifies that the ground floor space is occupied by a #community facility use# which maintains front wall transparency up to a height of one #story# above the abutting sidewalk level generating pedestrian interest and activity, and is compatible with the character and objectives of the Fifth Avenue Subdistrict. In no event shall the #street line# frontage occupied by such #use# exceed 30 feet.

- (e) The following special #sign# regulations apply to existing as well as new establishments or #uses#:
- (1) The aggregate area of all #signs# in ground floor store windows are restricted to not more than one-third of the window area. Below a level of 10 feet above #curb

level, signs# shall not be permitted on the exterior of any #building#.

- (2) The display of banners or pennants from the exteriors of #buildings# is prohibited.

For the purposes of this Section, any #signs#, including banners and pennants, which do not comply with the above regulations may be continued for one year after April 28, 1983, provided that after the expiration of that period, such #non-conforming sign# shall terminate. A #sign# which the Chairperson of the City Planning Commission certified as an integral part of the #building# shall not be required to terminate.

(2/2/11)

81-83

Special Street Wall Requirements

The #street wall# of any #building# with frontage on Fifth Avenue shall extend without setback from the Fifth Avenue #street line# for at least 90 percent of the entire length of the #front lot line#. The #street wall# shall reach a minimum required height of 85 feet and shall not exceed a height of 125 feet at or within 10 feet of the #street line#.

Where a #building# occupies less than an entire #block# front of Fifth Avenue frontage, the height of the #street wall# at the #street line# shall be not more than 10 feet above or below the height of an adjacent existing #building# at the #street line#. If the #building# is on an #interior lot# between two adjacent existing #buildings# of different heights, the height of such #building's street wall# at the #street line# shall be not more than 10 feet above or below the #street wall# height of one of the adjacent existing #buildings# at the #street line#. However, this shall not be construed to permit a #street wall# height of less than 85 feet or more than 125 feet at the #street line#. At the required height of the #building's street wall# at the #street line#, the #street wall# must extend continuously without setback for at least 75 percent of its required width and no portion of its required width shall be set back more than 10 feet from the #street line#.

For the purpose of calculating the maximum #street wall# height on the #narrow street# frontage of a #corner lot# by the weighted average method, as set forth in paragraph (b) of Section 81-262 (Maximum height of front wall at the street line), the maximum #street wall# height generally applicable along the #narrow

street# shall be averaged with a height of 150 feet for the first 100 feet from the #street line# intersection, provided that no actual #street wall# either on the Fifth Avenue or on the #narrow street# frontage shall exceed a height of 125 feet at the #street line#.

Below the minimum required #street wall# height, recesses whose depth shall be measured in all cases from the #street line#, shall be permitted only as follows: no recesses greater than 10 feet deep shall be permitted; recesses up to 10 feet deep shall be limited in their aggregate area to no more than 30 percent of the area of the #street wall# below the minimum required #street wall# height; in addition, recesses up to two feet deep shall be limited in their aggregate area to no more than 20 percent of the area of the #street wall# below the minimum required #street wall# height; and recesses up to one foot deep shall not be limited in their aggregate area. For the area above the minimum required #street wall# height, recesses are not restricted.

Above a height of 125 feet, a #street wall# shall be set back not less than 10 feet from the #street line#.

(2/2/11)

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 #public plaza#, or any part thereof, shall be permitted on or within 50 feet of the Fifth Avenue #street line#.

(b) Off-street parking regulations

No off-street parking facilities are permitted within the Fifth Avenue Subdistrict.

(c) Off-street loading regulations

In no event shall access to #accessory# off-street loading berths be permitted on or within 50 feet of the Fifth Avenue #street line#. Beyond 50 feet from the Fifth Avenue #street line#, where three or more #accessory# loading berths are required, such berths shall be located below #street# grade. Access to such berths, however, shall be permitted at #street# grade.

#Interior lots# with a frontage only on Fifth Avenue or only on a #wide street# shall not contain loading berths.

(2/2/11)

81-85

Transfer of Development Rights from Landmark Sites

For #developments# or #enlargements#, in addition to the provisions of Sections 74-79 (Transfer of Development Rights from Landmark Sites) and 81-212 (Special provisions for transfer of development rights from landmark sites), the City Planning 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#.

(2/2/11)

81-90

SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT

In order to conform with the existing scale and character of the Preservation Subdistrict, any #zoning lot# located in the underlying C5-P District shall be limited to a maximum #floor area ratio# of 8.0.

For all purposes other than as set forth in this Section, the R10 District regulations shall apply to any portion of a #building# containing #residential uses#.

Mandatory #street walls# are required as follows:

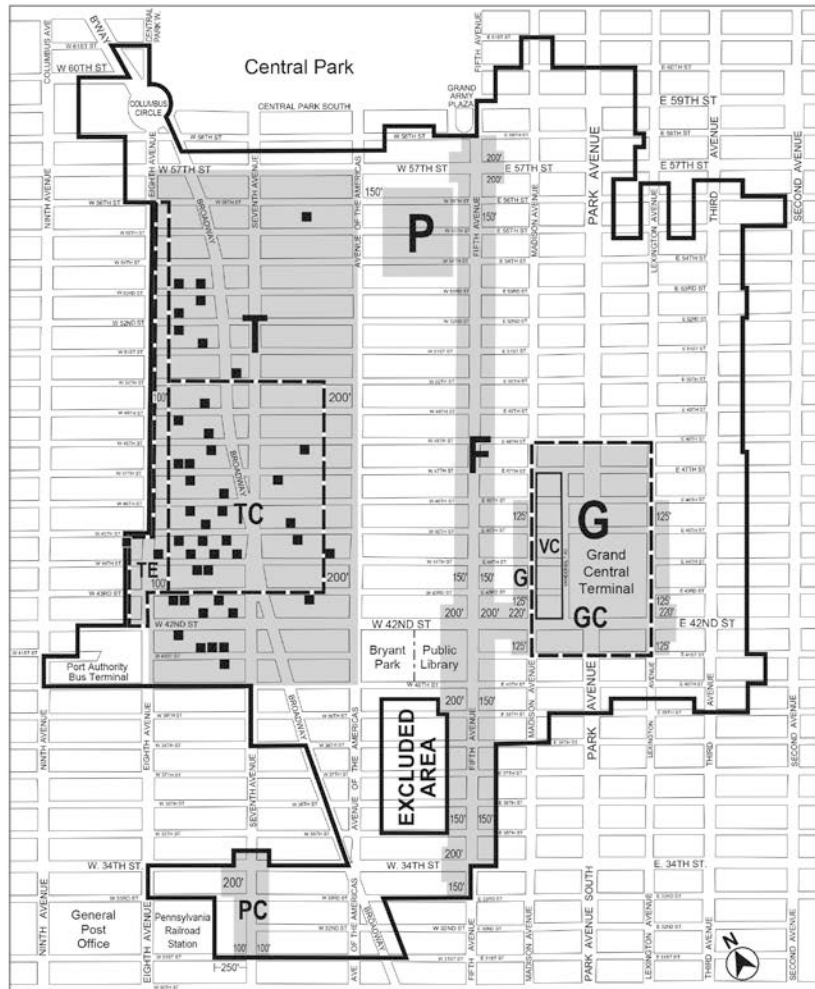
The #street wall# of any #building# shall be located on the #street line# and shall extend along the full length of the #front lot line# to a minimum height of 72 feet above the #curb level#, or the full height of 72 feet above the #curb level#, or the full height of the #building#, whichever is less. Above a height of 85 feet, the #street wall# shall be set back at least 15 feet from the #street line# and shall be subject to the #sky exposure plane# regulations of Section 33-432 (In other Commercial Districts) applicable in C5 Districts. The provisions of Sections 33-44 (Alternate Front Setbacks) and 33-45 (Tower Regulations) are not applicable in the Preservation Subdistrict.

On application, the City Planning Commission may grant special authorization for minor modifications of the mandatory #street wall# provisions of this Section as applied to an #enlargement#, upon the applicant's showing of compelling necessity. Such authorization, however, may in no event include modification of permitted #floor area# regulations.

Appendix A Midtown District Plan Maps

(5/27/15)

Map 1: Special Midtown District and Subdistricts (81-A1)

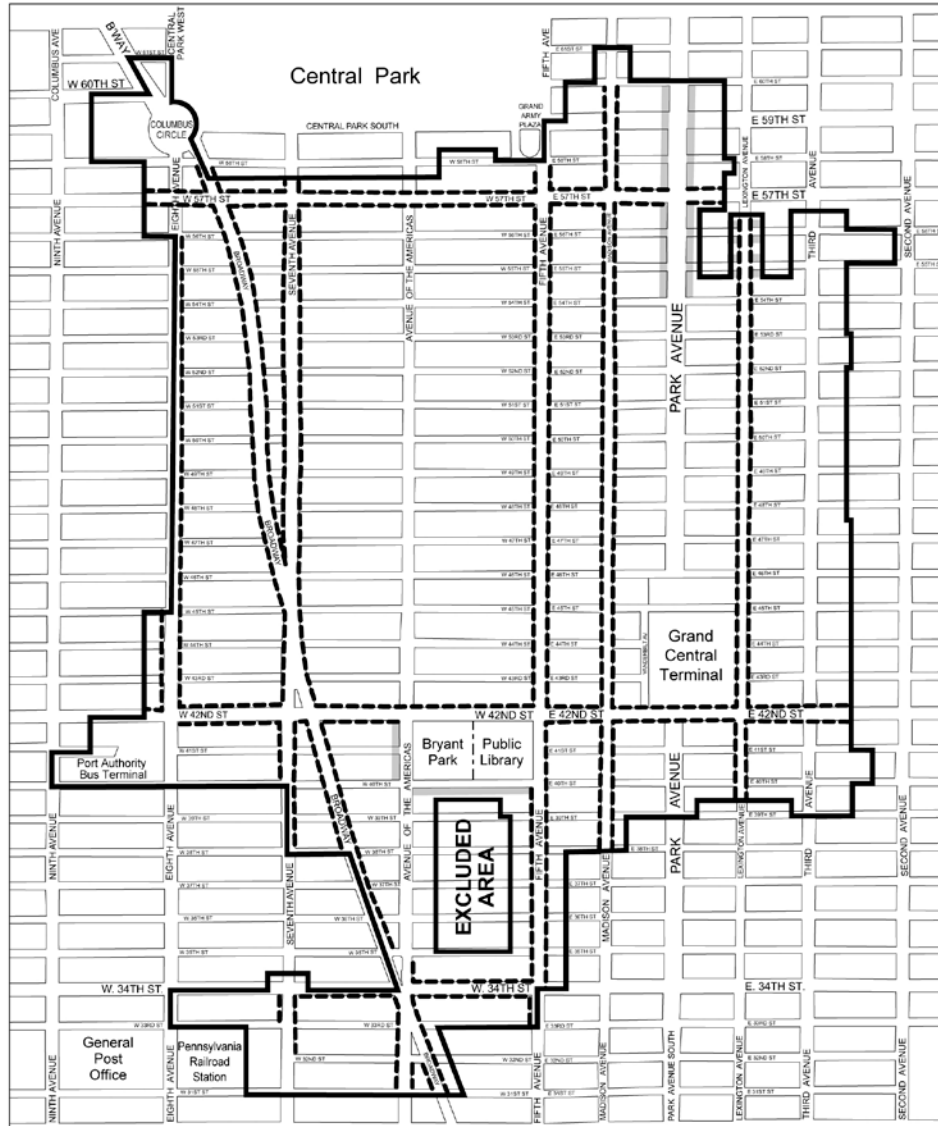


MIDTOWN DISTRICT PLAN
MAP 1 - Special Midtown District and Subdistricts

- | | |
|-----------------------------------|---|
| Special Midtown District | PC Penn Center Subdistrict |
| F Fifth Avenue Subdistrict | T Theater Subdistrict |
| G Grand Central Subdistrict | TC Theater Subdistrict Core |
| GC Grand Central Subdistrict Core | TE Theater Subdistrict Eighth Avenue Corridor |
| VC Vanderbilt Corridor | Listed Theaters |
| P Preservation Subdistrict | |

(6/23/05)

Map 2: Retail and Street Wall Continuity (81-A2)



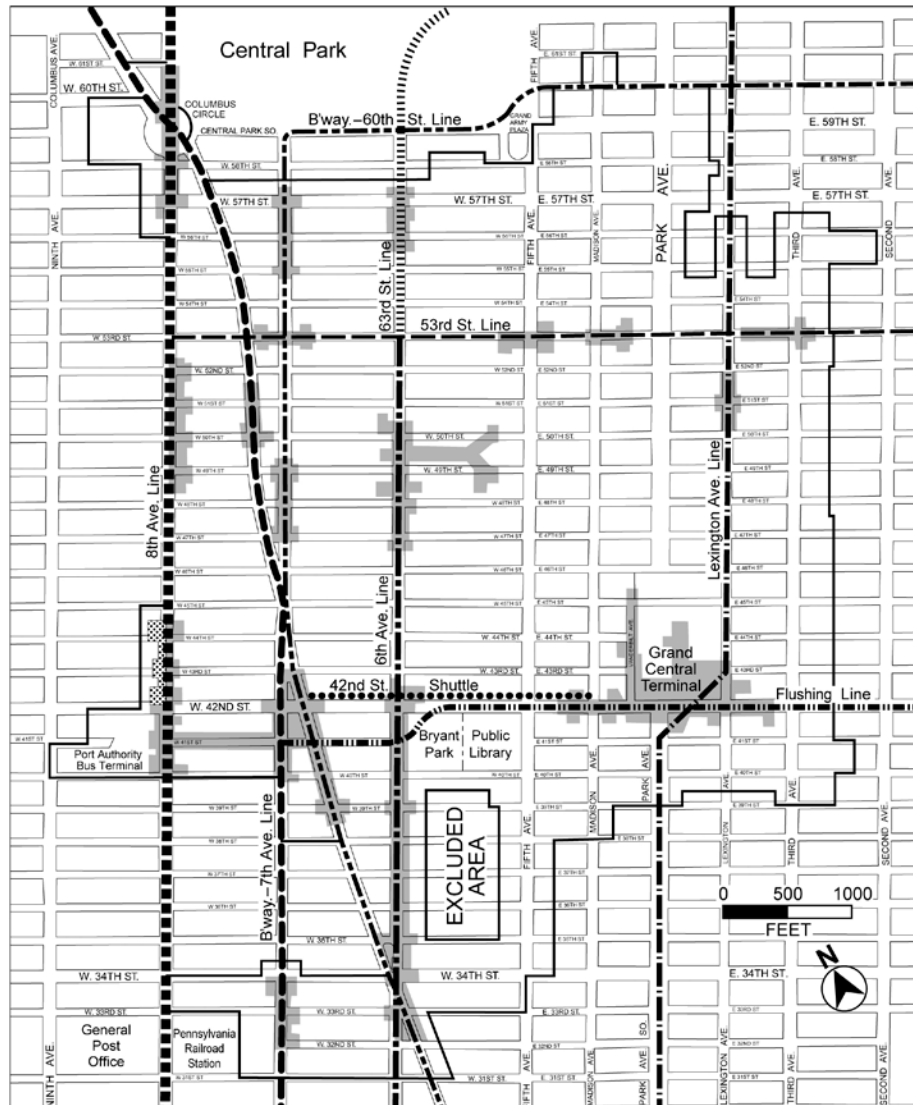
MIDTOWN DISTRICT PLAN MAP 2 - Retail and Street Wall Continuity

- Retail and Street Wall Continuity required
- Only Street Wall Continuity required
- Special Midtown District



(2/2/11)

Map 3: Subway Station and Rail Mass Transit Facility Improvement Areas (81-A3)



MIDTOWN DISTRICT PLAN

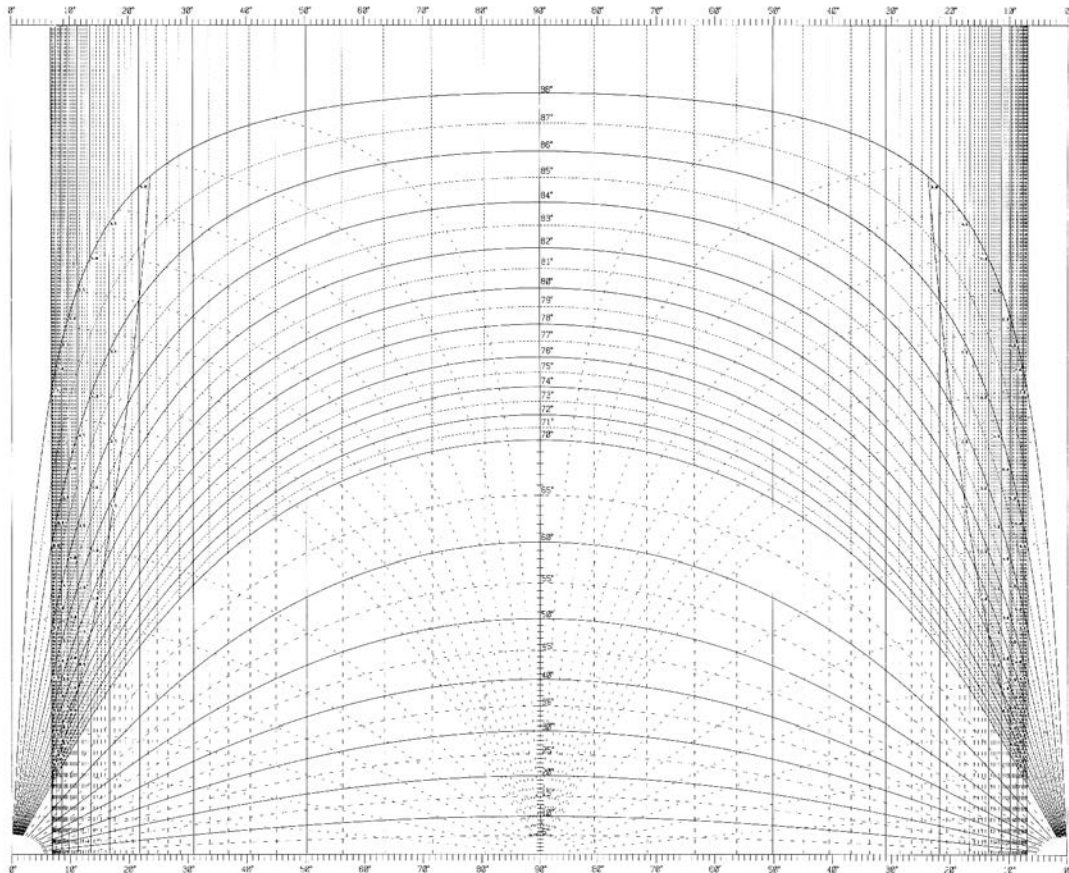
MAP 3 - Subway Station and Rail Mass Transit Facility Improvement Areas

- | | |
|---|----------------------------|
| — Special Midtown District | --- Broadway-60th St. Line |
| ■ Improvement Area | --- 6th Ave. Line |
| ■ Improvement Area (Subway station improvement bonus pursuant to Section 81-292 not applicable) | --- Lexington Ave. Line |
| ■ 8th Ave. Line | --- 63rd St. Line |
| --- Broadway-7th Ave. Line | --- 53rd St. Line |
| | --- 42nd St. Shuttle |
| | --- Flushing Line |

(8/26/92)

Chart 1. Daylight Evaluation Diagram - 60 Foot Street (81-A5L&R)

(A full size, 30" by 36", copy of this chart is available for purchase and inspection at the Department of City Planning's Bookstore.)

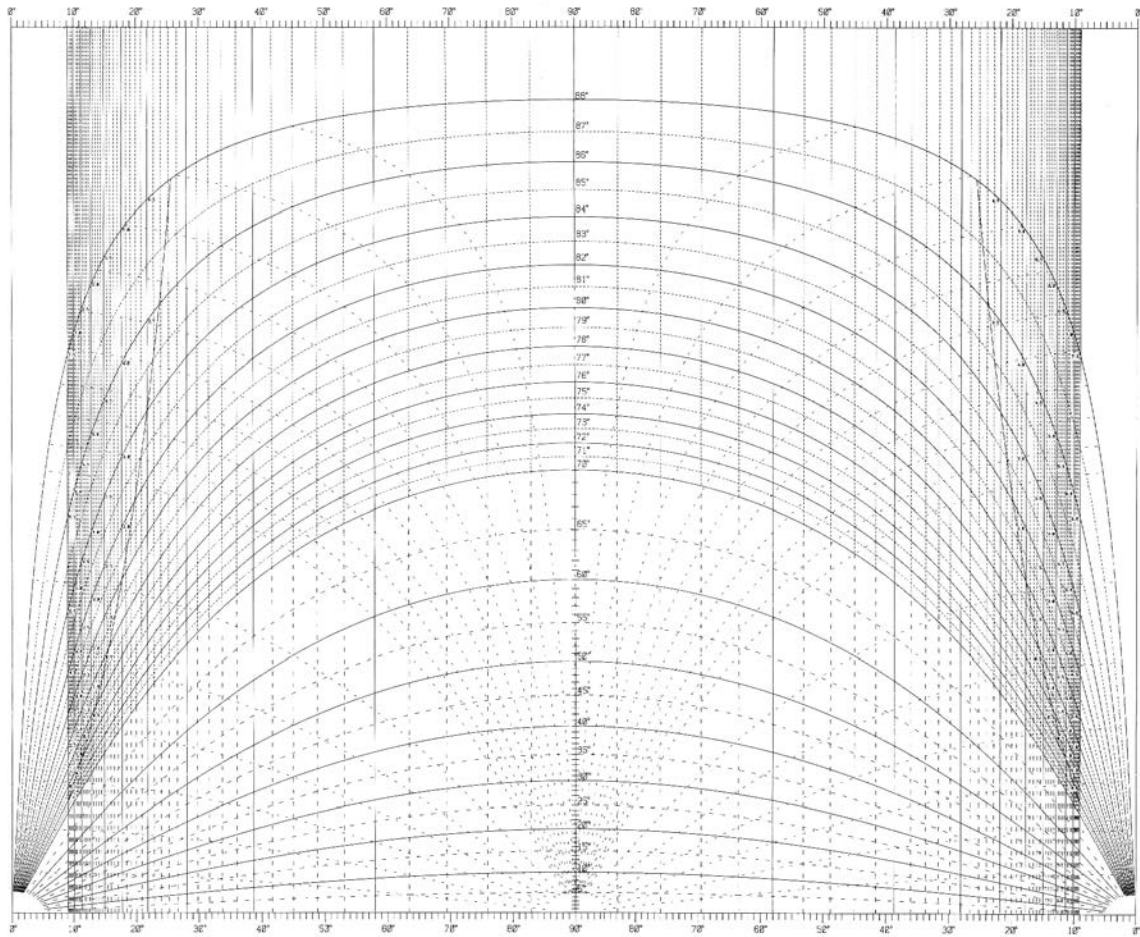


Daylight Evaluation Diagram, 60 Foot Street

(8/26/92)

Chart 2. Daylight Evaluation Diagram - 75 & 80 Foot Streets
(81-A6L&R)

(A full size, 30" by 36", copy of this chart is available for purchase and inspection at the Department of City Planning's Bookstore.)

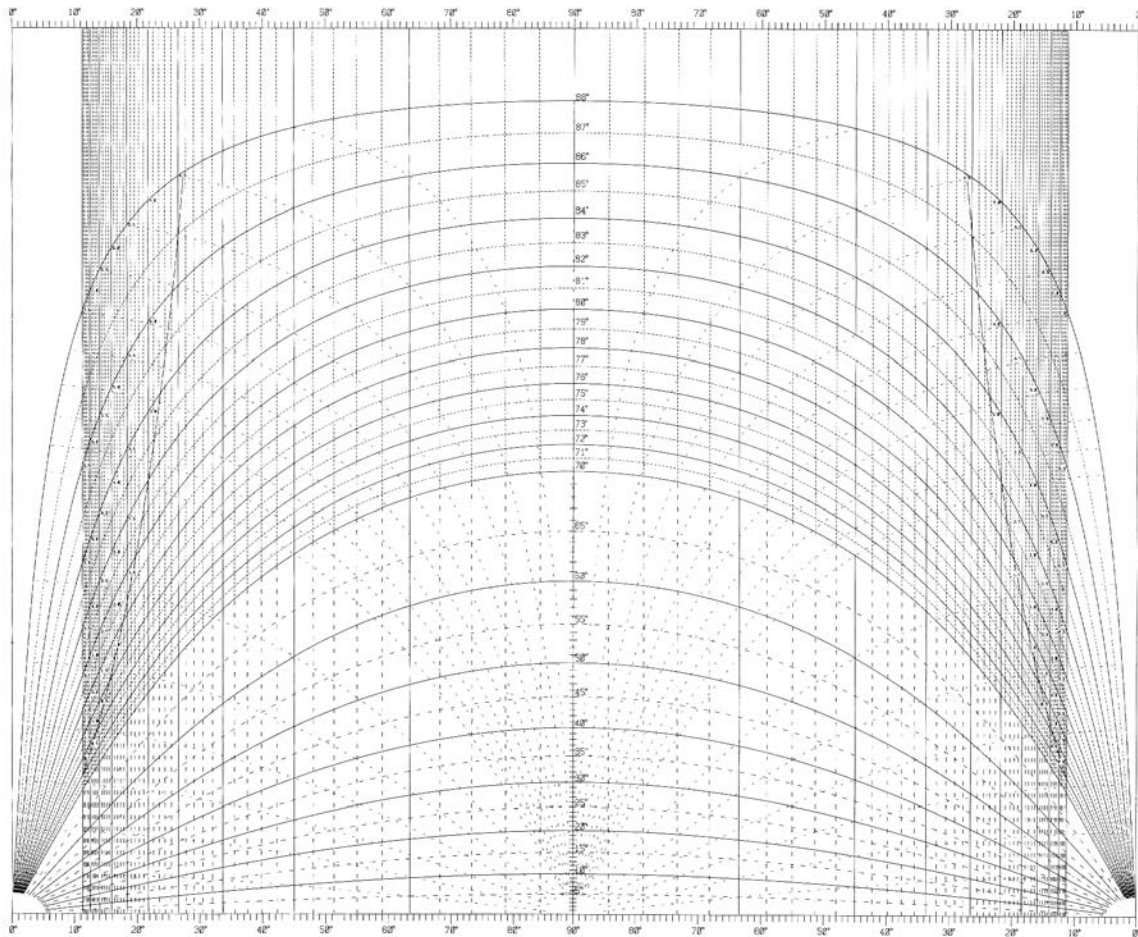


Daylight Evaluation Diagram, 75 and 80 Foot Street

(8/26/92)

Chart 3. Daylight Evaluation Diagram - 100 or more Foot Streets
(81-A7L&R)

(A full size, 30" by 36", copy of this chart is available for purchase and inspection at the Department of City Planning's Bookstore.)



Daylight Evaluation Diagram, 100 or More Foot Street

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VIII: Special Purpose Districts Chapter 2: Special Lincoln Square District

Effective date of most recently amended section of Article VIII Chapter 2: 05/08/13

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(4/24/69)

Article VIII - Special Purpose Districts

Chapter 2

Special Lincoln Square District

(4/24/69)

82-00

GENERAL PURPOSES

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

- (a) to preserve, protect and promote the character of the #Special Lincoln Square District# area as the location of a unique cultural and architectural complex - an attraction which helps the City of New York to achieve preeminent status as a center for the performing arts, and thus conserve its status as an office headquarters center and a cosmopolitan residential community;
- (b) to improve circulation patterns in the area in order to avoid congestion arising from the movements of large numbers of people; improvement of subway stations and public access thereto; including convenient transportation to, from and within the district; and provision of arcades, open spaces, and subsurface concourses;
- (c) to help attract a useful cluster of shops, restaurants and related amusement activities which will complement and enhance the area as presently existing;
- (d) to provide an incentive for possible development of the area in a manner consistent with the foregoing objectives which are an integral element of the Comprehensive Plan of the City of New York;
- (e) to encourage a desirable urban design relationship of each building to its neighbors and to Broadway as the principal street; and
- (f) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings, and

thereby protect the City's tax revenues.

(2/2/11)

82-01 Definitions

Development

For purposes of this Chapter, a "development" includes both #development# and #enlargement#, as defined in Section 12-10 (DEFINITIONS).

(2/9/94)

82-02 General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Lincoln Square District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Lincoln Square District# is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each #development# within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter.

(2/9/94)

82-03 Requirements for Applications

An application to the City Planning Commission for the grant of a special permit or an authorization respecting any #development# under the provisions of this Chapter shall include a site plan showing the location and the proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and proposed off-street parking spaces, and such other information as may be required by the City Planning Commission for its determination as to whether or not a special permit or an authorization is warranted. Such information shall include, but not be limited to, justification of the proposed

#development# in relation to the general purposes of the #Special Lincoln Square District#.

(2/9/94)

82-04 District Plan

The District Plan for the #Special Lincoln Square District#, included as Appendix A, identifies specific subdistricts in which special zoning regulations carry out the general purposes of the #Special Lincoln Square District#. These areas are: Subdistrict A, Subdistrict B and Subdistrict C.

The District Plan also identifies #blocks# with mandatory #front lot line street walls#. The District Plan is hereby incorporated as an integral part of the #Special Lincoln Square District#.

(2/9/94)

82-10 MANDATORY DISTRICT IMPROVEMENTS

The provisions of this Section specify mandatory or optional physical improvements to be provided in connection with #developments# on certain #zoning lots# located within the Special District.

(2/9/94)

82-11 Special Provisions for Optional Arcades

Any #development# located on a #zoning lot# with a #lot line# which coincides with either of the following #street lines# - the east side of Broadway between West 61st and West 65th Streets or the east side of Columbus Avenue between West 65th and West 66th Streets - may contain an #arcade# as defined in Section 12-10, except that:

- (a) the #arcade# shall extend the full length of the #zoning lot# along the #street lines# described above; however, the required #arcade# along the east side of Columbus Avenue may

be terminated at a point 40 feet south of West 66th Street;

- (b) the exterior face of #building# columns shall lie along the #street lines# described above;
- (c) the minimum depth of the #arcade# shall be 15 feet (measured perpendicular to the exterior face of the #building# columns located on the #street line#) and the minimum height of the #arcade# along the center line of its longitudinal axis shall not be less than 20 feet;
- (d) the #arcade# shall contain no permanent obstruction within the area delineated by the minimum width and height requirements of this Section except for the following:
 - (1) unenclosed cafes, provided that there is at least a six foot wide unobstructed pedestrian way adjacent to the #street wall#. In no event may such cafes be enclosed at any time; and
 - (2) structural columns not exceeding two feet by three feet provided that the longer dimension of such columns is parallel to the #street line#, that such columns are spaced at a minimum of 17 feet on center, and that the space between such columns and the face of the #street wall# is at least 13 feet wide. No other columns shall project beyond the face of the #street wall#;
- (e) no #signs# may be affixed to any part of the #arcade# or #building# columns except on a parallel to the #street wall# projecting no more than 18 inches therefrom parallel to the #street line# along which the #arcade# lies; and
- (f) the #arcade# shall be illuminated only by incandescent lighting to a standard of average eight foot-candle intensity with a minimum five foot-candle intensity at any point within the #arcade#.

(10/17/07)

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 37-42 (Standards for Relocation, Design and Hours of Public Accessibility) and 37-43 (Administrative Procedure for a Subway Stair Relocation).

(2/9/94)

82-13

Special Provisions for a Transit Easement

Any #development# located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the #zoning lot# for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.

(2/9/94)

82-20

SPECIAL USE AND SIGN REGULATIONS

In order to provide for the special cultural needs, convenience, enjoyment, education and recreation of the residents of the area and of the many visitors who are attracted to the Lincoln Center for the Performing Arts, a limitation is imposed on the ground floor #uses# within the Special District.

The provisions of this Section shall apply to a #development# or change of #use# within the Special District.

(2/2/11)

82-21

Restrictions on Street Level Uses

Within 30 feet of Broadway, Columbus Avenue or Amsterdam Avenue #street lines#, #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level#, shall be limited to those listed in Use Groups 3A, 3B, 6A, 6C, 8A, 10A and eating or drinking establishments listed in 12A or 12B. Within Use Groups 3A or 3B, #uses# shall be limited to colleges, universities including professional schools, museums, libraries

or non-commercial art galleries. Within such area, lobby space, required accessory loading berths, or access to subway stations are permitted.

(2/2/11)

82-22

Location of Floors Occupied by Commercial Uses

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall not apply to any #commercial use# located in a portion of a #mixed building# that has separate direct access to the #street# and has no access within the #building# to the #residential# portion of the #building# at any #story#. In no event shall such #commercial use# be located directly over any #dwelling units#.

(2/2/11)

82-23

Street Wall Transparency

When the front #building# wall or #street wall# of any #building developed# after February 9, 1994, is located on Broadway, Columbus Avenue or Amsterdam Avenue, at least 50 percent of the total surface area of the #street wall# between #curb level# and 12 feet above #curb level#, or to the ceiling of the first #story#, whichever is higher, shall be transparent. Such transparency shall begin not higher than 2 feet, 6 inches above #curb level#.

(6/23/05)

82-24

Supplementary Sign Regulations

No permitted #sign# shall extend above #curb level# at a height greater than 20 feet or obstruct an #arcade#.

Within Subdistrict B, permitted #signs# facing upon West 65th Street shall not exceed a height of 40 feet above #curb level#, and permitted #signs# facing upon Broadway between West 65th Street and West 66th Street shall not exceed a height of 60 feet

above #curb level#. However, #signs# facing in an easterly or southerly direction upon that portion of the public place designated on the City Map that is located within an area bounded by West 65th Street and the prolongation of the south side of West 64th Street shall not exceed a height of 40 feet above the level of such public place.

(2/9/94)

82-30

SPECIAL BULK REGULATIONS

(2/2/11)

82-31

Floor Area Ratio Regulations for Commercial Uses

Within Subdistrict A, for any #building# in a C4-7 District, the maximum permitted #commercial floor area# shall be 100,000 square feet.

(2/2/11)

82-311

Floor area increase by special permit

The City Planning Commission may by special permit allow the #commercial floor area ratio# permitted on a #zoning lot# pursuant to Section 82-31 (Floor Area Ratio Regulations for Commercial Uses) within Subdistrict A to be increased to 10.0 for #commercial uses#. As a condition for such special permit, the Commission shall find that:

- (a) the #uses# are appropriate for the location and shall not unduly affect the #residential uses# in the nearby area or impair the future land use and development of the adjacent areas;
- (b) the #uses# shall not require any significant addition to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c) the additional #bulk# devoted to #commercial uses# shall not

create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian flow; and

- (d) the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

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

(2/2/11)

82-32

Special Provisions for Increases in Floor Area

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

- (a) #Floor area# increase for Inclusionary Housing

For any #development# to which the provisions of Section 23-90 (INCLUSIONARY HOUSING) are applicable, the maximum permitted #residential floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90.

- (b) #Floor area# bonus for public amenities

On a #zoning lot# that is adjacent to the West 59th Street (Columbus Circle) or the West 66th Street subway station mezzanine, platform, concourse or connecting passageway, where no tracks intervene to separate the #zoning lot# from these elements, and such #zoning lot# contains 5,000 square feet or more of #lot area#, the City Planning Commission may, by special permit pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), grant a maximum of 20 percent #floor area# bonus.

For a subway station improvement or for a subsurface concourse connection to a subway, the amount of #floor area# bonus that may be granted shall be at the discretion of the Commission. In determining the precise amount of #floor area# bonus, the Commission shall consider:

- (1) the direct construction cost of the public amenity;
- (2) the cost of maintaining the public amenity; and
- (3) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to, or reconfigurations of, circulation space, including the provision of escalators or elevators.

(2/2/11)

82-33

Modification of Bulk Regulations

The City Planning Commission may, by special permit, modify the height and setback regulations, #yard# regulations, regulations governing minimum distance between #buildings# on a single #zoning lot#, and regulations governing #courts# and minimum distance between #legally required windows# and walls or #lot lines#, provided the Commission finds that such modifications are necessary to:

- (a) facilitate good design;
- (b) allow design flexibility for any #development# to which the mandatory provisions of Section 82-10 (MANDATORY DISTRICT IMPROVEMENTS) are applicable; or
- (c) incorporate a #floor area# allowance pursuant to Section 82-32 (Special Provisions for Increases in Floor Area) where inclusion of the proposed public amenity will significantly further the specific purposes for which the #Special Lincoln Square District# is established.

(2/9/94)

82-34

Bulk Distribution

Within the Special District, at least 60 percent of the total #floor area# permitted on a #zoning lot# shall be within #stories# located partially or entirely below a height of 150 feet from #curb level#.

For the purposes of determining allowable #floor area#, where a #zoning lot# has a mandatory 85 foot high #street wall# requirement along Broadway, the portion of the #zoning lot# located within 50 feet of Broadway shall not be included in #lot area# unless such portion contains or will contain a #building# with a wall at least 85 feet high coincident with the entire #street line# of Broadway.

(2/2/11)

82-35

Height and Setback Regulations

Within the Special District, all #buildings# shall be subject to the height and setback regulations of the underlying districts, except as set forth in:

- (a) paragraph (a) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line#; and
- (b) paragraphs (b), (c) and (d) of Section 82-37 where the #street wall# of a #building# is required to be located at the #street line# and to penetrate the #sky exposure plane# above a height of 85 feet from #curb level#.

(2/2/11)

82-36

Special Tower Coverage and Setback Regulations

The requirements set forth in Sections 33-45 (Tower Regulations) or 35-63 (Special Tower Regulations for Mixed Buildings) for any #building#, or portion thereof, that qualifies as a "tower" shall be modified as follows:

- (a) At any level at or above a height of 85 feet above #curb level#, a tower shall occupy in the aggregate:
 - (1) not more than 40 percent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the percent set forth in Section 23-65 (Tower Regulations); and
 - (2) not less than 30 percent of the #lot area# of a #zoning lot#.

However, the highest four #stories# of the tower or 40 feet, whichever is less, may cover less than 30 percent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 percent of the gross area of the #story# directly below it.

- (b) At all levels at or above a height of 85 feet from #curb level#, the minimum required setback of the #street wall# of a tower shall be at least 15 feet from the #street line# of Broadway or Columbus Avenue, and at least 20 feet on a #narrow street#.
- (c) In Subdistrict A, the provisions of paragraph (a) of Section 35-63, as modified by paragraphs (a) and (b) of this Section, shall apply to any #mixed building#.

For the purposes of determining the permitted tower coverage in Block 3, as indicated on the District Plan in Appendix A of this Chapter, that portion of a #zoning lot# located within 100 feet of the west #street line# of Central Park West shall be treated as if it were a separate #zoning lot# and the tower regulations shall not apply to such portion.

(2/2/11)

82-37

Street Walls along Certain Street Lines

- (a) On a #zoning lot# with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street# and shall rise without setback to a height of 85 feet above #curb level#:
 - (1) the east side of Broadway between West 61st Street and West 65th Street;
 - (2) the east side of Columbus Avenue between West 65th Street and West 66th Street;
 - (3) the east side of Broadway between West 67th Street and West 68th Street;
 - (4) the west side of Broadway between West 66th Street and West 68th Street; and
 - (5) the west side of Broadway between West 60th Street and West 62nd Street.

Such #street wall# shall extend on a #narrow street# to a distance of not less than 50 feet from its intersection with the #street line# of Broadway or Columbus Avenue and shall include a 20 foot setback at a height of 85 feet above #curb level# as required in Section 33-432 (In other Commercial Districts).

- (b) On a #zoning lot# in Block 1, as indicated on the District Plan in Appendix A of this Chapter, with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street lines# for the entire frontage of the #zoning lot# on that #street#:

- (1) the west side of Broadway between West 62nd Street and West 63rd Street;
- (2) the south side of West 63rd Street between Broadway and Columbus Avenue; and
- (3) the east side of Columbus Avenue between West 62nd Street and West 63rd Street.

The #street wall# located on the south side of West 63rd Street shall rise vertically without setback to the full height of the #building# except for the top four floors or 40 feet, whichever is less, and shall extend along Columbus Avenue and/or Broadway for no more than one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and then set back 20 feet as required in Section 33-432 (In other Commercial Districts).

- (c) On a #zoning lot# in Block 2, as indicated on the District Plan, with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#:

- (1) the east side of Broadway between West 67th Street and West 66th Street;
- (2) the north side of West 66th Street between Broadway and Columbus Avenue; and
- (3) the west side of Columbus Avenue between West 66th Street and West 67th Street.

The #street wall# located on the north side of West 66th

Street shall rise vertically without setback to the full height of the #building# except for the top four floors or 40 feet, whichever is less, and shall extend on Broadway and/or Columbus Avenue for no more than one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and then setback 20 feet as required in Section 33-432.

- (d) On a #zoning lot# in Block 3, as indicated on the District Plan, with a #front lot line# coincident with the #street line# of Central Park West, the #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#.

The #street wall# fronting on Central Park West shall rise vertically without setback to a height of at least 125 feet but not greater than 150 feet and shall extend along the #street line# of West 61st Street and along the #street line# of West 62nd Street to a distance of not less than 50 feet but not more than 100 feet from their intersection with the west #street line# of Central Park West. Above that height, no #building or other structure# shall penetrate a #sky exposure plane# that starts at the #street line# and rises over the #zoning lot# at a ratio of 2.5 : 1.

(2/2/11)

82-38

Recesses in the Street Wall

Recessed fenestration and special architectural expression lines in the #street wall# are required as follows:

- (a) Except as set forth in paragraph (b) of this Section, the aggregate width of all recesses in the #street wall# fronting upon Broadway shall be between 15 percent and 30 percent of the entire width of such #street wall# at any #story# between the ground floor and 85 feet above #curb level#.
- (b) In Block 1, as indicated on the District Plan in Appendix A of this Chapter, for any #street wall# fronting upon the south side of West 63rd Street and extending along Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block# front, the aggregate width of all recesses in the #street walls# along each such #street# shall be between 15 percent and 30 percent of the entire

width of each #street wall# at any #story# between the ground floor and 85 feet above #curb level# and shall be between 30 percent and 50 percent of the entire width of each #street wall# at any #story# above 85 feet above #curb level#.

- (c) In Block 2, as indicated on the District Plan, the requirement of #street wall# recesses in paragraph (b) of this Section shall also apply to a #street wall# fronting upon the north side of West 66th Street and extending along Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block# front.

Such recesses shall be a minimum of one foot in depth and shall not exceed a depth of 10 feet. Below a height of 85 feet above #curb level#, no recesses deeper than one foot shall be permitted in a #street wall# within a distance of 10 feet from the intersection of any two #street lines#.

In addition, along the #street lines# of Broadway, West 63rd Street and West 66th Street within Blocks 1 and 2, the #street wall# shall provide, at a height of 20 feet above #curb level#, an architectural expression line consisting of a minimum six inch recess or projection, for a minimum height of one foot and maximum height of two feet.

(2/9/94)

82-39

Permitted Obstructions within Required Setback Areas

The #street wall# of a #building# may be vertically extended above a height of 85 feet above #curb level# without setback in accordance with either of the following provisions:

- (a) A dormer may be allowed as a permitted obstruction within the required #initial setback distance# above a height of 85 feet above #curb level#. The #street wall# of a dormer shall rise vertically as an extension of the #street wall# of the #building#. A dormer may be located anywhere on a #wide# or #narrow street# frontage.

On any #street# frontage the aggregate width of all dormers at the required initial setback level shall not exceed 60 percent of the width of the #street wall# of the #story# immediately below the initial setback level. For each foot of height above the required initial setback level, the aggregate width of all dormers at that height shall be

decreased by one percent of the width of the #street wall# of the #story# immediately below the initial setback level. Such dormers shall count as #floor area# but not as tower #lot coverage#.

- (b) On a #wide street# and on a #narrow street# within 50 feet of its intersection with a #wide street#, the #street wall# of a #building# may be vertically extended without setback within the required #initial setback distance# above a height of 85 feet above #curb level#, up to a maximum height of 125 feet, provided that the aggregate width of such #street walls# shall not exceed 50 percent of the width of the #street wall# of the #story# immediately below the initial setback level and provided the #street wall# of the #building# contains special architectural expression lines at a height of 85 feet above #curb level#.

(2/2/11)

82-40

SPECIAL HEIGHT LIMITATION

On Block 1 or 2, as indicated on the District Plan in Appendix A of this Chapter, the maximum height of a #building or other structure# shall not exceed 275 feet above #curb level#, except that a penthouse may be located above such height, provided that such penthouse:

- (1) contains not more than four #stories# or 40 feet, whichever is less; and
- (2) the gross area of each #story# does not exceed 80 percent of the gross area of that #story# directly below it.

(5/8/13)

82-50

OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The regulations of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section. In addition, the entrances and exits to all off-street loading berths shall not be located

on a #wide street# except by authorization as set forth in this Section.

(a) #Accessory# off-street parking spaces

#Accessory# off-street parking spaces are permitted only by the applicable special permit of the City Planning Commission pursuant to Section 13-45 (Special Permits for Additional Parking Spaces), inclusive.

(b) Curb cuts

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets# where such curb cuts are needed for off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-441.

(c) Waiver of loading berth requirements

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

- (1) be hazardous to traffic safety;
- (2) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; or
- (3) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

(5/8/13)

82-60

EXISTING PUBLICLY ACCESSIBLE OPEN AREAS OR OTHER PUBLIC AMENITIES

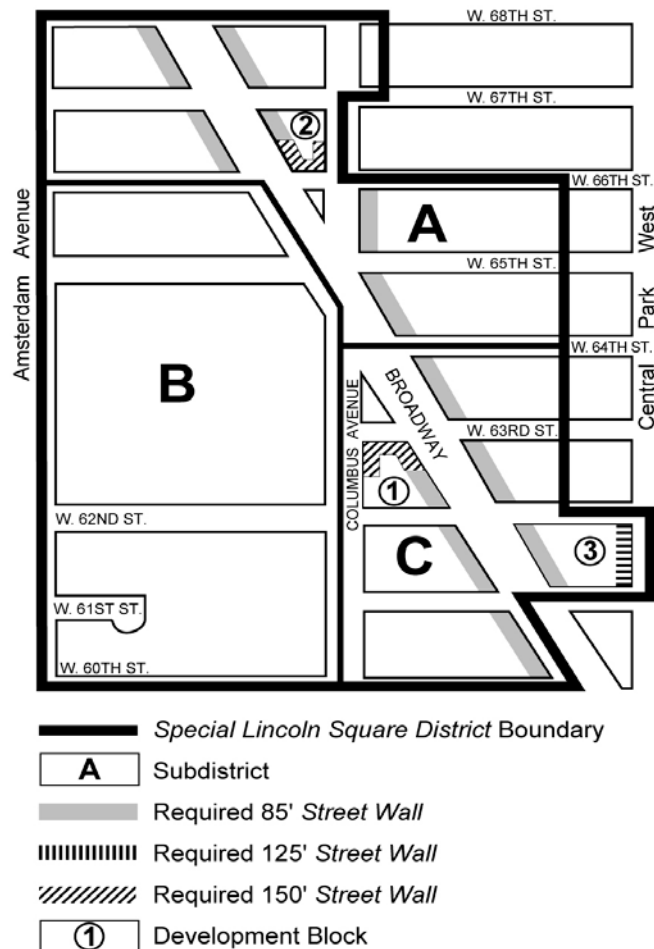
No existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of existing 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 #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.

(2/9/94)

Appendix A

Special Lincoln Square District Plan (82-A)



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VIII: Special Purpose Districts Chapter 3: Special Limited Commercial District

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(10/9/69)

Article VIII - Special Purpose Districts

Chapter 3

Special Limited Commercial District

(10/9/69)

83-00

GENERAL PURPOSES

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

- (a) to preserve, protect, and enhance the character of Historic Districts as the location of many of the city's most valued cultural assets;
- (b) to improve circulation patterns in the areas in order to avoid congestion arising from the movements of large numbers of people;
- (c) to help attract a useful cluster of shops, restaurants, cultural attractions and related activities which will complement and enhance the areas as presently existing; and
- (d) to promote the most desirable use of land in these areas and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

(2/2/11)

83-01

Definitions

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

(2/2/11)

83-02

General Provisions

#Special Limited Commercial Districts# may only be mapped in #Commercial Districts# within areas, or portions of areas, designated by the Landmarks Preservation Commission as "Historic Districts" pursuant to Chapters 8A or 63 of the New York City Charter and Chapter 8A of the New York City Administrative Code.

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Limited Commercial District# and in accordance with the provisions of this Chapter, certain specified #use#, #sign# and enclosure regulations of the districts on which #Special Limited Commercial Districts# are superimposed are made inapplicable, and are superseded by the #use#, #sign# and enclosure regulations of the #Special Limited Commercial District# as set forth in this Chapter.

In addition to meeting the #use#, #sign# and enclosure regulations as set forth in this Chapter, each #building# shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter.

(9/9/04)

83-03

Use Group "LC"

Use Group "LC" comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are attracted to its activities.

A. Amusements

Theaters, limited to a capacity of not more than 300 seats

B. Community Facilities

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

Clubs, except:

(a) clubs, the chief activity of which is a service

predominantly carried on as a business;

(b) non-commercial outdoor swimming pool clubs; or

(c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#

Colleges or universities, including professional schools

College or school student dormitories or fraternity or sorority student houses

Community centers or settlement houses

Houses of worship, rectories or parish houses

Libraries, museums, or non-commercial art galleries

Monasteries, convents, or novitiates used only for living purposes, provided that such #use# is to be part of a group of #buildings# accommodating house of worship activities, #schools# or other house of worship facilities that existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# which is contiguous thereto or directly across the #street# on which such #buildings# face

Non-commercial recreation centers

#Non-profit hospital staff dwellings# located on the same #zoning lot# as a non-profit or voluntary hospital and related facilities or on a separate #zoning lot# which is immediately contiguous thereto or would be contiguous but for its separation by a #street# or a #street# intersection

Non-profit or voluntary hospitals and related facilities, except animal hospitals

Philanthropic or non-profit institutions with or without sleeping accommodations, including nursing homes or sanitariums, provided that the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for central office purposes shall not exceed 25 percent of the total #floor area# or 25,000 square feet, whichever is greater

Proprietary hospitals and related facilities, except animal hospitals

Proprietary nursing homes or sanitariums

#Schools#

Seminaries

Welfare centers

C. Open #Uses#

#Public parks# or playgrounds or private parks

Outdoor ice skating rinks

D. Convenience Retail or Service Establishments

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment

Barber shops

Beauty parlors

Drug stores

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds

Eating and drinking establishments, including those which provide music for which there is no cover charge and no specified showtime

Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or less

Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores, limited to 10,000 square feet per establishment

Hardware stores

Laundry establishments, hand or automatic self-service

Package liquor stores

Post offices

Shoe or hat repair shops

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 10,000 square feet of #floor area# per establishment

E. Offices

Offices, business, professional or governmental

F. Public Service Establishments

Court houses

Electric or gas utility substations, limited in each case to a site of not more than 10,000 square feet

G. Retail or Service Establishments

Antique stores

Art galleries, commercial

Artists' supply stores

Automobile supply stores, with no installation or repair services

Banks, including drive-in banks

Bicycle sales

*Blueprinting or photostating establishments

Book stores

*Business schools or colleges

Candy or ice cream stores

Carpet, rug, linoleum, or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment

*Catering establishments

Cigar or tobacco stores

Clothing or clothing accessory stores, limited to 10,000 square feet of #floor area# per establishment

*Clothing or costume rental establishments

Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment

Electrolysis studios

Fishing tackle or equipment, rental or sales

Florist shops

Frozen food lockers

Furniture stores, limited to 10,000 square feet of #floor area# per establishment

Furrier shops, custom

Gift shops

* Gymnasiums, used exclusively for basketball, handball, squash and tennis

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Leather goods or luggage stores

Loan offices

Locksmith shops

*Medical or dental laboratories for research or testing, or the custom manufacture or artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects

- Medical or orthopedic appliance stores
- Meeting halls
- Millinery shops
- Music stores
- * Musical instrument repair shops
- Newsstands, open or enclosed
- Optician or optometrist establishments
- Paint stores
- Pet shops
- Photographic equipment or supply stores
- Photographic studios
- ** #Physical culture or health establishments#, including
gymnasiums (not listed under Use Group 9), reducing salons,
massage establishments or steambaths, but other than #adult
physical culture establishments#
- Picture framing shops
- * Plumbing, heating, or ventilating equipment showrooms,
without repair facilities
- Record stores
- Seed or garden supply stores
- Sewing machine stores, selling household machines only
- Shoe stores
- Sporting or athletic stores
- Stamp or coin stores
- * Studios: art, music, dancing or theatrical
- Telegraph offices
- Television, radio, phonograph, or household appliance repair
shops

Television, radio, phonograph, or household appliance stores, limited to 10,000 square feet of #floor area# per establishment

Toy stores

- * Trade, or other schools for adults, not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust, odorous matter, heat, humidity, glare, or other objectionable effects

Travel bureaus

- * Typewriter or other small business machine repair shops

Typewriter stores

- * Umbrella repair shops

Wallpaper stores

Watch or clock stores or repair shops

H. Transient Accommodations

#Hotels, transient#

I. Wholesale Establishments

Hair products for headwear, wholesaling including styling

Photographic developing or printing establishments, limited to 2,500 square feet of #floor area# per establishment

J. #Accessory Uses#.

- * In #Special Limited Commercial Districts#, a #use# marked with an asterisk (*) shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street# wall of the #building# in which it is located
- ** In #Special Limited Commercial Districts#, a #use# marked with a double asterisk (**) shall be permitted only by special permit of the Board of Standard and Appeals, pursuant to Section 73-36 (Physical Culture or Health Establishments)

(10/9/69)

83-04

Signs

Non-#illuminated signs# with total #surface area# not exceeding three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 150 feet for #interior# or #through lots# or 150 feet on each frontage for #corner lots#, are permitted. #Illuminated# non-#flashing signs# with total #surface area# not exceeding three times the #street# frontage of the #zoning lot# (in feet), but in no event more than 50 feet for #interior# or #through lots#, or 50 feet on each frontage for #corner lots#, are permitted. No permitted #sign# shall extend above #curb level# at a height greater than 25 feet.

(10/9/69)

83-05

Enclosure of Uses

All permitted #uses# shall be located within #completely enclosed buildings#.

(10/9/69)

83-06

Special Permits by the Board of Standards and Appeals in Special Limited Commercial Districts

For the purpose of determining the powers of the Board of Standards and Appeals in #Special Limited Commercial Districts#, such districts shall be considered equivalent to C1 Districts, and the powers of the Board, as set forth in Article VII, Chapter 3, shall be limited to those powers which the Board would have in C1 Districts.

(10/9/69)

83-07

Special Permits by the City Planning Commission in Special Limited Commercial Districts

For the purpose of determining the powers of the City Planning Commission in #Special Limited Commercial Districts#, such districts shall be considered equivalent to C1 Districts, and the powers of the Commission, as set forth in Article VII, Chapter 4, shall be limited to those powers which the Commission would have in C1 Districts.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VIII: Special Purpose Districts Chapter 4: Special Battery Park City District

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(11/13/81)

Article VIII - Special Purpose Districts

Chapter 4

Special Battery Park City District

(1/8/97)

84-00

GENERAL PURPOSES

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

- (a) to strengthen the business core of Lower Manhattan by improving the working environment;
- (b) to provide major additional space for expansion of office uses and their ancillary facilities;
- (c) to broaden the regional choice of residence by introducing new housing in the vicinity of the major employment center of Lower Manhattan;
- (d) to achieve a harmonious visual and functional relationship with adjacent areas;
- (e) to create an environment which will be lively and attractive and provide daily amenities and services for the use and enjoyment of the working population and the new residents;
- (f) to take maximum advantage of the beauty of the Hudson River waterfront, thereby best serving the downtown business community, the new residential population and providing regional recreation as well; and
- (g) to promote the most desirable use of land and direction of building development in the Lower Manhattan area.

(2/2/11)

84-01

Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), in this Section or Section 84-021 (District Plan). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Esplanade

The "Esplanade" is a #public park# extending along all waterfront edges of the #Special Battery Park City District#. The #Esplanade# is shown in the District Plan in Appendix 1.

Mandatory front building wall lines

"Mandatory front building wall lines" are imaginary lines extending through Zone A and Zone C of the #Special Battery Park City District# which, except as shown in Appendices 2.1 and 3.1 of this Chapter, coincide with #street lines# and with which #building# walls must generally coincide, as provided in Sections 84-132 and 84-332 (Mandatory front building walls).

Special height locations

"Special height locations" are designated areas in Zone A and Zone C of the #Special Battery Park City District# subject to the regulations in Appendices 2.2 and 3.2 of this Chapter, in accordance with Sections 84-135 and 84-333 (Limited height of buildings).

(1/8/97)

84-02

General Provisions

In harmony with the general purpose and intent of this Resolution and in order to achieve the purpose of the #Special Battery Park City District#, a special set of regulations is established for the #Special Battery Park City District# controlling #use#, #bulk#, #accessory# off-street parking facilities and #accessory# off-street loading facilities. Such regulations are contained in this Chapter and in other provisions of this Resolution incorporated in this Chapter by cross-reference.

(1/8/97)

84-021

District Plan

The District Plan is set forth in Appendix 1. Each #block# shall be considered a single #zoning lot# for the purposes of the #Special Battery Park City District#.

(1/8/97)

84-022

Incorporation of Appendix 1, Appendix 2 and Appendix 3

Appendix 1 (District Plan), Appendix 2 (Zone A South Residential Neighborhood) and Appendix 3 (Zone A North Residential Neighborhood and Zone C) are hereby incorporated as integral parts of the provisions of this Chapter. In the event of an inconsistency or need for clarification between Appendix 1 or Appendix 2 or Appendix 3 and the written specifications in this Chapter, in each such case the written specifications in this Chapter shall govern.

(1/8/97)

84-023

Subdistricts

In order to carry out the purposes and provisions of this Chapter, the #Special Battery Park City District# is divided into three subdistricts: Zone A, Zone B and Zone C. The location and boundaries of the subdistricts are shown on the District Plan in Appendix 1.

(8/17/05)

84-03

Use Regulations (For Zone A and Zone C)

The #uses# permitted shall be constructed and located so that no exhaust vents or chimneys open onto any #street# or park or onto the #Esplanade#.

(5/8/13)

84-031

Special permit uses

The following #uses# are permitted only by special permit of the City Planning Commission:

Electrical or gas utility substations, open or enclosed, pursuant to Section 74-61

As a condition precedent to the granting of such special permit, the Commission shall make a finding that such #use# is located so as to minimize adverse effects on existing or future development in nearby areas or on the use or enjoyment of the #Esplanade# or other public facilities.

The following #uses# are permitted only by special permit of the Board of Standards and Appeals:

Electrical or gas utility substations, open or enclosed, pursuant to Section 73-14

Public utility stations for oil or gas metering or regulating, pursuant to Section 73-15

Telephone exchanges or other communications equipment structures, pursuant to Section 73-14

In Zone A, #physical culture or health establishments# in subzone A-4 only, pursuant to Section 73-36. However, #physical culture or health establishments# located below the level of the first #story# ceiling shall not be permitted to front on the #Esplanade#.

(1/8/97)

84-032

Uses not permitted

The following #uses# shall not be permitted:

A. Transient Accommodations

#Hotels, transient#, except as provided in Sections 84-12 and 84-32

#Motels#, #tourist cabins#, or #boatels#

B. Retail or Service Establishments

Electrical glazing, heating, painting, paper hanging, plumbing, roofing, or ventilating contractors' establishments

Exterminators

Funeral establishments

Lumber stores

Monument sales establishments

Moving or storage offices

Pawn shops

Printing establishments

Refreshment stands, drive-in

Sign painting shops

Taxidermist shops

Trade embalmers

Upholstering shops

Window cleaning contractors' establishments, including floor waxing and other similar building maintenance services

C. Wholesale Establishments

Wholesale establishments

D. Automobile Service Establishments

Automotive glass and mirror shops

Automotive seat cover or convertible top establishments

#Automotive service stations#

Tire sales establishments

E. Public Service Establishments

Prisons.

(1/8/97)

84-033

Interim uses

On application to and with the permission of the Battery Park City Authority, any open #use# listed in Use Groups 1 through 16, as set forth in Sections 32-11 through 32-25, is permitted if such #use# is an interim #use# which will not obstruct, interfere with, or be incompatible with the general purposes and overall development of the #Special Battery Park City District#, and if such #use# is not prohibited by the Settlement Agreement, dated June 6, 1980, between the City of New York, the State of New York, and various agencies and instrumentalities thereof. The Authority may prescribe appropriate conditions and safeguards in order to minimize adverse effects on surrounding land #uses#.

(2/2/11)

84-10

ZONE A GENERAL DISTRICT REGULATIONS

Zone A is designed generally to provide for residential development with ancillary retail and service #uses#, and #transient hotels# as permitted pursuant to Section 84-12. Zone A is divided into six subzones: A-1, A-2, A-3, A-4, A-5 and A-6. The location and boundaries of the subzones are shown in Appendices 2 and 3 of this Chapter.

(2/2/11)

84-11

General Provisions

Except as expressly modified by the provisions of this Chapter, the regulations applying to an R10 District shall apply in subzones A-1, A-2, A-3, A-5 and A-6 of the #Special Battery Park City District#.

Notwithstanding any other provision of this Resolution, #developments# and #enlargements# may only be constructed in subzone A-4 in accordance with certifications given by the City Planning Commission. #Residential open space# in subzone A-4 shall be subject to the provisions of Sections 12-10 and 23-12 (Permitted Obstructions in Open Space). For every #dwelling unit# there shall be a minimum of 55.0 square feet of #open space#, and for every #rooming unit# there shall be a minimum of 44.0 square feet of #open space#. All other provisions of this Chapter

with respect to Zone A shall not apply to #developments# or #enlargements# in subzone A-4 unless otherwise indicated.

(2/2/11)

84-12

Use Regulations

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit uses), 84-032 (Uses not permitted), 84-121 (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and non-#residential uses#, #residential uses# are permitted on the same #story# as a non-#residential use#, provided no access exists between such #uses# at any level containing #residences# and provided any non-#residential uses# are not located over any #residences#. However, such non-#residential uses# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from non-#residential uses# exists within the #building#.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

- (a) in any #building# containing an #arcade# required in Section 84-134 (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and
- (b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel uses#, or both #residential# and hotel #uses#.

In the case of hotel #uses# on this #zoning lot#:

- (1) a #physical culture or health establishment# may be permitted; and
- (2) an eating and drinking establishment, as permitted in Section 32-15 (Use Group 6), and a #physical culture and health establishment# or a non-#residential accessory use#, may be located above a #story#

containing #residential uses#.

(2/2/11)

84-121

Uses along Esplanade

Except as set forth in this Section and in Section 84-12 (Use Regulations), #uses# fronting on the #Esplanade# shall be limited to the #uses# listed in Use Groups 2, 3 and 4 as set forth in Section 22-10 (USES PERMITTED AS-OF-RIGHT), except that in the areas indicated as permitted #commercial# locations in Appendix 2.3, in the lowest #story# other than a #basement# in any #building#, the following additional #uses# shall be permitted:

Eating or drinking places, as listed in Use Group 6A in Section 32-15

(2/27/01)

84-122

Uses permitted within public open space areas

Public open space areas located between Murray Street and Warren Street, as indicated in Appendix 3.6, shall be improved at or above grade for use by the public as open areas for passive and/or active recreational #uses#.

(2/2/11)

84-13

Bulk Regulations

#Residential# and #community facility bulk# regulations otherwise applicable in R10 Districts are modified to the extent set forth in this Section and Sections 84-131 through 84-135, inclusive.

The regulations otherwise applicable in R10 Districts are superseded by the regulations set forth in Sections 84-131 (Floor area regulations), 84-132 (Mandatory front building walls), 84-134 (Mandatory arcades) and 84-135 (Limited height of buildings).

The provisions of Sections 23-533 (Required rear yard equivalents) and

24-11 (Maximum Floor Area Ratio and Percentage of Coverage), and Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments) and Chapter 9 (Special Regulations Applying to Large Scale Community Facility Development), are not applicable.

The provisions of Section 23-70 (MINIMUM DISTANCE BETWEEN BUILDINGS) may be modified by the Battery Park City Authority. Prior to the granting of any such modification, the Authority shall make the following findings:

- (a) that such modification will aid in achieving the general purpose and intent of the #Special Battery Park City District#, as set forth in Section 84-01;
- (b) that such modification will not unduly increase the #bulk# of #buildings#, the density of population or the intensity of #use# on any #zoning lot# to the detriment of the occupants of #buildings# on such #zoning lot# or nearby #zoning lots#;
- (c) that such modification will not adversely affect the #buildings# on the #zoning lot# or nearby #zoning lots# by restricting access to light and air; and
- (d) that if an open area is provided, at any level, between two #buildings#, it shall have a width of not less than eight feet.

(2/2/11)

84-131

Floor area regulations

Notwithstanding any other provisions of this Resolution, the permitted #floor area ratio# for any #zoning lot# in subzones A-1 and A-5 shall not exceed 12.0, and in subzones A-2, A-3 and A-6 shall not exceed 8.0. However, within subzone A-6, the #floor area ratio# for the #zoning lot# on the southeast corner of Chambers Street and North End Avenue may be increased from 8.0 to a maximum of 12.0, provided that such additional #floor area# is occupied by a #school#.

The #floor area# bonus provisions with respect to R10 Districts shall not apply.

(2/2/11)

84-132

Mandatory front building walls

Except as set forth in paragraphs (g) and (i) of this Section, where Appendices 2.1 or 3.1 show a requirement for a #building# in Zone A to be built to a #mandatory front building wall line#, any such #building# shall have a mandatory front #building# wall coincident with and constructed along such #mandatory front building wall line#, which shall rise without setback for a height above #curb level#, as specified in this Section, except that, at #building# entrances, openings below the second #story# ceiling in the mandatory front #building# walls will be permitted to provide access to courtyards:

- (a) except as set forth in paragraph (d) of this Section, with respect to any 60-85 foot #mandatory front building wall line# shown in Appendix 2.1, a height of not less than 60 feet nor more than 85 feet;
- (b) with respect to any 110-135 foot #mandatory front building wall line# shown in Appendix 2.1, a height of not less than 110 feet nor more than 135 feet. However, a setback of not more than 10 feet may be provided at a height of 85 feet or more above #curb level#;
- (c) on the portion of any #zoning lot# designated as a #special height location# in Appendix 2.2, a height of not less than the applicable amount set forth in paragraphs (a) or (b) of this Section and not more than the maximum height indicated in Appendix 2.2 or in paragraph (d)(1) of Section 84-135 (Limited height of buildings);
- (d) with respect to any #zoning lot# south of West Thames Street, east of South End Avenue, north of Third Place and west of Battery Place, a height of not less than 18 feet nor more than 85 feet above #curb level#;
- (e) with respect to any 110-135 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 110 feet nor more than 135 feet;
- (f) with respect to any 110-230 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 110 feet nor more than 230 feet, except that:
 - (1) the width of the mandatory front #building# wall in excess of a height of 135 feet shall not exceed 120 feet along any frontage;
 - (2) where the width of the #mandatory front building wall line# along #street lines# intersecting North End Avenue exceeds 100 feet, the mandatory front #building# wall in excess of a height of 135 feet shall not exceed a width of 75 feet along North End Avenue. However, the width of the mandatory front #building# wall along #street lines# intersecting North End Avenue may be reduced to not less than 100 feet in order to

accommodate landscaping and other improvements within or adjacent to the public open space areas shown in Appendix 3.6;

- (3) a setback of ten feet at a height of 135 feet is required along all street frontages, except Park Place West; and
- (4) a setback of not less than five feet and not more than ten feet is required in other locations at a height of 135 feet, as shown in Appendix 3.1;
- (g) with respect to any 150-250 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 150 feet nor more than 250 feet, except that the height may not exceed either 150 feet for more than 120 feet or 75 percent of the length of the site's western property line, whichever is less, and a setback of not less than five feet and not more than ten feet is required at a height of 150 feet. Where Appendix 3.1 shows a requirement for a #building# to be built to a #mandatory front building wall line# along frontage on River Terrace, any such #building# may have a mandatory front #building# wall coincident with and constructed along a line set back one and one-half feet from the #street line# along River Terrace to accommodate landscaping treatment as required by the Battery Park City Authority;
- (h) on the portion of any #zoning lot# designated as a #special height location# in Appendix 3.2, a height of not less than the applicable amount set forth in paragraphs (e), (f) or (g) of this Section and not more than the height shown in Appendix 3.2; and
- (i) on the #zoning lot# south of First Place and west of Battery Place, the eastern mandatory front #building# wall may be located within 30 feet from the eastern #mandatory front building wall line#, and the southern mandatory front #building# wall may be reduced in width up to 30 feet along the southern #mandatory front building wall line# within 30 feet from the intersection with the eastern #mandatory building wall line#.

Subject to the provisions of Section 84-133 (Front wall recesses), the mandatory front #building# wall requirements set forth in this Section shall also apply to all #buildings# along all #street lines# within 50 feet of their intersection with any #mandatory front building wall line#. For the next 20 feet along the #street line#, the mandatory front #building# wall requirements are optional except that, for any #building# north of Vesey Street and Vesey Place, the mandatory front #building# wall requirements are optional for the next 25 feet. The height limit of 85 feet shall apply along #street lines# or to #buildings# not subject to the mandatory front #building# wall requirements.

(1/8/97)

84-133

Front wall recesses

Front wall recesses for architectural or decorative purposes are permitted, except in an #arcade# required in Section 84-134 (Mandatory arcades), provided that below the level of the second #story# ceiling the depth of such recess does not exceed 20 feet. At any #story# above the level of the second #story# ceiling, recesses to the amount of 25 percent of the aggregate area of the wall at each #story# are permitted, provided the depth of any such recess does not exceed 10 feet. All recesses shall be subject to the applicable provisions of Section 23-84 (Outer Court Regulations).

(2/2/11)

84-134

Mandatory arcades

Appendix 2.4 (Mandatory Arcades) specifies those #zoning lots# where an #arcade#, as defined in Section 12-10 (DEFINITIONS), shall be provided; and:

- (a) the #arcade# shall extend the full width of the #zoning lot# along the indicated #street lines# or other lines, except where otherwise indicated in Appendix 2.4; and
- (b) the minimum unobstructed depth of the #arcade# shall be 12 feet, and the minimum height of the #arcade# shall be 20 feet above #curb level#.

(4/30/12)

84-135

Limited height of buildings

For the purposes of this Section, the term "#buildings#" shall include #buildings or other structures#. No portion of any #building# may be built to a height greater than 85 feet above #curb level#, except that:

- (a) any portion of a #building# required to have an exterior wall coincident with a 110-135 foot #mandatory front building wall line#, as provided in Section 84-132 (Mandatory front building

walls), may be built to a height of up to 135 feet above #curb level#;

- (b) any portion of a #building# required to have an exterior wall coincident with a 110-230 foot #mandatory front building wall line#, as provided in Section 84-132 and subject to the requirements contained in paragraph (f) therein, may be built to a height of up to 230 feet above #curb level#;
- (c) portions of a #building# required to have an exterior wall coincident with a 150-250 foot #mandatory front building wall line#, as provided in Section 84-132, may be built to a height of up to 250 feet above #curb level#;
- (d) on the portion of any #zoning lot# designated as a #special height location# in Appendices 2.2 or 3.2, a #building# may be built to the height above #curb level# indicated in Appendices 2.2 or 3.2, subject to the following:
 - (1) on any #building# south of First Place and east of Battery Place, with a mandatory front #building# wall, the area of which, below the level of the second story ceiling, occupies 100 percent of the frontage along its #mandatory front building wall line#, a height of not more than 450 feet, provided, however, that a setback of not more than 10 feet may be provided at a height of 85 feet or more above #curb level#;
 - (2) on #zoning lots# located north of First Place, south of Third Place, and east of Battery Place, #special height locations# not to exceed heights of 135 feet or 360 feet above #curb level# are permitted as indicated in Appendix 2.2, provided that a setback of 10 feet is provided at a height of 85 feet above #curb level# along any #narrow street# frontage;
 - (3) on the #zoning lot# at the southeast corner of Chambers Street and North End Avenue, the #special height location# indicated in Appendix 3.2 shall apply only if such #zoning lot# is occupied by #school# and #residential uses# and the portion of the #building# above a height of 135 feet above #curb level# does not exceed a #lot coverage# of 40 percent; and
 - (4) on the #zoning lot# at the northeast corner of Murray Street and North End Avenue, a #special height location# of 320 feet above #curb level# is permitted as indicated in Appendix 3.2, subject to the requirements contained in Section 84-132, paragraph (f);
- (e) Sections 23-62 (Permitted Obstructions) and 33-42 (Permitted Obstructions) are hereby made inapplicable. Any portion of a #building# that exceeds an established height limit shall be

subject to the following provisions:

- (1) The following shall not be considered obstructions and may thus penetrate a maximum height limit:
 - (i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
 - (ii) Elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment (including enclosure walls), pursuant to Section 33-42 (Permitted Obstructions);
 - (iii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
 - (iv) External wall thickness, pursuant to Section 33-42 (Permitted Obstructions);
 - (v) Flagpoles and aerials;
 - (vi) Heliostats and wind energy systems;
 - (vii) Parapet walls, not more than four feet high in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
 - (viii) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (e)(1)(viii), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
 - (ix) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

(x) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(xi) Solar energy systems:

- (1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
- (2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed a height of 15 feet, or when located on a bulkhead or other obstruction pursuant to paragraph (f) of Section 33-42, do not exceed a height of six feet;
- (3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

(xii) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(xiii) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as

measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;

(xiv) Wire, chain link or other transparent fences.

(2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:

(i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (e)(1) of this Section;

(ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and

(iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top; and

(f) in #special height locations# in Appendices 2.2 and 3.2 of this Chapter, no portion of a #building#, including permitted obstructions, shall exceed a height of 450 feet above #curb level#.

(1/8/97)

84-14

Parking Regulations and Curb Cuts

(5/8/13)

84-141

Accessory off-street parking spaces

Except as provided in Section 84-142 (Accessory off-street parking spaces for buildings containing hotel uses), #accessory# off-street parking spaces may be provided only for #residential uses# subject to the provisions of this Section. The ownership requirement for #accessory# off-street parking is satisfied by an interest commensurate with the interest of the principal #use#. Such #accessory# parking

spaces shall be #completely enclosed#. No portion of any #accessory# parking facility may be constructed at a height of more than 23 feet above #curb level#. Except as otherwise provided in this Section, no #accessory# off-site parking shall be permitted.

#Accessory# parking facilities shall be constructed so that no exhaust vents open onto any #street# or park or onto the #Esplanade# and so that no portion of the facility, other than entrances and exits, is visible from adjoining #zoning lots#, #streets# or parks or the #Esplanade#.

The City Planning Commission may, upon application, authorize permitted #accessory# off-street parking spaces to be located anywhere within Zone A without regard for #zoning lot lines#, provided that the Commission shall find that:

- (a) the #accessory# off-street parking spaces and required curb cuts are located within subzones A-1, A-2 or A-3 for #zoning lots# within subzones A-1, A-2 or A-3, or within subzones A-5 or A-6 for #zoning lots# in subzones A-5 or A-6, as indicated in Appendices 2 and 3; parking setbacks in Appendices 2.5 and 3.4; and curb cut locations in Appendices 2.6 and 3.5;
- (b) such #accessory# off-street parking spaces will be conveniently located in relation to the #buildings# containing #residences# to which such off-street spaces are #accessory#, and provided that all such spaces shall not be further than 600 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#;
- (c) such location of #accessory# off-street parking spaces will permit better site planning;
- (d) such #accessory# off-street parking facility shall contain parking spaces #accessory# to #residential uses# only; and
- (e) such parking facility complies with the findings in paragraphs (c)(1), (c)(2), (c)(3) and (c)(5) of Section 13-45 (Special Permits for Additional Parking Spaces).

Whenever off-street parking spaces are authorized to be located without regard to #zoning lot lines# in accordance with the provisions of this Section, the number of spaces generated by each #building# shall be recorded in that building's certificate of occupancy (temporary and permanent). In addition, any certificate of occupancy for the #accessory# off-street parking facility shall state the number of parking spaces authorized to be relocated from each #zoning lot#.

84-142**Accessory off-street parking spaces for buildings containing hotel uses**

For the #zoning lot# south of First Place and east of Battery Place, #accessory# off-street parking spaces for hotel #uses# may be provided at the rate established for #transient hotels# in Section 13-12 (Permitted Parking for Non-Residential Uses) or 13-13 (Permitted Parking for Zoning Lots with Multiple Uses), as applicable.

(5/8/13)

84-143**Off-street loading**

Enclosed #accessory# off-street loading berths shall be provided in conformity with the requirements set forth in the following table and under rules and regulations promulgated by the Commissioner of Buildings for the #uses# listed in the table.

REQUIRED OFF-STREET LOADING BERTHS

Type of #Use#	For #Floor Area# (in square feet)	Required Berths
Supermarkets	First 8,000	None
	Next 17,000	1
	Next 15,000	1
	Each additional 15,000 or fraction thereof	1
Hotels	First 100,000	None
	Next 200,000	1
	Each additional 300,000 or fraction thereof	1

(2/2/11)

84-144**Location of curb cuts**

Curb cuts are permitted only in the areas or locations indicated in

Appendices 2.6 and 3.5. The aggregate width of all curb cuts provided for any #zoning lot# shall not exceed 20 feet, except that:

- (a) for the #zoning lot# bounded to the north by a mapped public place, to the west by North Park, to the south by Chambers Street, and to the east by Marginal Street, the aggregate width of all curb cuts shall not exceed 40 feet;
- (b) for the #zoning lot# bounded by Warren Street to the north, River Terrace to the west, North End Avenue to the east and Park Place West to the south, the aggregate width of all curb cuts shall not exceed 30 feet, comprised of two 15 foot curb cuts;
- (c) for the #zoning lot# bounded by Murray Street to the north, River Terrace to the west, North End Avenue to the east and Vesey Place to the south, the aggregate width of all curb cuts shall not exceed 40 feet, including a 25 foot wide curb cut to the #accessory# off-street parking facility;
- (d) for the #zoning lot# south of First Place and east of Battery Place, the aggregate width of all curb cuts shall not exceed 50 feet;
- (e) for each #zoning lot# located on the east side of Battery Place:
 - (1) between First Place and Second Place, the aggregate width of all curb cuts shall not exceed 40 feet;
 - (2) between Second Place and Third Place, the aggregate width of all curb cuts shall not exceed 50 feet; and
- (f) for the #zoning lot# south of First Place and west of Battery Place, the aggregate width of all curb cuts shall not exceed 24 feet.

(2/2/11)

84-20

ZONE B

Zone B is designed to provide for commercial and mixed development with ancillary retail and service uses, in accordance with the Large Scale Commercial Development Plan which is attached as an exhibit to the Master Lease for Battery Park City dated June 6, 1980, as amended. Alignment of the pedestrian bridge at Liberty Street shall connect or allow for connection at the easterly line of West Street with a pedestrian connection to be provided on the southerly side of Liberty Street, as provided in this Section and Section 91-72 (Certification for

Development on the Block bounded by Liberty, Washington, Cedar and West Streets). In addition, the pedestrian bridge at the World Trade Center crossing shall connect or allow for connection with the World Trade Center at the easterly line of West Street. The pedestrian bridges are shown on the District Plan in Appendix 1.

(1/8/97)

84-30 **ZONE C**

(2/2/11)

84-31 **General Provisions**

Zone C is designed to provide for commercial and mixed use development, parking and ancillary retail and service uses, as permitted pursuant to this Chapter. Zone C is divided into two subzones: C-1 and C-2. The location and boundaries of the subzones are shown in Appendix 3 of this Chapter. Except as expressly modified by the provisions of this Chapter, the regulations applying to a C6-6 District shall apply in Zone C of the #Special Battery Park City District#.

(1/8/97)

84-32 **Use Regulations**

Use regulations applicable in C6-6 Districts shall apply subject to the provisions of Sections 84-031 (Special permit uses) and 84-032 (Uses not permitted). In addition, the following #uses# shall be permitted:

Indoor interactive entertainment facilities, with eating and drinking, consisting of mechanical, electronic or computer supported games provided that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.

Parking facilities, public, subject to Section 84-341

#Physical culture or health establishments#

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving, as permitted in Use Group 14

(1/8/97)

84-33

Bulk Regulations

#Bulk# regulations otherwise applicable in C6-6 Districts and equivalent #Residential Districts# are hereby modified to the extent set forth in this Section and Sections 84-331 through 84-333, inclusive.

The height and setback regulations otherwise applicable in C6-6 Districts, and equivalent #Residential Districts#, are superseded by the regulations set forth in Section 84-332 (Mandatory front building walls) and 84-333 (Limited height of buildings) and Appendices 3.1 and 3.2.

(2/2/11)

84-331

Floor area regulations

Notwithstanding any other provisions of this Resolution, the permitted #floor area ratio# for any #zoning lot# shall not exceed 15.0. The #floor area ratio# for #residential uses# shall not exceed 10.0. The #floor area# bonus provisions shall not apply.

(2/2/11)

84-332

Mandatory front building walls

Appendix 3.1 specifies locations where a #mandatory front building wall line# is required. #Buildings# shall have a mandatory front #building# wall coincident with and constructed along such #mandatory front building wall line# for a minimum of 80 percent of the length of the frontage required to have the mandatory front #building# wall, which shall rise without setback for a height above #curb level# not less than 110 feet nor more than 140 feet in subzone C-1, and not less than 60 feet nor more than 140 feet in subzone C-2, except that the mandatory

front #building# wall on Murray Street within subzone C-2 may rise without setback to the maximum height established pursuant to Section 84-333 (Limited height of buildings) and, provided further, that the mandatory front #building# wall requirement shall not apply to the #building# frontage along a pedestrian right-of-way in subzone C-2.

However, where Appendix 3.1 shows a mandatory front wall along Murray Street, such front #building# wall may be located either along the #street line# on Murray Street or at a right angle to North End Avenue within 30 feet from the intersection of Murray Street and North End Avenue.

At 140 feet above #curb level#, the #building# must set back at least 15 feet from the #street line# of Vesey Street, North End Avenue and Murray Street, except that there shall be no required setback along Murray Street in subzone C-2. Front wall recesses for architectural and decorative purposes are permitted in mandatory front walls, provided that:

- (a) the aggregate area of front wall recesses below the maximum height of the required front wall is less than 50 percent of the required mandatory front #building# wall;
- (b) the maximum depth of any recess shall be 20 feet;
- (c) recesses with a depth of less than two feet shall not be considered recesses for the purposes of this Section; and
- (d) recesses shall not be open to the sky.

(4/30/12)

84-333

Limited height of buildings

The maximum height of any #building or other structure#, or portion thereof, shall not exceed 400 feet on any portion of subzone C-1 shown as a #special height location# in Appendix 3.2 of this Chapter, except that permitted obstructions, pursuant to Section 33-42, shall be allowed to penetrate a maximum height limit.

The maximum height of any #building or other structure#, or any portion thereof, located within subzone C-2 shall not exceed 180 feet above #curb level#, except that:

- (a) the maximum height of any #building or other structure#, or portion thereof, shown as a #special height location#, shall not exceed the height set forth in Appendix 3.2; and

(b) Sections 23-62 and 33-42 (Permitted Obstructions) are hereby made inapplicable. Any portion of a #building or other structure# that exceeds an established height limit shall be subject to the following provisions:

(1) The following shall not be considered obstructions and may thus penetrate a maximum height limit:

- (i) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# or a #building# at any level;
- (ii) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (iii) Elevator or stair bulkheads, roof water tanks, cooling towers or other #accessory# mechanical equipment (including enclosure walls), pursuant to Section 33-42 (Permitted Obstructions);
- (iv) Fences, wire, chain link or other transparent type;
- (v) Flagpoles and aerials;
- (vi) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (vii) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (b)(1)(vii), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
- (viii) Rooftop greenhouses, permitted pursuant to Section 75-01

(Certification for Rooftop Greenhouses);

(ix) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(x) Solar energy systems:

- (a) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;
- (b) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed a height of 15 feet, or when located on a bulkhead or other obstruction pursuant to paragraph (f) of Section 33-42, do not exceed a height of six feet;
- (c) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

(xi) Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

(xii) Weirs, check dams and other equipment for stormwater

management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher.

- (2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers and #accessory# mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:
 - (i) the width of such additional enclosure wall at each #building# face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (b)(1) of this Section;
 - (ii) the additional area of the enclosure wall at each #building# face is not more than 50 percent of the area permitted as-of-right; and
 - (iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top.
- (c) In no event shall the height of any #building#, including permitted obstructions, exceed 800 feet above #curb level#.

(8/12/04)

84-34

Parking Regulations and Curb Cuts

Notwithstanding any other regulations of this Resolution, off-street parking spaces shall be permitted pursuant to this Section.

(8/12/04)

84-341

Off-street parking

#Accessory# off-street parking spaces are not required in Zone C. However, a maximum of 300 public parking spaces are permitted in subzones C-1 and C-2 combined, provided that:

- (a) such spaces shall be completely enclosed;

- (b) no portion of the parking facility, other than entrances and exits, shall be visible from adjoining #zoning lots#, #streets#, parks or the #Esplanade#;
- (c) no exhaust vents shall open onto any #street# or park; and
- (d) the parking facility shall not be more than 23 feet above #curb level#.

(8/12/04)

84-342

Off-street loading

The number of required #accessory# loading berths in subzone C-2 may be reduced by up to 50 percent of the number required pursuant to Section 36-62 (Required Accessory Off-Street Loading Berths).

(8/12/04)

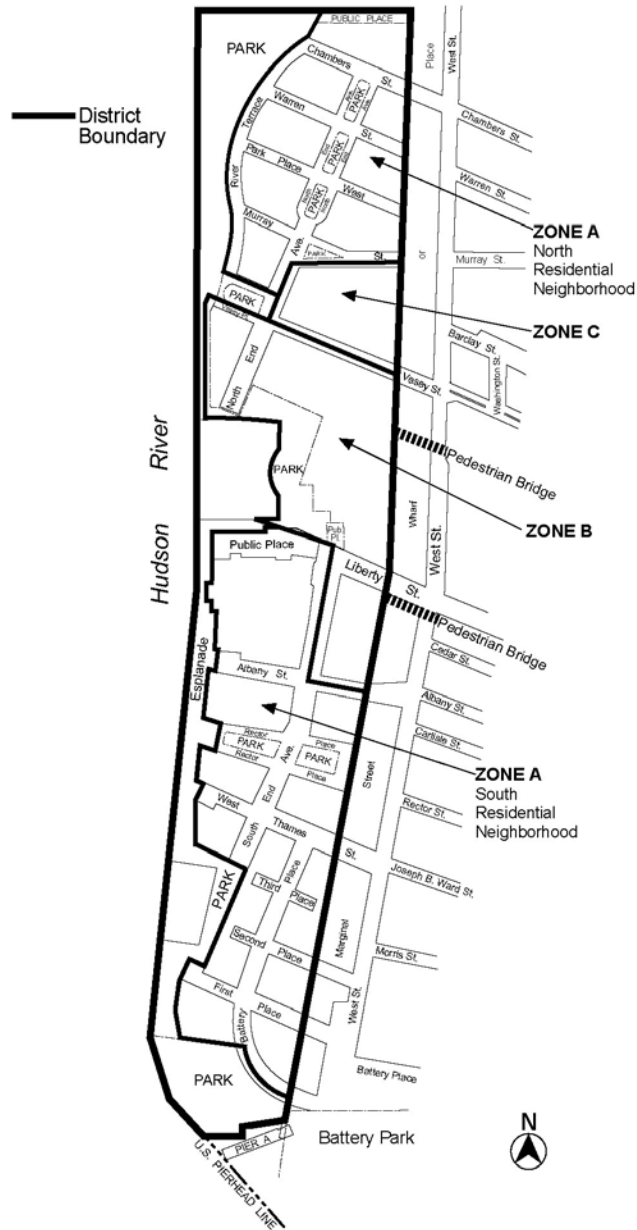
84-343

Curb cuts

Curb cuts are permitted only in locations indicated in Appendix 3.5 and along any #street# or right-of-way not shown on Appendix 3.5. The aggregate width of all curb cuts for subzone C-1 shall not exceed 50 feet. The aggregate width of all curb cuts for subzone C-2 shall not exceed 60 feet.

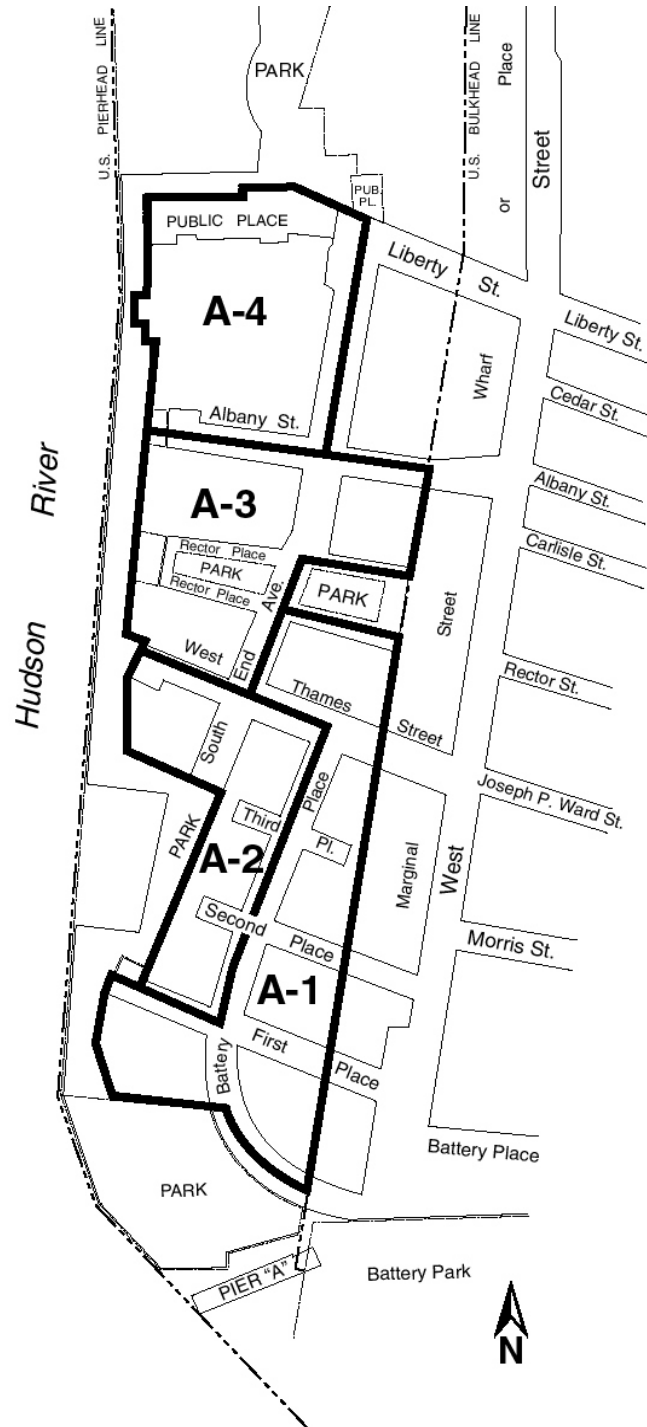
(8/12/04)

Appendix 1
Special Battery Park City District
District Plan (84-A1)



(7/19/90)

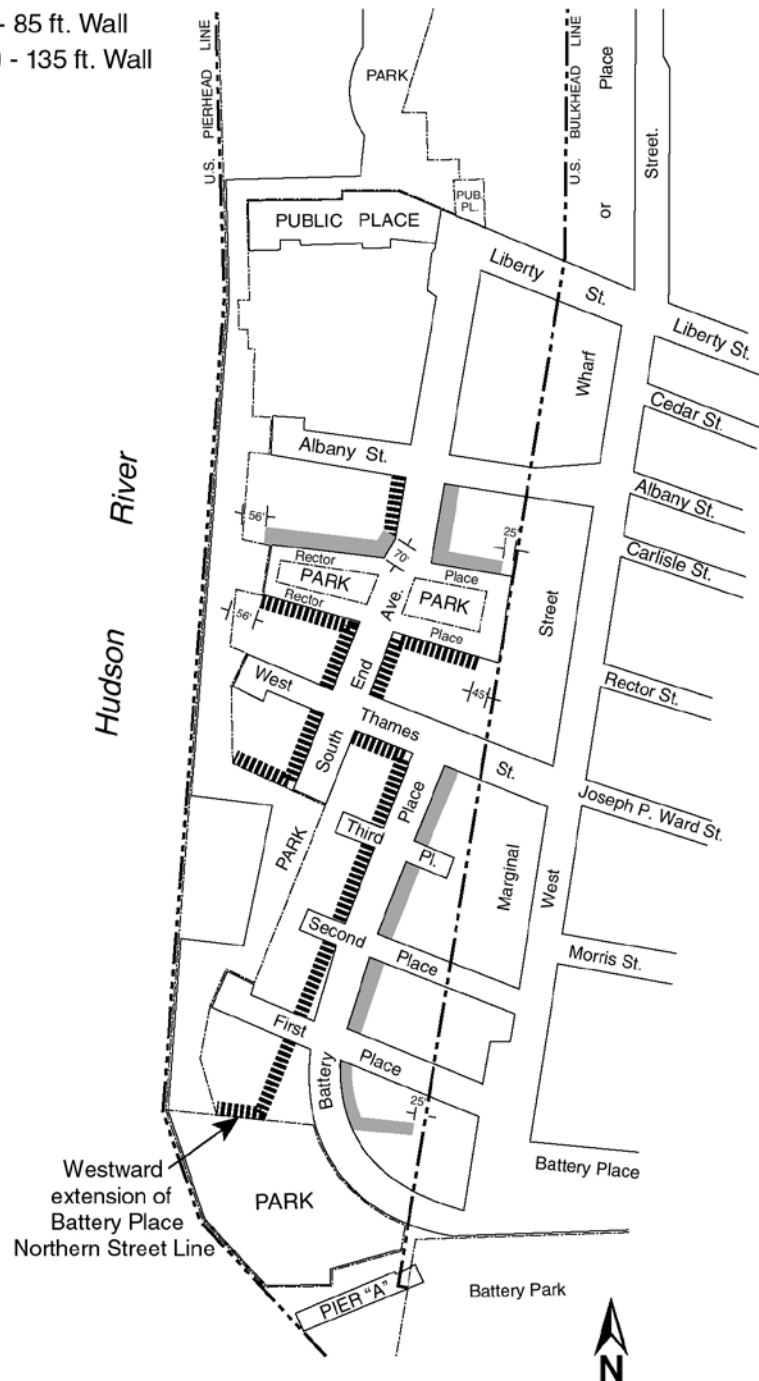
Appendix 2
Special Battery Park City District
Zone A South Residential Neighborhood (84-A2)



(2/27/01)

Appendix 2.1
Special Battery Park City District
Mandatory Front Building Walls (84-A2.1)

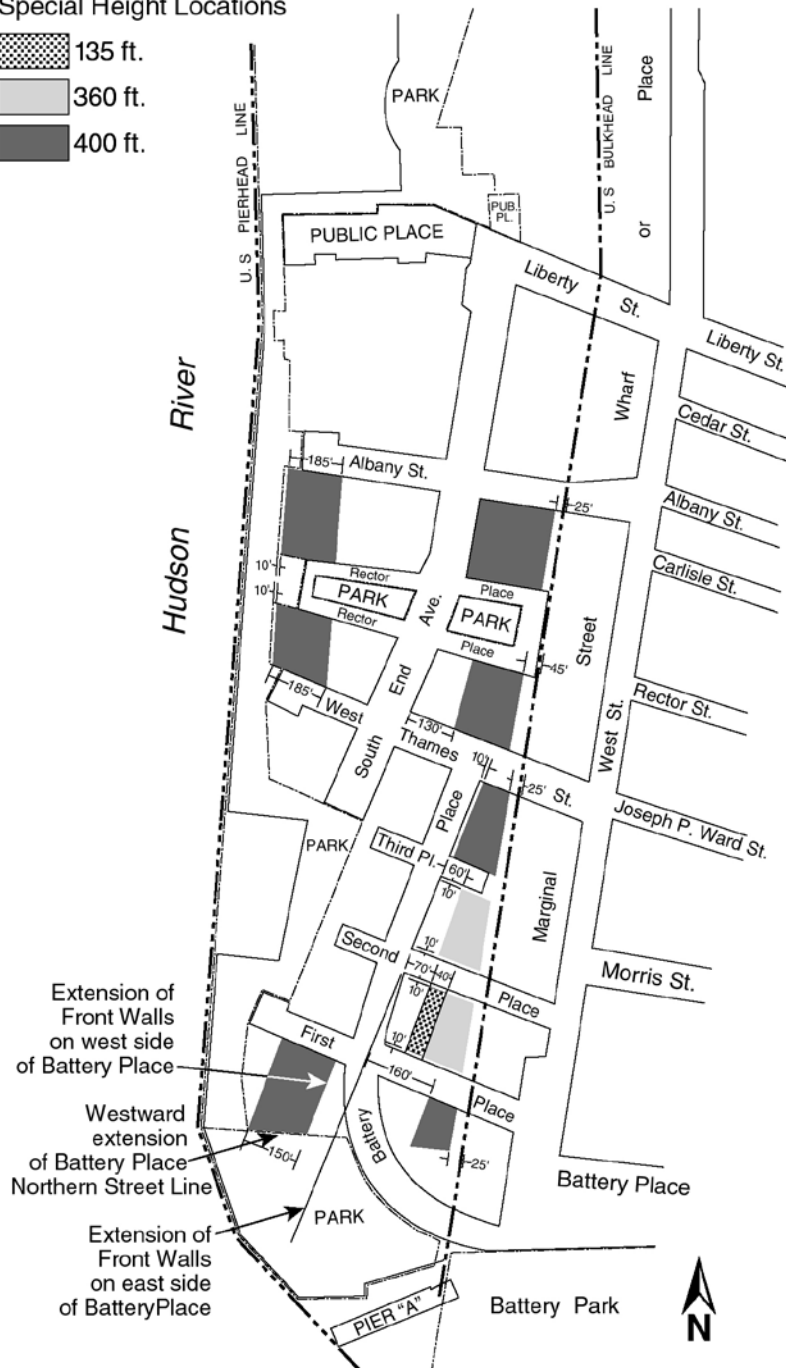
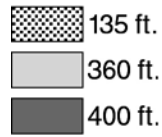
||||| 60 - 85 ft. Wall
■ 110 - 135 ft. Wall



(2/27/01)

Appendix 2.2
Special Battery Park City District
Special Height Locations (84-A2.2)

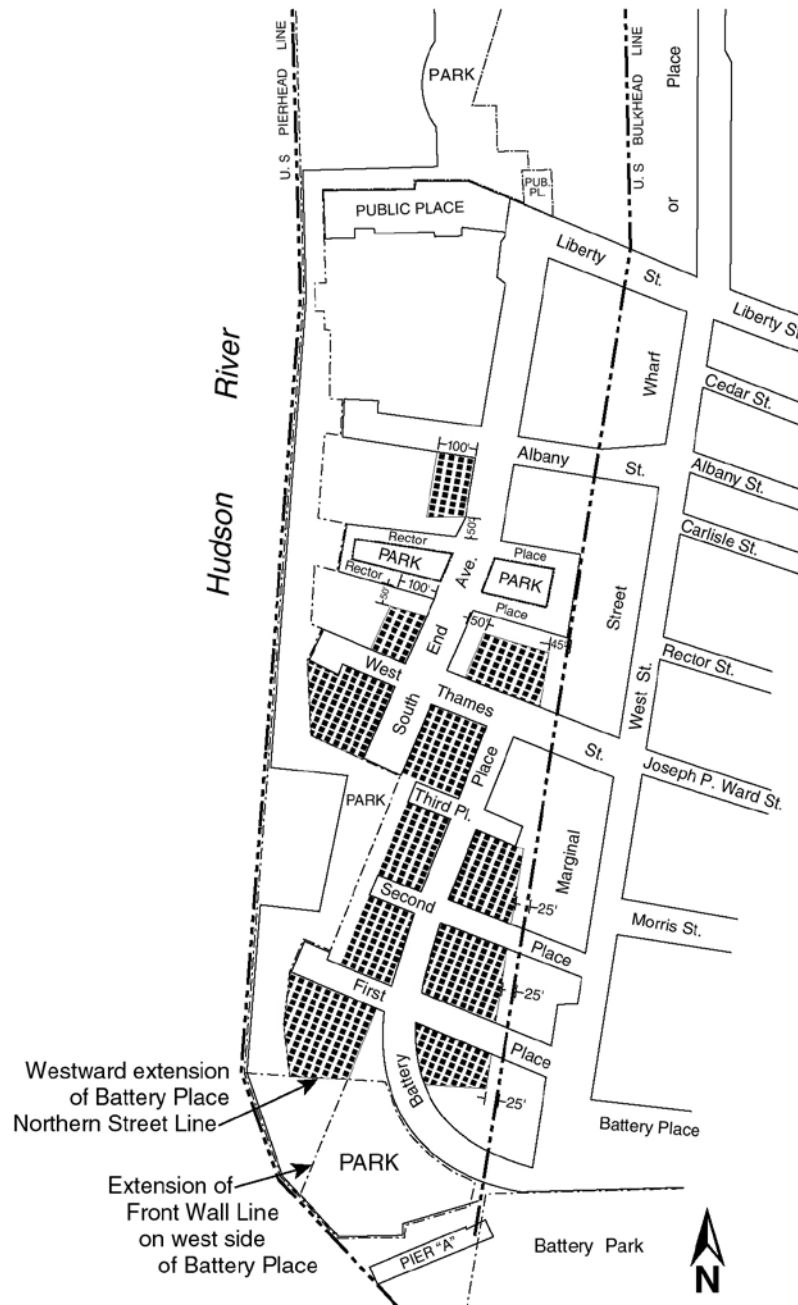
Special Height Locations



(2/27/01)

Appendix 2.3
Special Battery Park City District
Permitted Commercial Locations (84-A2.3)

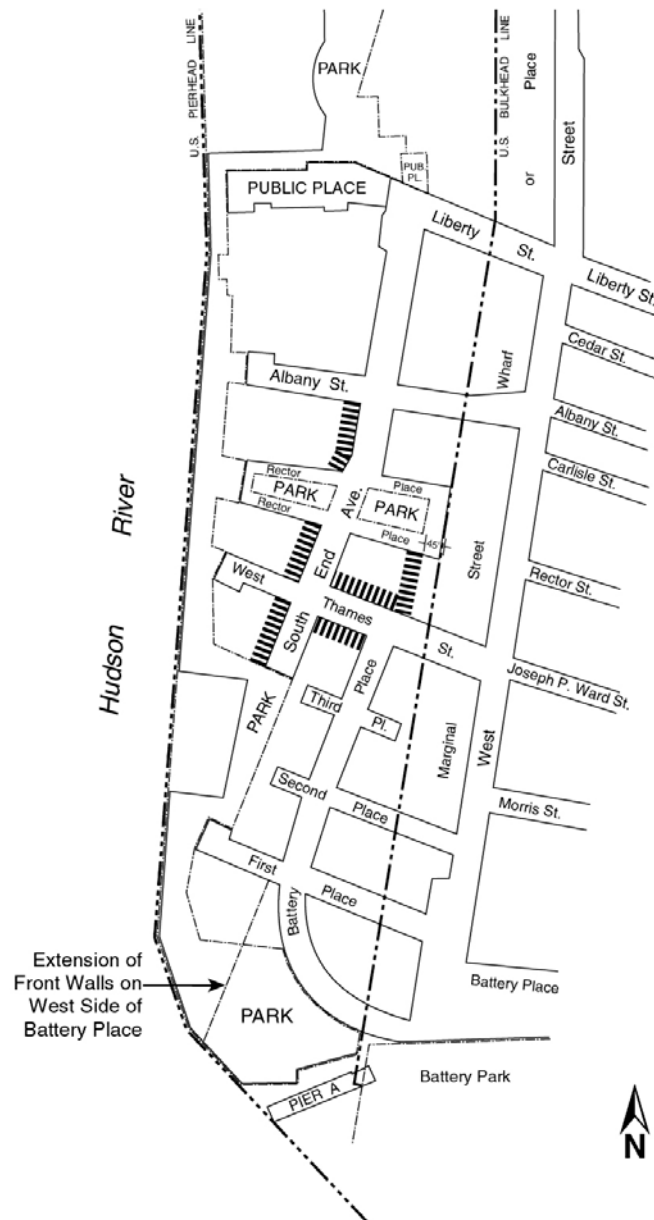
 Permitted Commercial Locations



(10/12/01)

Appendix 2.4
Special Battery Park City District
Mandatory Arcades (84-A2.4)

||||||| Mandatory Arcade Locations

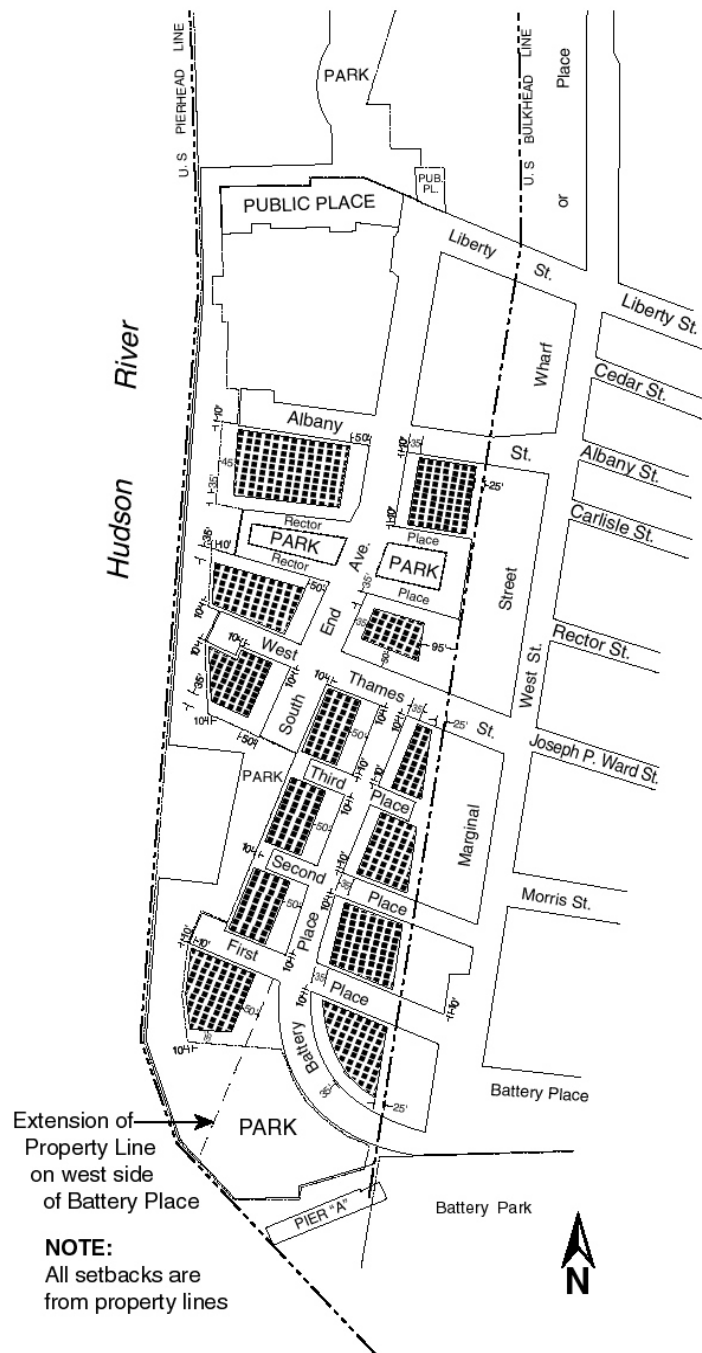


(7/19/90)

Appendix 2.5
Special Battery Park City District
Parking Setbacks (84-A2.5)

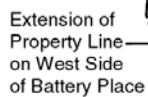


Permitted Parking Locations



Appendix 2.6

Special Battery Park City District Curb Cut Locations (84-A2.6)



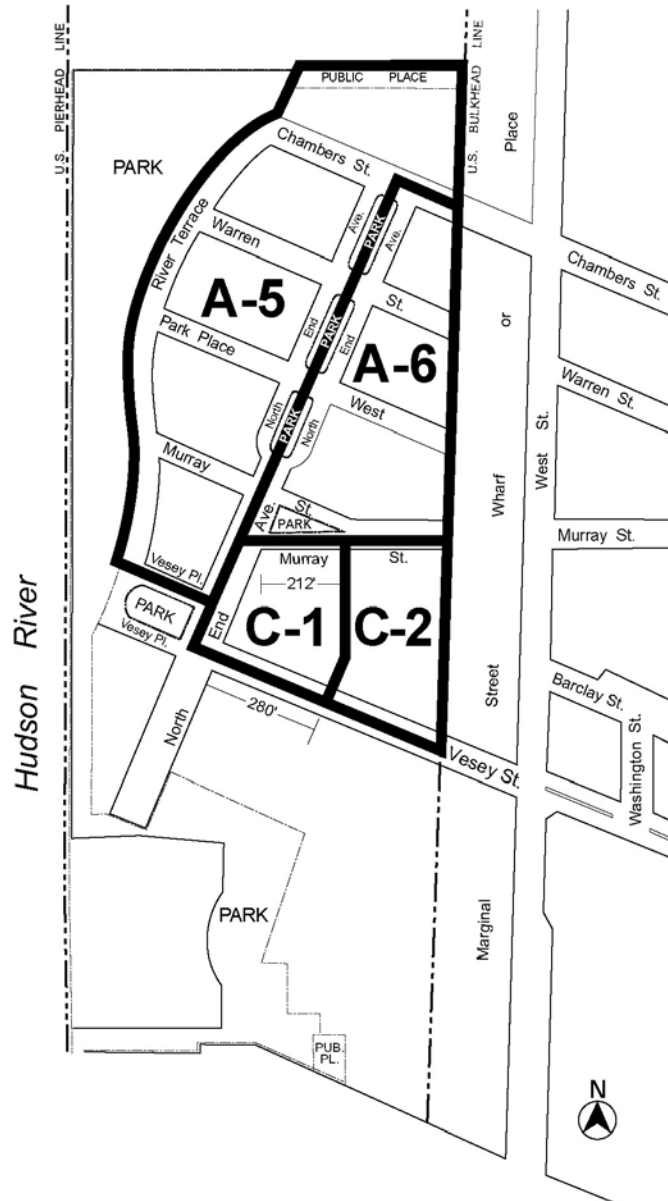
NOTE:
All setbacks are
from property lines

(8/12/04)

Appendix 3

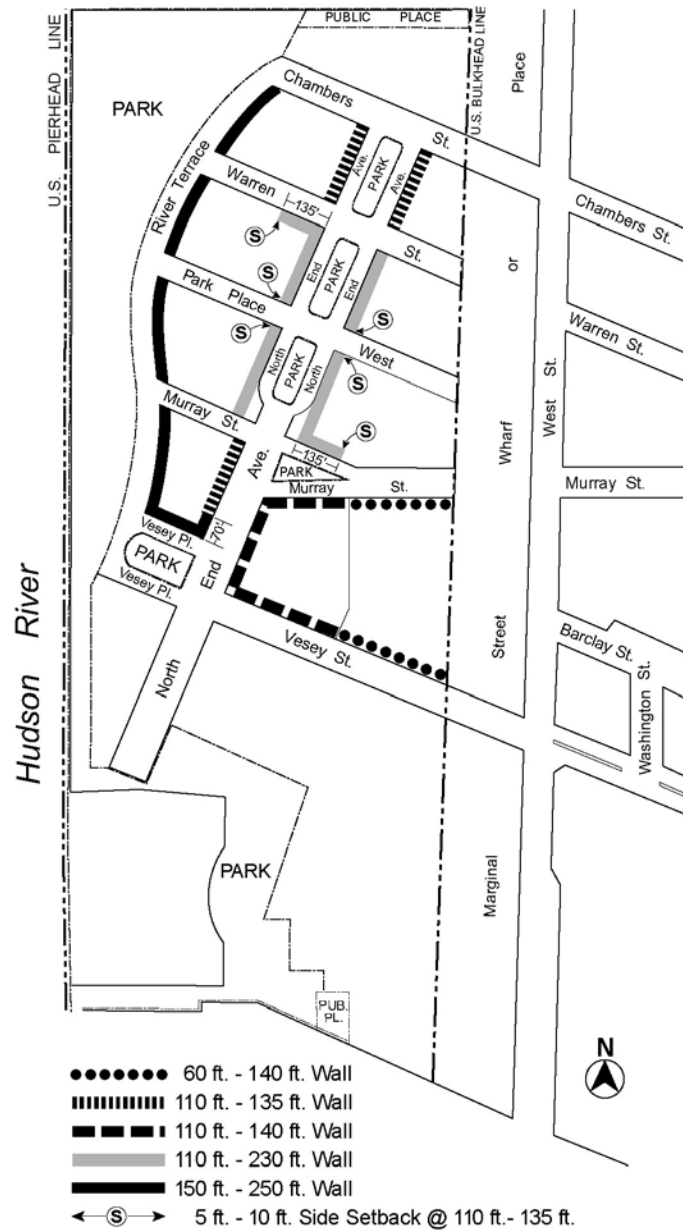
Special Battery Park City District

Zone A North Residential Neighborhood and Zone C (84-A3)



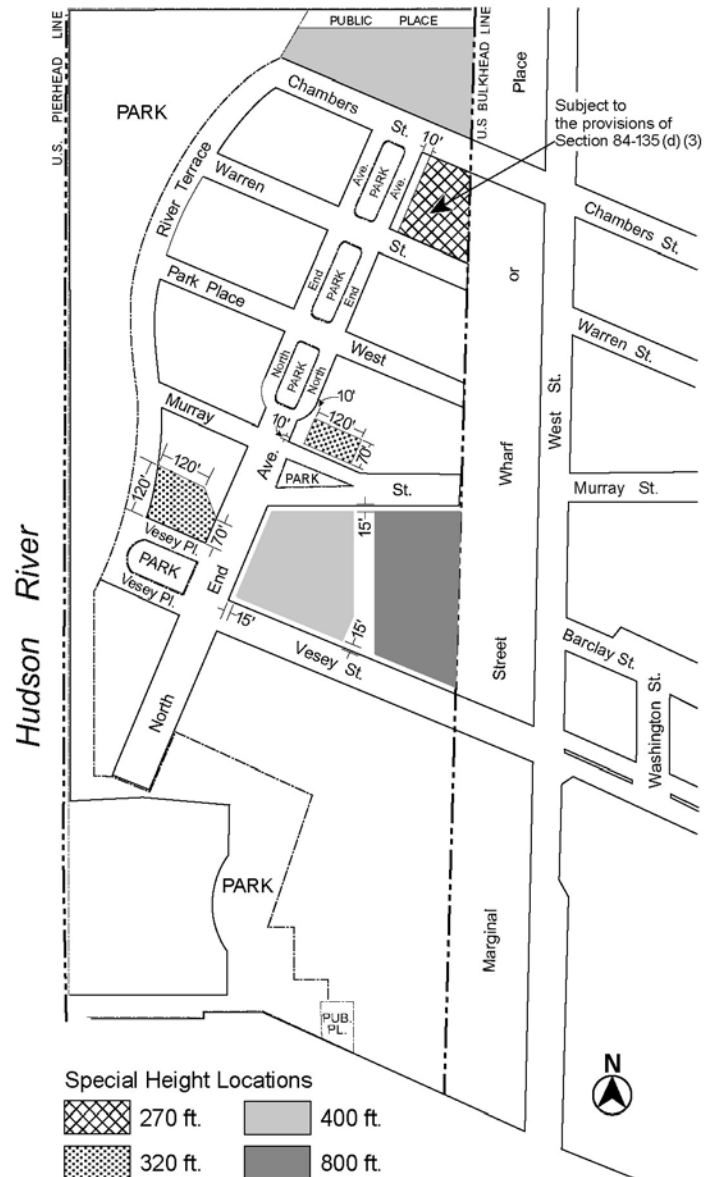
(8/12/04)

Appendix 3.1
Special Battery Park City District
Mandatory Front Building Walls (84-A3.1)



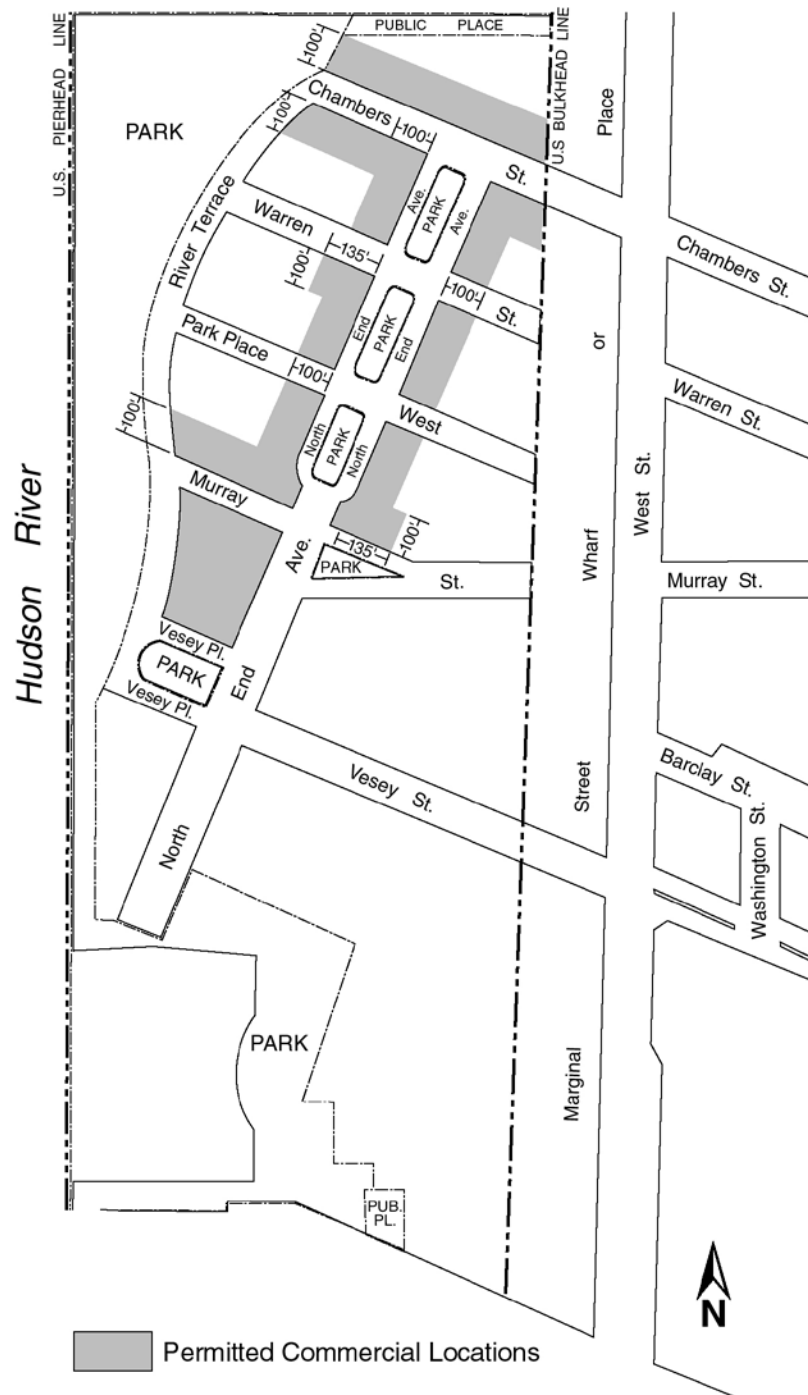
(8/12/04)

Appendix 3.2
Special Battery Park City District
Special Height Locations (84-A3.2)



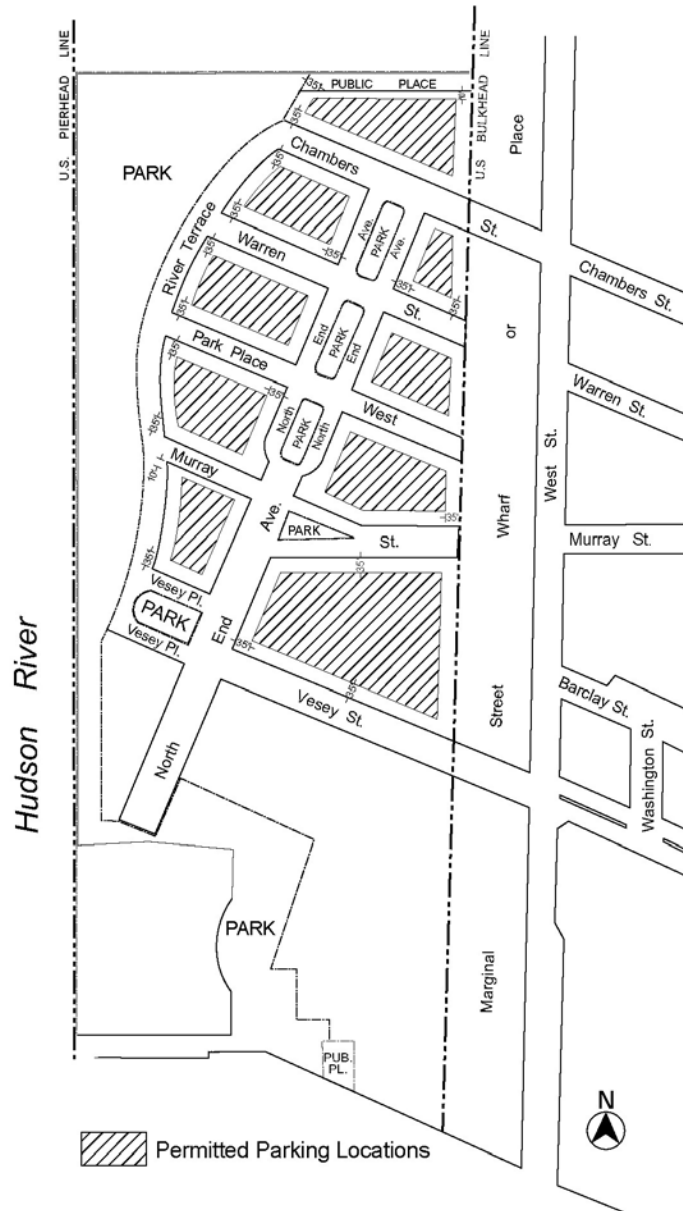
(2/27/01)

Appendix 3.3
Special Battery Park City District
Permitted Commercial Locations (84-A3.3)



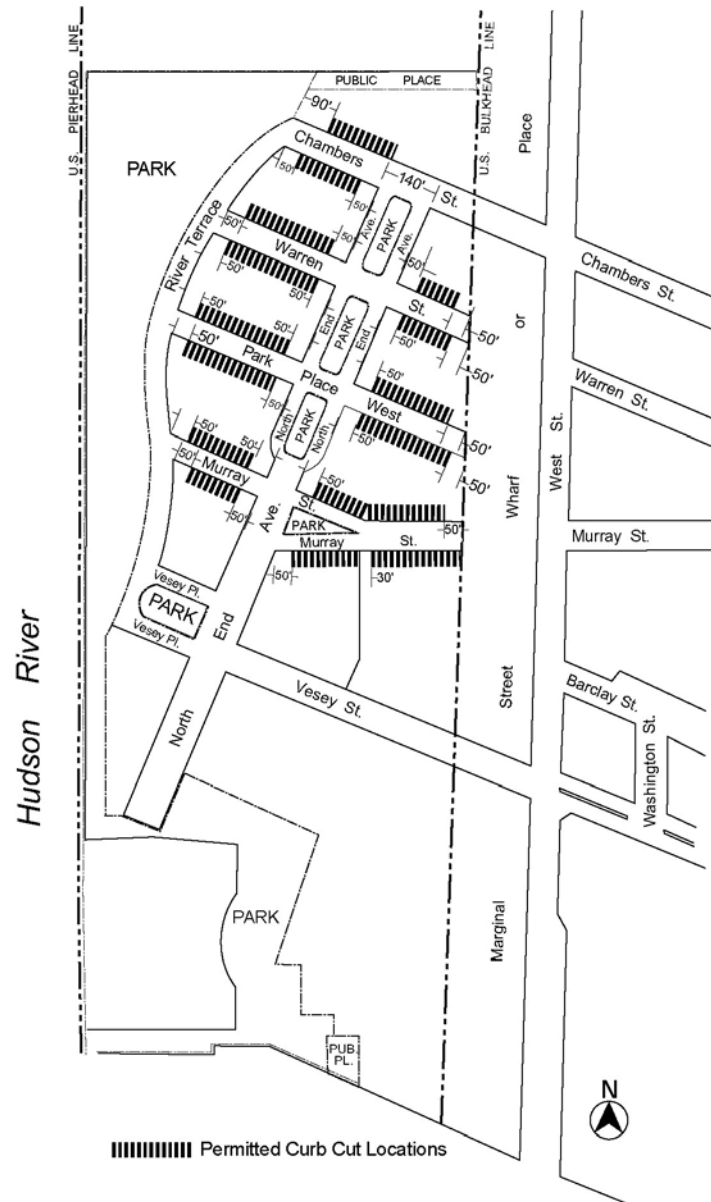
(8/12/04)

Appendix 3.4
Special Battery Park City District
Parking Setbacks (84-A3.4)



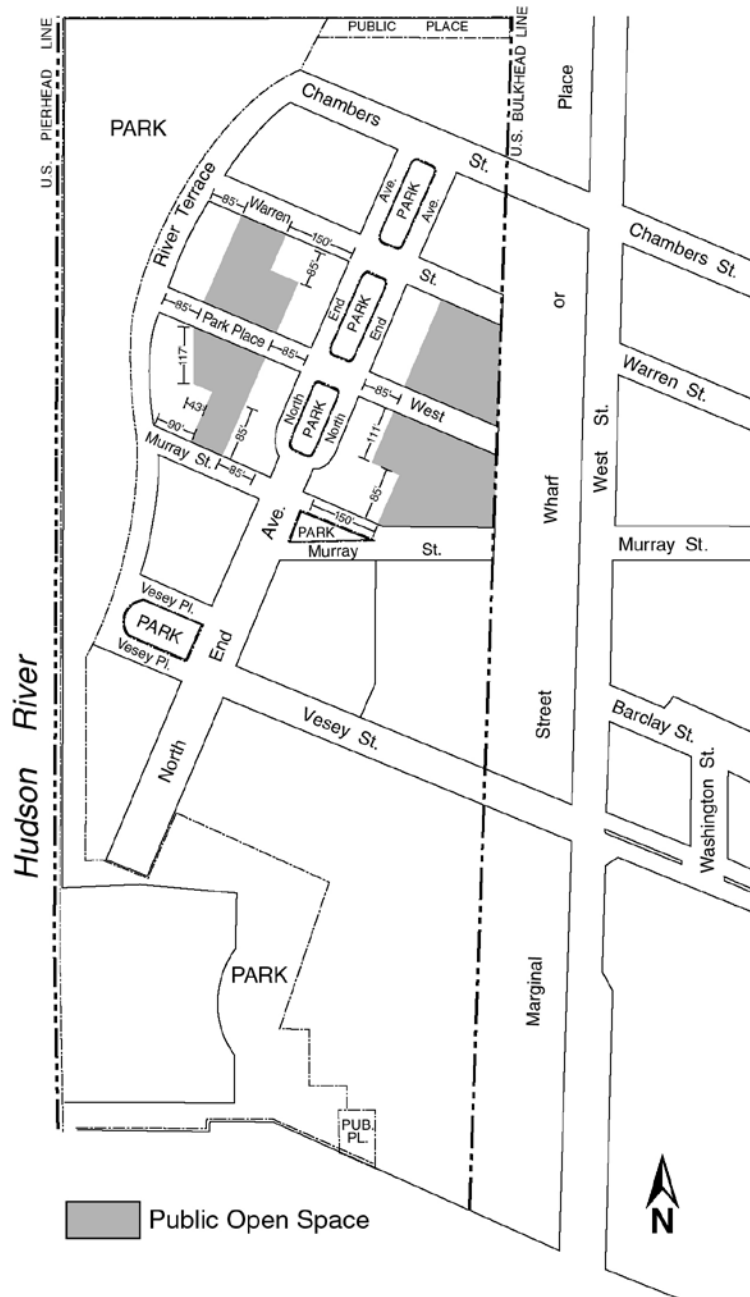
(8/12/04)

Appendix 3.5
Special Battery Park City District
Curb Cut Locations (84-A3.5)



(2/27/01)

Appendix 3.6
Special Battery Park City District
Public Open Space Areas (84-A3.6)



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VIII: Special Purpose Districts Chapter 5: Special United Nations Development District

Effective date of most recently amended section of Article VIII Chapter 5: 02/02/11

Date of file creation: Web version of Article VIII Chapter 5: 02/10/14

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(3/20/70)

Article VIII - Special Purpose Districts

Chapter 5

Special United Nations Development District

(8/21/80)

85-00

GENERAL PURPOSES

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

- (a) to preserve, protect and promote the character of the Special United Nations Development District adjacent to the headquarters of the United Nations, an attraction which helps the City of New York to maintain its preeminent status as a center for international organizations, as an office headquarters center and a cosmopolitan residential community;
- (b) to facilitate the continued growth of the programs and activities of the United Nations and to help assure the retention of the United Nations headquarters in the City of New York;
- (c) to encourage the provision of suitable office facilities for the United Nations, missions of member nations of the United Nations, and for non-governmental organizations related to the United Nations, in an attractive environment within a reasonable distance of the United Nations;
- (d) to encourage the provision of housing suitable for personnel of delegations and members of the United Nations staff within a reasonable distance of the United Nations;
- (e) to encourage the provision of hotel accommodations in the immediate vicinity of the United Nations suitable for visiting heads of state and other dignitaries attending the United Nations;
- (f) to encourage the provision of community facilities, meeting rooms, and other facilities suitable for United Nations related uses and purposes;

- (g) to alleviate vehicular and pedestrian traffic congestion in the vicinity of the United Nations;
- (h) to promote coordinated redevelopment of the area contiguous to the United Nations in a manner consistent with the foregoing objectives which are an integral element of the comprehensive plan of the City of New York;
- (i) to provide freedom of architectural design in accommodating facilities for the United Nations and supporting activities within multi-use structures which produce more attractive and economic development; and
- (j) to promote the most desirable use of land in this area in accordance with a well-considered plan to promote the special character of the district and its peculiar suitability for uses related to the United Nations and thus to conserve the value of land and buildings, and thereby protect the city's tax revenues.

(2/2/11)

85-01

Definitions

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

(8/21/80)

85-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special United Nations Development District# and in accordance with the provisions of this Chapter, the existing district regulations are superseded and replaced by the regulations applying to a C5-3 District, except as modified by the provisions of this Chapter, for construction of any #development# in the #Special United Nations Development District#, provided that the #development# is undertaken in accordance with a development plan approved by the City Planning Commission and the Board of Estimate, which plan comprises #zoning lots# having a total area of at least 1.5 acres to be #developed# at one time or in stages, and that such

#development# is undertaken by or with the consent of the party proposing such plan, and further provided that the Chairperson of the City Planning Commission certifies:

- (a) for #development# commencing before January 1, 1980, that the final plans generally comply with the design concept dated January 6, 1970, on file with the Commission; or
- (b) for #development# commencing after January 1, 1980, that the final plans generally comply with the amended design concept dated April 30, 1980, on file with the Commission.

(2/8/90)

85-03

Modifications of Use Regulations

In addition to the #uses# permitted in a C5-3 District, the #uses# and #accessory uses# set forth in this Section are hereby permitted in any #development# to be constructed in accordance with the general purposes and provisions of this Chapter, notwithstanding any other provision of this Resolution. All such #commercial uses# may be located in any #mixed building# and anywhere within such #building# without regard to Section 32-42 (Location within Buildings).

- (a) Auditoriums, with unlimited capacity
- (b) Automobile rental establishments
- (c) Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing; or

Eating or drinking establishments, with musical entertainment but not dancing, with a capacity of 200 persons or fewer

- (d) #Parking facilities, accessory, group#, with a capacity of 380 parking spaces for automobiles solely for #residences#, hotels, foreign missions and United Nations related #uses#
- (e) Photographic developing or printing, without limitation on #floor area# per establishment
- (f) Printing or publishing, without limitation on #floor area# per establishment

- (g) #Public parking lots#, temporary, of no more than five years' duration or until such time as the #development# is completed, whichever is sooner
- (h) Recreational #uses#, other
- (i) Skating rinks, indoor
- (j) Swimming pools, commercial
- (k) Tennis courts, indoor
- (l) Theaters, with unlimited capacity.

(2/2/11)

85-04

Modifications of Bulk Regulations

Notwithstanding any other provisions of this Resolution the following modifications of #bulk# regulations are hereby granted for any #development# which the Chairperson of the City Planning Commission certifies will generally comply with the concept on file with the City Planning Commission dated January 6, 1970, for #development# commencing before January 1, 1980, or the amended design concept on file with the City Planning Commission dated April 30, 1980, for #development# commencing after January 1, 1980.

In no event shall the maximum #floor area ratio# for the #Special United Nations Development District#, taken as a whole, exceed 15.0. The #floor area ratio# of a #residential building# or the #residential# portion of a #mixed building# shall not exceed the maximum #floor area ratio# set forth in Sections 34-112, 23-15, 35-31 and 35-32.

The #development# may include land in more than one #block# and the total permitted #floor area# of all #zoning lots# within such #development# may be distributed without regard for #zoning lot lines# or any #streets# separating the #zoning lots# and the #buildings# comprising such #development# may be located without regard for the applicable height and setback regulations.

In no event shall any #development# on the south side of 44th Street within the #Special United Nations Development District# contain more than 200,000 square feet of #floor area#, and no more than 61,000 square feet of #floor area# may be transferred for any such #development#.

At the time of any transfer of #floor area# in the #Special United Nations Development District#, there shall be recorded in the land records, and indexed against each tax lot from which #floor area# is removed, an instrument removing such #floor area# and stating the maximum permissible #floor area# remaining on the tax lot after deducting the #floor area# transferred; and there shall be recorded in the land records, and indexed against each tax lot to which #floor area# is added, an instrument evidencing the transfer of the #floor area# to the tax lot benefitted and identifying by tax block and lot number and description the tax lot from which the #floor area# has been transferred. A certified copy of such instruments shall be filed with the Commission upon recordation thereof.

For the purpose of any transfer of #floor area# in the #Special United Nations Development District#, the total permitted #floor area# of any tax lot from which #floor area# is transferred shall be the maximum #floor area# permitted under this Chapter for a #commercial building#, less the total #floor area# of any #building# on the tax lot.

The minimum front setback of a #building# on any portion of 45th Street within the #Special United Nations Development District#, more than 100 feet from First Avenue, shall be not less than 10 feet from the #street line#, and required #yards# within the #Special United Nations Development District# shall not be less than 20 feet in depth.

For a #residential building# or the #residential# portions of any mixed-#use building# located on the north side of 44th Street within the #Special United Nations Development District#, the provisions of Section 23-533 (Required rear yard equivalents) and Section 23-711 (Standard minimum distance between buildings) shall not apply. Notwithstanding anything in this Resolution to the contrary, the minimum distance between a #residential# portion of a #building# and any other #building# on the same #zoning lot# within the #Special United Nations Development District# shall be not less than 28 feet.

For any #building# containing #residences# within the #Special United Nations Development District#, the applicable density requirements may be modified, but in no event shall there be less than 395 square feet of #residential floor area# per #dwelling unit# or 300 square feet of #residential floor area# per #rooming unit#.

As a condition for granting such authorizations, in each case the Commission shall make the following findings:

- (a) that the land use intensity and distribution of #bulk# of the total #development# permit better site planning and significantly achieve the specific purposes for which the #Special United Nations Development District# is established; and
- (b) that all new #buildings or other structures# erected within the #Special United Nations Development District# are in compliance with the special height requirements set forth in Section 85-05 of this Chapter.

(8/21/80)

85-05

Limited Height of Buildings

The maximum height of a #building or other structure#, including elevator or stair bulkheads, #accessory# water tanks or cooling towers, chimneys, parapets, arbors or trellises and flagpoles, located within the #Special United Nations Development District#, shall not exceed 550 feet above the established grade of the easterly side of Second Avenue midway between East 43rd and East 45th Streets. No portion of any #building# within the #Special United Nations Development District# may be built to a height greater than the present height of the United Nations Secretariat Building within 200 feet west of the westerly boundary of First Avenue. No portion of any #development# on the south side of 44th Street within the #Special United Nations Development District# may be built to a height greater than 183 feet above #curb level# or 15 #stories#, whichever is less.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VIII: Special Purpose Districts Chapter 6: Special Forest Hills District

Effective date of most recently amended section of Article VIII Chapter 6: 03/28/12

Date of file creation: Web version of Article VIII Chapter 6: 02/10/14

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(3/24/09)

Article VIII - Special Purpose Districts

Chapter 6

Special Forest Hills District

(3/24/09)

Chapter 6

Special Forest Hills District

(3/24/09)

86-00

GENERAL PURPOSES

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

- (a) ensure that the form of new buildings is compatible with and relates to the built character of the Forest Hills neighborhood;
- (b) preserve, protect and promote the special character of Austin Street as a regional shopping destination;
- (c) create a graduated transition from the lower-scale character of Austin Street to the higher-scale character of Queens Boulevard;
- (d) support a broad and vibrant mix of commercial and residential uses throughout the Special District;
- (e) enhance the pedestrian setting of Austin Street through appropriate ground floor uses and structural requirements;
- (f) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's revenue.

(2/2/11)

86-01

Definitions

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

(2/2/11)

86-02

General Provisions

In harmony with the general purposes of this Resolution and in accordance with the provisions of the #Special Forest Hills District#, the regulations of this Chapter shall apply within the Special District. Unless modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

Any special permit granted by the Board of Standards and Appeals before March 24, 2009, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

(3/24/09)

86-03

District Plan and Maps

The regulations of this Chapter are designed to implement the District Plan for the #Special Forest Hills District#. The District Plan includes the map of the #Special Forest Hills

District#, which is set forth in the Appendix to this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

(3/24/09)

86-10

SPECIAL USE REGULATIONS

(2/2/11)

86-11

Ground Floor Uses Along Designated Streets

Along the portions of Austin Street and 71st Avenue specified on the map in the Appendix to this Chapter as Retail Continuity Streets, #uses# within #stories# that have a floor level within five feet of #curb level#, and within 30 feet of the #street wall#, shall be limited to #commercial# or #community facility uses# permitted by the underlying district and the provisions of Section 86-12 (Modification of Uses on Austin Street).

The ground floor #street# frontage of a #development# or #enlargement# constructed after March 24, 2009, shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations and #accessory# parking spaces. In no event shall the length of #street# frontage occupied by lobby space exceed, in total, 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less.

(3/24/09)

86-12

Modification of Uses Along Austin Street

The #use# regulations in the #Special Forest Hills District# shall be modified to permit Use Groups 10A, 10C, 12A, 12B, 12D and 12E within C2 Districts fronting on Austin Street.

The provisions of Section 32-423 (Limitation on ground floor location) shall not apply to #uses# located along Austin Street.

(2/2/11)

86-13

Location of Uses in Mixed Buildings

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #dwelling units# or #rooming units# on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #dwelling units# or #rooming units# and provided any non-#residential uses# are not located directly over any #dwelling units# or #rooming units#.

Such non-#residential uses#, however, may be located over #dwelling units# or #rooming units# by authorization of the City Planning Commission upon a finding that there is sufficient separation of #residential uses# from non-#residential uses# within the #building#.

(2/2/11)

86-14

Transparency Requirements

For #developments# or #enlargements# constructed after March 24, 2009, the ground floor #street wall# bounding any #commercial# or #community facility use#, other than a #school#, shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors.

For such #community facility uses#, the glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area.

For #commercial uses#, such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

(2/2/11)

86-15

Security Gates

For all #commercial# or #community facility uses# located on the ground floor, any security gates installed after March 24, 2009, that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street# or any publicly accessible area, except that this provision shall not apply to entrances or exits to parking garages.

(3/24/09)

86-20

SPECIAL BULK REGULATIONS

The applicable #bulk# regulations of the underlying districts shall apply within the #Special Forest Hills District#, except as modified by this Section, inclusive.

(3/24/09)

86-21

Special Floor Area Regulations in C4-5X Districts

In C4-5X Districts within the #Special District#, the underlying #floor area ratio# for #commercial uses# shall not apply. In lieu thereof, the provisions of Section 33-122 (Commercial buildings in all other Commercial Districts) shall be modified to permit a maximum #floor area ratio# of 5.0.

(3/24/09)

86-22

Waiver for Rear Yards

No #rear yards# shall be required for any #commercial# or #community facility use# permitted within a C2-3 District in the #Special Forest Hills District#.

(2/2/11)

86-23

Height and Setback Regulations

#Buildings or other structures# within the Special District shall comply with the height and setback regulations of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), except as modified by this Section.

(a) In C4-4A Districts

Within the C4-4A District, the maximum base height of the #street wall# shall be 60 feet.

The maximum height of a #building or other structure# within the C4-4A District shall be 70 feet.

(b) In C4-5X Districts

Within the C4-5X District west of 70th Road, the minimum base height of the #street wall# shall be 40 feet and the maximum base height of the #street wall# shall be 60 feet.

The maximum height of a #building or other structure# within the C4-5X District shall be 120 feet, except that within 60 feet of the northerly side of Austin Street between Yellowstone Boulevard and 70th Avenue, the maximum height for #buildings or other structures# shall be 80 feet.

All heights shall be measured from the #base plane#.

(2/2/11)

86-30

SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

For any #zoning lot# within the #Special Forest Hills District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, other than #floor area ratio# provisions, provided the Commission shall find that such:

- (a) #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification will encourage a lively pedestrian environment along Austin Street;
- (c) modification is the only practicable way to achieve the programmatic requirements of the development;
- (d) modification will enhance the distribution of #bulk# on the #zoning lot#;
- (e) modification of #bulk# will permit adequate access of light and air to surrounding #streets# and properties; and
- (f) #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

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

(3/24/09)

86-40

SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

The applicable parking and loading regulations of the underlying districts shall apply within the #Special Forest Hills District#, except as modified by this Section, inclusive.

(3/24/09)

86-41

Parking Regulations for Commercial Uses

For all #commercial uses# located within the #Special Forest Hills District# in parking requirement category (PRC) A, B, B1 or

C, the requirements of Section 36-21 (General Provisions) pertaining to the number of #accessory# off-street parking spaces required for each type of #use# shall be modified to provide one parking space per 400 square feet of #floor area# for all such #uses#.

In the Special District, hotels (PRC-H) shall be required to provide one parking space per 12 guest rooms or suites, or one parking space per 12 persons rated capacity, whichever is greater. Places of assembly (PRC-D) shall be required to provide one parking space per 12 persons rated capacity.

(2/2/11)

86-42

Location of Off-Site Accessory Parking Spaces for Residential Uses

The applicable regulations for the location of permitted or required off-site #accessory# parking spaces for #residential uses# in Sections 36-42 (Off-Site Spaces for Residences) and 36-421 (Maximum distance from zoning lot) shall not apply in the #Special Forest Hills District#. In lieu thereof, such off-site parking spaces, which are #accessory# to a #residential use#, may also be located on any #zoning lot# within the Special District other than the #zoning lot# to which they are #accessory#.

(2/2/11)

86-43

Modification of Parking Requirement Waivers

The waiver provisions of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), inclusive, shall be modified within the #Special Forest Hills District#, as follows:

- (a) For any #development# or #enlargement# containing #residences#, the waiver modification provisions set forth in Section 36-362 (For developments or enlargements in other C1 or C2 Districts or in C4, C5 or C6 Districts), inclusive, shall not apply. In lieu thereof, the total number of #accessory# off-street parking spaces required in Section 36-30 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR

RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS), inclusive, shall be waived if the number of spaces for all #uses# on the #zoning lot#, required by the applicable regulations of Section 36-30, inclusive, is five spaces or fewer.

For any #commercial# or #community facility use# permitted in the Special District, the modification waiver provisions for a C4-4 or C4-5 District set forth in Section 36-232 (In districts with very low parking requirements) shall not apply. In lieu thereof, the total number of #accessory# off-street parking spaces required in Section 36-21 (General Provisions) shall be waived if the number of spaces for all #uses# on the #zoning lot#, required by the regulations of Section 36-21, is fewer than 40 spaces.

- (b) The provisions of Sections 36-342 (Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) and 36-344 (Waiver of requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply in the #Special Forest Hills District#.
- (c) Within the #Special Forest Hills District#, the provisions of paragraph (a) of this Section and Sections 36-23 (Waiver of Requirements for Spaces Below Minimum Number) and 36-36 (Waiver of Requirements for Small Number of Spaces) shall apply only to #zoning lots# existing both on March 24, 2009, and on the date of application for a building permit.

(3/24/09)

86-44

Location of Access to the Street

The waiver provisions of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), pertaining to location of access shall be modified within the #Special Forest Hills District#, as follows:

- (a) curb cuts for permitted or required #accessory# off-street parking and loading spaces along Austin Street from 70th Avenue to Ascan Avenue and along 71st Avenue from Austin Street to Queens Boulevard, as shown on the map in the Appendix to this Chapter, shall not be allowed. The Chairperson of the City Planning Commission, however, may

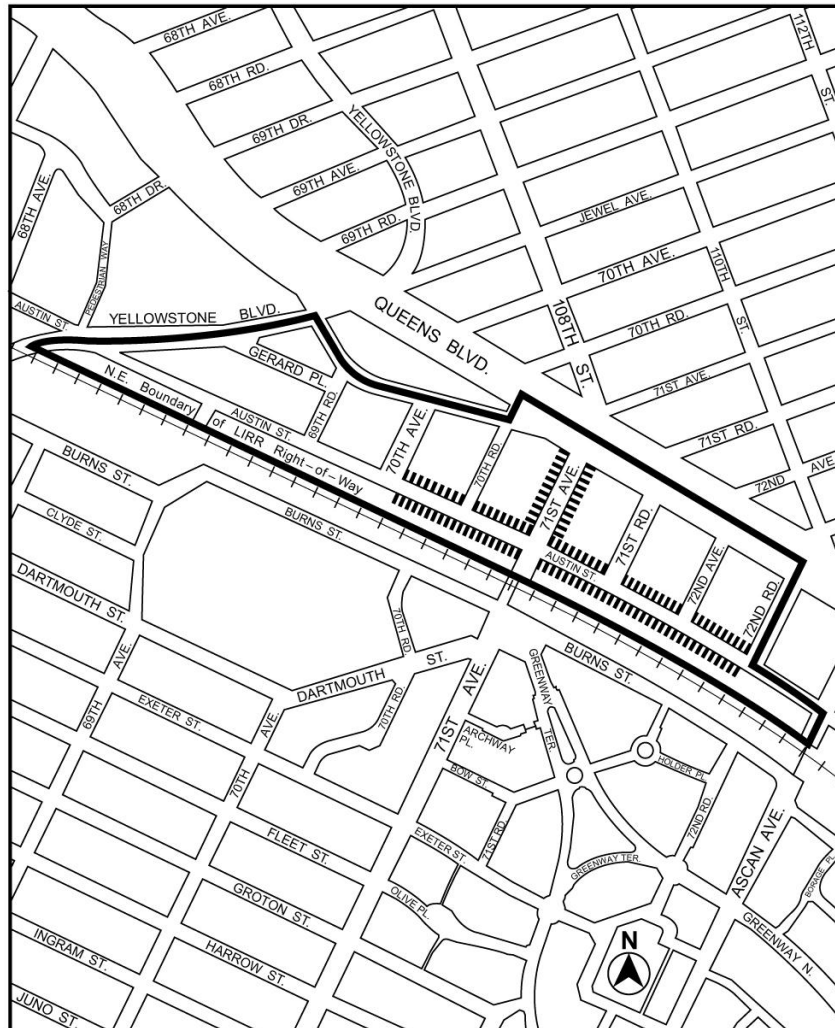
certify to the Commissioner of Buildings that such #zoning lot# has access only to such prohibited location and that a curb cut in that location would not be hazardous to traffic safety and would, if granted, be no wider than 20 feet; and

- (b) an application for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

(3/24/09)

Appendix
Special Forest Hills District Plan (86-A)



———— Special Forest Hills District Boundary
- - - - - Retail Continuity Street

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article VIII: Special Purpose Districts

Chapter 7: Special Harlem River Waterfront District

Effective date of most recently amended section of Article VIII Chapter 7: 10/09/13

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(6/30/09)

Article VIII - Special Purpose Districts

Chapter 7

Special Harlem River Waterfront District

(2/2/11)

87-00

GENERAL PURPOSES

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

- (a) maintain and reestablish physical and visual public access to and along the waterfront;
- (b) create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;
- (c) promote the pedestrian orientation of ground floor uses in appropriate locations, and thus safeguard a traditional quality of higher density areas of the City;
- (d) encourage well-designed development that complements the built character of the neighborhood;
- (e) take advantage of the Harlem River waterfront and provide an open space network comprised of parks, public open space and public access areas;
- (f) provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus encourage more attractive and economic building forms; and
- (g) promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River waterfront.

(6/30/09)

87-01

Definitions

Parcel 1 building line

The "Parcel 1 building line" shall be:

- (a) in the event that the portion of the Major Deegan Expressway traversing Parcel 1, as shown on Map 1 in the Appendix of this Chapter, has been widened after June 30, 2009, a line 22 feet west of and parallel to the as-built western edge of such Expressway structure; or
- (b) in the event that the portion of the Major Deegan Expressway traversing Parcel 1, as shown on Map 1 in the Appendix to this Chapter, has not been widened after June 30, 2009, a line connecting:
 - (1) a point located on the southern #street line# of East 149th Street that is 47 feet west of its intersection with the western edge of such Expressway structure; and
 - (2) a point on the southern boundary of Parcel 1 that is 107 feet west of its intersection with the western edge of such Expressway structure.

Shore public walkway

A "shore public walkway" is a linear public access area running alongside the shore or water edges of a #platform#, as defined in Section 62-11, on a #waterfront zoning lot#.

Supplemental public access area

A "supplemental public access area" is a public access area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the required #waterfront public access area# requirements.

A #supplemental public access area# shall not include a #shore public walkway# or an #upland connection#.

Upland connection

An "upland connection" is a pedestrian way which provides a public access route from a #shore public walkway# to a public sidewalk within an open and accessible #street#, public mapped parkland or other accessible public place.

Visual corridor

A "visual corridor" is a public #street# or tract of land within a #block# that provides a direct and unobstructed view to the water from a vantage point within a public #street#, public mapped parkland or other public place.

Waterfront block or waterfront zoning lot

A "waterfront block" or "waterfront zoning lot" is a #block# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:

- (a) a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;
- (b) a #block# within the #waterfront area# that abuts public mapped parkland along the waterfront shall be deemed to be part of a #waterfront block#; and
- (c) a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.

Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not abut public mapped parkland along the waterfront, shall be deemed outside of the #waterfront block#.

Waterfront public access area

A "waterfront public access area" is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or, as defined in Section 62-11, a public access area on a #pier# or #floating structure#.

(10/9/13)

87-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

(6/30/09)

87-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Harlem River Waterfront District# Plan as set forth in the Appendix to this Chapter. The plan area has been divided into parcels consisting of tax blocks and lots as established on June 30, 2009, as follows:

Parcel 1: Block 2349, Lot 112

Parcel 2: Block 2349, Lot 100
(that portion not mapped as parkland*)

Parcel 3: Block 2349, Lots 46, 47, 146

Parcel 4: Block 2349, Lot 38

Parcel 5: Block 2349, Lots 15, 20

Parcel 6: Block 2349, Lots 3, 4

Parcel 7: Block 2323, Lot 43

Parcel 8: Block 2323, Lot 28

Parcel 9: Block 2323, Lots 5, 13, 18

The District Plan includes the following maps:

Map 1. (Special Harlem River Waterfront District and
Parcels)

Map 2. (Waterfront Access Plan: Public Access
Elements).

* in accordance with Alteration Map No. 13124, dated
January 29, 2009, in the Office of the Bronx Borough
President

(3/28/12)

87-04

Applicability of Article VI, Chapter 2

Parcels 1, 2, 3 and 4, as shown on Map 1 (Special Harlem
River District and Parcels) in the Appendix to this
Chapter, shall be considered #waterfront zoning lots#,
notwithstanding the mapping of any #streets# on such
parcels after June 30, 2009.

(3/28/12)

87-05

Modification of Use and Bulk Regulations for Parcels Containing Newly Mapped Streets

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, after June 30, 2009, the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all #use# and #bulk# regulations of this Zoning Resolution.

(2/2/11)

87-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts are modified in Sections 87-11 through 87-24, inclusive.

As used in this Section, "ground floor level" shall mean the finished floor level of a #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#.

(6/30/09)

87-11

Vehicle Storage Establishments

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps as listed in Use Group 16C shall be a permitted #use# on Parcel 5, as shown on Map 1 in the Appendix to this Chapter, provided that:

- (a) such #use# is the primary #use# on the parcel;
- (b) no more than 10,000 square feet of #floor area# shall be provided on Parcel 5; and
- (c) a #shore public walkway# is provided as set forth in paragraph (a) of Section 87-61 (Public Access Provisions by Parcel).

The streetscape provisions of Section 87-13, the maximum width of establishment provisions of Section 87-23 and the

special height and setback regulations of Section 87-30, inclusive, shall not apply to such #use#.

(2/2/11)

87-12

Location of Commercial Space

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #residential uses# on the same #story# as a non-#residential use#, provided no access exists between such #uses# at any level containing #residences# and provided any non-#residential uses# are not located directly over any #residential use#. However, such non-#residential uses# may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

(2/2/11)

87-13

Streetscape Regulations

(a) Ground floor #use#

All #uses# shall have a depth of at least 25 feet from #building# walls facing a #shore public walkway#, mapped parkland or an #upland connection#. Lobbies and entrances may not occupy more than 20 feet or 25 percent of such #building# wall width, whichever is less. The level of the finished ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent public sidewalk or other publicly accessible area.

For #buildings# on Parcels 1 through 6, as shown on Map 1 in the Appendix to this Chapter, that face a #shore public walkway#, mapped parkland or #upland connection#, not less than 20 percent of the ground floor level #floor area# of such portions of #buildings#, to a depth of 25 feet, shall consist of

#uses# from Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2.

(b) Transparency

Any #building# wall containing ground floor level #commercial# and #community facility uses# that faces a #shore public walkway#, mapped parkland or an #upland connection#, shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #building# wall, measured to a height of ten feet above the level of the adjoining public sidewalk or other publicly accessible area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #building# wall shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

(c) Security gates

All security gates that are swung, drawn or lowered to secure #commercial# or #community facility uses# shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street# or publicly accessible area, except that this provision shall not apply to entrances or exits to parking garages.

(6/30/09)

87-14

Location of Underground Uses

Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.

(6/30/09)

87-20

SPECIAL FLOOR AREA REGULATIONS

The #Special Harlem River Waterfront District# shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.

(10/9/13)

87-21

Special Residential Floor Area Regulations

The base #floor area ratio# for any #zoning lot# containing #residences# shall be 3.0. Such base #floor area ratio# may be increased to a maximum of 4.0 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that the height and setback regulations of Section 23-954 (Height and setback for compensated developments in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

(2/2/11)

87-22

Special Retail Floor Area Requirement

- (a) For each square foot of #commercial floor area# in a #building# occupied by the #uses# listed in paragraph (a)(1) of this Section, an equal or greater amount of #residential#, #community facility# or #commercial floor area# shall be provided from #uses# listed in paragraph (a)(2) of this Section.

- (1) Use Groups 6A and 6C, except for:

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger

load, per #zoning lot#, of 150 passengers per half hour

Docks for water taxis with vessel capacity limited to 99 passengers

Docks or mooring facilities for non-commercial pleasure boats;

Use Group 10:

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Department stores

Dry goods or fabric stores, with no limitation on #floor area# per establishment;

Use Group 12:

Antique stores

Art gallery, commercial

Billiard parlor or pool halls

Book stores

Bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment

Candy or ice cream stores

Cigar and tobacco stores

Delicatessen stores

Drug stores

Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing

Gift shops

Jewelry or art metal craft shops

Music stores

Photographic equipment stores

Record stores

Stationery stores

Toy stores

(2) Use Groups 1 and 2

Use Groups 3, 4A, and 4B, except cemeteries

Use Groups 5A, 6B and 8A

(b) However, the City Planning Commission may authorize a modification or waiver of this provision upon finding that such #building# includes:

- (1) a superior site plan that enables safe and efficient pedestrian connectivity to and between establishments and publicly accessible areas;
- (2) a superior parking and circulation plan that reduces conflicts between pedestrian and vehicular traffic, minimizes open parking lots and limits conflicts between curb cuts;
- (3) a design that enhances and is integrated with publicly accessible areas including provision of a public entrance fronting on a #waterfront public access area#;
- (4) a variety of retail establishments; and

- (5) #uses# that do not unduly affect the #residential uses# in the nearby area or conflict with future land use and development of adjacent areas.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on publicly accessible areas.

(2/2/11)

87-23

Maximum Width of Establishments

On Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway# or #upland connection#, shall be limited to 60 feet for each #street wall# facing such #shore public walkway# or #upland connection#.

(6/30/09)

87-24

Location of Building Entrances

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, the main front entrance of at least one #building#, as the term "main front entrance" is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), or its successor, shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:

- (a) on Parcel 1, located no less than 120 feet from 149th Street;
- (b) on Parcel 2, located no less than 95 feet from a mapped parkland; and
- (c) on Parcels 3 and 4, located no less than 45 feet from an #upland connection#.

(6/30/09)

87-30

SPECIAL HEIGHT AND SETBACK REGULATIONS

The underlying height and setback regulations shall not apply. In lieu thereof, the special height and setback regulations of this Section, inclusive, shall apply. For the purposes of applying such regulations:

- (a) a #shore public walkway#, mapped parkland, an #upland connection# or fire apparatus access road, as required by the New York City Fire Code, shall be considered a #street# and its boundary shall be considered a #street line#. However, the following shall not be considered #streets# for the purposes of applying the #street wall# location provisions of paragraph (a) of Section 87-32:
 - (1) Exterior Street; and
 - (2) that portion of any other #street#, mapped parkland, #upland connection# or fire apparatus access road that is located east of the #Parcel 1 building line#; and
- (b) the height of all #buildings or other structures# shall be measured from the #base plane#.

(4/30/12)

87-31

Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

(2/2/11)

87-32

Street Wall Location and Building Base

(a) #Street wall# location

The #street wall# of a #building# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to #building# entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;
- (3) for #buildings# that are required to locate at least one main front entrance facing a #shore public walkway#, pursuant to Section 87-24 (Location of Building Entrances), no portion of the #street wall# containing such entrance shall be closer to the #shore public walkway# than the main front entrance; and
- (4) no portion of a #building# facing a #shore public walkway#, except on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, shall exceed a width of 300 feet.

However, on Parcel 1, in order to accommodate a sewer easement located within an area bounded by the eastern boundary of the #shore public walkway#, East 149th Street, a line 120 feet south of and parallel to East 149th Street and a line 120 feet east of and parallel to the #shore public walkway#, no #street wall# shall be required along that portion of East 149th Street and any fire apparatus access road within such easement area. Such area not developed as a fire apparatus access road and open to the sky shall be at least 35 percent planted and shall not be used for parking or loading. Furthermore, in the event such area contains a driveway, it shall be screened from the #shore public walkway# and East 149th Street, except for curb cuts and pedestrian paths, with

densely planted evergreen shrubs maintained at a height of three feet.

(b) Minimum and maximum base heights

The #street wall# shall rise without setback to a minimum base height of six #stories# or 60 feet, or the height of the #building#, whichever is less, and a maximum base height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, for #street walls# facing a #shore public walkway#, the minimum base height shall be 20 feet and the maximum base height shall be four #stories# or 40 feet, whichever is less, before a setback is required. Any portion of a #building or other structure# that does not exceed such maximum base heights shall hereinafter be referred to as a "building base."

All portions of #buildings or other structures# that exceed the maximum base heights set forth in this paragraph, (b), shall be set back from the #street wall# at least ten feet along a #shore public walkway#, mapped parkland and Exterior Street, and at least 15 feet along an #upland connection#.

For #buildings# that exceed a height of eight #stories# or 85 feet, except on Parcels 5, 6, 7 and 9, as shown on Map 1 in the Appendix to this Chapter, not more than 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of six #stories# or 60 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of eight #stories# or 85 feet, whichever is less.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(1) of this Section.

(c) Transition heights

All #street walls#, except on Parcels 5 and 6, may rise to a maximum transition height of 115 feet, provided that, except on Parcel 7, not more than 60 percent of the #aggregate width of street walls# facing a #shore public walkway# exceeds a height of 85 feet. On Parcels 5 and 6, a #street wall# may rise to a maximum transition height of 85 feet, without limitation.

All portions of #buildings# that exceed the transition heights set forth in this paragraph, (c), shall comply with the tower provisions of Section 87-33.

(2/2/11)

87-33

Towers

All #stories# of a #building# located partially or wholly above the applicable transition height set forth in paragraph (c) of Section 87-32 shall be considered a "tower" and shall comply with the provisions of this Section. For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted.

(a) Maximum tower height

For #zoning lots# with 100,000 square feet of #lot area# or less, the maximum height of a #building# shall be 300 feet. The maximum height of #buildings# on #zoning lots# with more than 100,000 square feet of #lot area# shall be 400 feet. For #zoning lots# with two towers, however, such maximum #building# height of 400 feet shall apply to not more than one tower and a maximum #building# height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between towers.

(b) Location rules for #zoning lots# adjacent to mapped parkland

Where a tower is provided on a #zoning lot# adjacent to mapped parkland, such tower or portion thereof shall be located within 85 feet of such mapped parkland, and if two towers are provided on such #zoning lot#, the second tower or portion thereof shall be located either within 120 feet of East 149th Street or within 45 feet of an #upland connection#. Where two towers are provided on a #zoning lot# adjacent to mapped parkland, the shorter of the towers shall be located nearer the mapped parkland.

(c) Maximum tower size

The outermost walls of each #story# located entirely above the applicable transition height shall be inscribed within a rectangle. The maximum length of any side of such rectangle shall be 135 feet. Each #story# of a tower located entirely above the applicable transition height shall not exceed a gross area of 8,800 square feet.

(d) Tower top articulation

All #buildings# that exceed a height of 200 feet shall provide articulation in accordance with at least one of following provisions:

(1) Setbacks on each tower face

- (i) For #buildings# less than 260 feet in height, the highest three #stories#, or as many #stories# as are located entirely above a height of 200 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#;
- (ii) For #buildings# 260 feet or more in height, the highest four #stories#, or as many #stories# as are located entirely above a height of 260 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of

80 percent of the #story# immediately below such #stories#.

Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (d)(1), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(2) Three setbacks facing Harlem River

The upper #stories# of a tower shall provide setbacks with a minimum depth of 15 feet measured from the west-facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 230 feet, whichever is less. The lowest level at which such setbacks may be provided is 230 feet, and the highest #story# shall be located entirely within the eastern half of the tower.

(6/30/09)

87-40

SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND SIDEWALKS

(6/30/09)

87-41

Fire Apparatus Access Roads

Where a fire apparatus access road is provided as required by the New York City Fire Code, such road shall comply with the following requirements:

- (a) the width of a paved road bed shall be 34 feet, constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops;
- (b) curbs shall be provided along each side of the entire length of such road;
- (c) a minimum 13 foot paved sidewalk shall be provided adjacent to and along the entire length of the required curb;
- (d) for the purposes of making the #street# tree requirements of Section 26-41 applicable to fire apparatus access roads, a fire apparatus access road shall be considered a #street#; and
- (e) all such roads shall be constructed with lighting, signage, materials and crosswalks to minimum Department of Transportation standards for public #streets#.

(2/2/11)

87-42

Sidewalks

In the event that Parcel 1, as shown on Map 1 in the Appendix to this Chapter, is #developed# with #mixed use buildings#, as defined in Section 123-11, sidewalks shall be provided on Parcel 1, as follows:

- (a) Sidewalks with a depth of at least 15 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 15 feet. However, existing

#buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement.

- (b) A 22 foot wide walkway shall extend east of and along the #Parcel 1 building line#, linking East 149th Street and mapped parkland, or a fire apparatus access road if such road is provided adjacent to mapped parkland. In the event that a parking lot is provided east of such walkway, the easternmost seven feet of such walkway shall be densely planted with evergreen shrubs maintained at a maximum height of three feet above the adjoining walkway. Such walkway and planting strip may be interrupted to allow vehicular or pedestrian access.
- (c) Any driveway located east of the #Parcel 1 building line# that extends along a sewer easement and intersects Exterior Street shall have curbs and sidewalks with a minimum width of 13 feet along each curb, which may be interrupted to allow for vehicular access to a parking lot.

All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

(2/2/11)

87-50

SPECIAL PARKING REGULATIONS

The following provisions shall apply to all parking facilities:

- (a) Use of parking facilities

All #accessory# off-street parking spaces may be made available for public use; any such space, however, shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord.

(b) Off-site parking

The off-site parking location provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-street parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided the lot to be used for parking is within the #Special Harlem River Waterfront District#.

(c) Location requirements for parking facilities

No parking facility, open or enclosed, shall front upon or be visible from:

- (1) a #shore public walkway#, except as provided for in paragraph (e) of this Section for Parcel 5;
- (2) any #upland connection# or mapped parkland, or portion thereof, that is located west of the #Parcel 1 building line#.

(d) Design requirements for enclosed off-street parking facilities

All enclosed off-street parking facilities shall be located either entirely below the level of any #street# or open area accessible to the public upon which such facility fronts or, when located above grade, in compliance with the following provisions:

- (1) The provisions of this paragraph, (d)(1), shall apply to facilities facing a #shore public walkway#, an #upland connection#, mapped parkland, or the northern #street line# of 138th Street.

Such facilities shall be located at every level above grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 25 feet as measured from any #building# wall facing a #shore public walkway#, or facing that portion of an #upland connection# or mapped parkland located west of the #Parcel 1 building line# so that no portion of such parking facility is visible from the #shore public walkway#, #upland connection# or mapped parkland.

All such parking facilities shall be exempt from the definition of #floor area#.

On Parcel 6, as shown on Map 1 in the Appendix to this Chapter, the ground floor of a #building# within 60 feet of the intersection of Exterior Street and East 138th Street shall be occupied to a depth of 25 feet with #commercial#, #community facility# or #residential floor area# so that no portion of a parking facility is visible from such portion of Exterior Street or East 138th Street.

- (2) The provisions of this paragraph, (d)(2), shall apply to facilities not facing a #shore public walkway#, or that portion of an #upland connection# or mapped parkland located west of the #Parcel 1 building line#, or the northern #street line# of East 138th Street.

Such facilities shall be designed so that:

- (i) any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view;
- (ii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
- (iii) a total of at least 50 percent of such exterior #building# wall with adjacent parking spaces consists of opaque materials which may include permitted #signs#, graphic or sculptural art, or living plant material.

(e) Open parking lots

The requirements of Section 37-90 (PARKING LOTS) and screening requirements for open parking lots of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), are modified as set forth in this paragraph, (e).

For the purposes of applying the requirements of Section 37-90, a fire apparatus access road shall be considered a #street#.

On Parcel 1, for parking lots or portions thereof located east of the #Parcel 1 building line#, no landscaping shall be required. Such parking lots shall be screened from #streets# and any other publicly accessible areas by ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street and a sewer easement, a seven foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.

On Parcel 5, as shown on Map 1 in the Appendix to this Chapter, if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel, the screening requirements applicable to open parking lots set forth in Article VI, Chapter 2, shall not apply. In lieu thereof, such open parking lot shall be screened from the adjacent #shore public walkway# and #upland connection# with a wall or fence, other than a chain link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.

(f) Roof parking

Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, that is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

(6/30/09)

87-51

Curb Cut Restrictions

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, no curb cuts shall be provided facing a #shore public walkway#, and further, on Parcel 2, no curb cuts shall be provided facing mapped parkland.

(6/30/09)

87-60

HARLEM RIVER WATERFRONT ACCESS PLAN

Map 2 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location of certain features mandated or permitted by the Plan.

(2/2/11)

87-61

Special Public Access Provisions

The provisions of 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) shall apply to #developments#, #enlargements#, alterations or changes of #use#, as follows:

(a) #Shore public walkways#

- (1) The #shore public walkway# shall be constructed at an elevation of two feet above the highest level of the Oak Point Rail Link, except that:

- (i) on Parcels 6 and 7, no such elevation requirement shall apply;

- (ii) on Parcel 5, if commercial or public utility vehicle storage, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the #zoning lots#, such elevation requirement shall not apply. However, for any other #use#, such elevation requirement shall only apply along the westernmost section of the #shore public walkway# to a depth of 40 feet; and
 - (iii) on all #zoning lots#, a #shore public walkway# shall be required to meet the grade of an existing adjacent #street#, which may include deviating from such elevation requirement where necessary.
- (2) A dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code, Section 503.2.5 (Dead-ends), or its successor, may by certification extend into a designated #shore public walkway# as set forth in Section 87-73 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).
- (3) In the event that a portion of a #waterfront zoning lot# is within 40 feet of the #shoreline# yet does not abut the #shoreline# because of an intervening #zoning lot#, a #shore public walkway# shall be provided on such upland portion. The width of the #shore public walkway# on such portion shall be 40 feet measured from the #shoreline# of the intervening #zoning lot# and shall include the width of the intervening #zoning lot#. The portion of such #shore public walkway# located upland of the intervening #zoning lot# shall be improved with a circulation path at least ten feet wide, and any required planted screening buffer shall have a width of at least four feet.
- (4) On Parcel 5, if a commercial or public utility vehicle storage #use# is #developed# or #enlarged# as the primary #use# on the parcel, the #shore public walkway# requirements set forth in Section 62-62 shall apply, except that:

- (i) the required width of the #shore public walkway# may be reduced to a minimum of 20 feet along the northern edge of the inlet and may be reduced to a minimum of 30 feet along the eastern edge of the inlet;
- (ii) the circulation path required in paragraph (a)(1) of Section 62-62 shall be modified to a minimum width of 10 feet along the northern and eastern edge of the inlet;
- (iii) the screening provisions of paragraph (c)(2) of Section 62-62 shall not apply. In lieu thereof, a planted screening buffer with a width of four feet shall be provided. Such planted buffer shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting; and
- (iv) in the event that the #upland connection# on Parcel 6 has not been provided, a ten foot wide pedestrian walkway between the #shore public walkway# and Exterior Street shall be provided on Parcel 5 adjacent to such #upland connection# location.

(b) #Upland connections#

#Upland connections# shall be located on Parcels 3, 4 and 6, as designated on Map 2 in the Appendix to this Chapter.

The provisions of Sections 62-50 are modified, as follows:

- (1) Parcel 3 may provide the #upland connection# at either of the two optional locations indicated on Map 2.
- (2) The required width for an #upland connection# on Parcel 6 is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) #Supplemental public access areas#

#Supplemental public access areas#, pursuant to this Plan, shall be provided on Parcels 1 and 2, as indicated on Map 2 in the Appendix to this Chapter. However, the requirement may be waived by certification by the Chairperson of the City Planning Commission as set forth in Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement).

(d) #Visual Corridors#

#Visual corridors# shall be located within Parcels 1 and 4, and mapped parkland, as indicated on Map 2 in the Appendix to this Chapter.

(2/2/11)

87-62

Certification to Waive Supplemental Public Access Area Requirement

For Parcels 1 and 2, the requirement to provide a designated #supplemental public access area#, as indicated on Map 2 in the Appendix to this Chapter, may be waived by the Chairperson of the City Planning Commission, provided that:

- (a) the site plan includes a vehicular connection through the #zoning lot# pursuant to the design guidelines set forth in Section 87-41 (Fire Apparatus Access Roads);
- (b) a declaration of restrictions has been provided, pursuant to Section 87-64;
- (c) the design meets all applicable connection requirements set forth in Section 87-66 (Connection with Adjacent Zoning Lots); and
- (d) such a vehicular connection, either:
 - (1) on Parcel 1, provides access between East 149th Street and Exterior Street, serving all

#buildings# along the #shore public walkway# and mapped parkland; or

- (2) on Parcel 2, provides a bi-directional connection between Exterior Street at its intersection with East 144th Street and the southernmost #lot line#.

(2/2/11)

87-63

Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways

On Parcels 2, 3 and 4, a dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code, Section 503.2.5 (Dead-ends) may, by certification, extend into the designated #shore public walkway#, provided that:

- (a) a declaration of restrictions has been provided, pursuant to Section 87-64;
- (b) a fire apparatus access road abutting the shared #zoning lot line# between the #development#, #enlargement#, alteration or change of #use# seeking certification under this Section and Parcels 2, 3 or 4 does not exist; and
- (c) the fire apparatus access road serves as a segment of a bi-directional loop road along the #shore public walkway#, providing a connection to Exterior Street at the northeast corner of Parcel 2 and a connection to Exterior Street at the southeast corner of Parcel 4.

Such turnaround shall have a diameter of 70 feet and be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. At no point may the turnaround extend into the #shore public walkway# for a distance greater than 23 feet. Sidewalks shall not be required adjacent to the turnaround. The portion of the turnaround that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials, and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.1.1 (Fire apparatus access roads), or its successor. In addition, the

roadbed material of a fire apparatus access road leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush with the level of adjoining sidewalks.

(2/2/11)

87-64

Declaration of Restrictions

For any fire apparatus access road proposed for certification pursuant to Sections 87-62 or 87-63, a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, to guarantee that such road remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Sections 87-62 and 87-63, where applicable.

For certifications proposed pursuant to Section 87-63, at the time a declaration of restrictions has been provided by the adjacent #development#, #enlargement#, alteration or change of #use#, pursuant to this Section, permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously-constructed fire apparatus access turnaround shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

- (a) deconstructing the fire apparatus access road turnaround;

- (b) re-landscaping the area that had extended into the #shore public walkway#, so as to create the conditions of the immediately surrounding #shore public walkway#, which may include any combination of tree planting, laying sod, removing pavers, or any other required landscaping action;
- (c) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable pedestrian movement across parcels; and
- (d) complying with all applicable waterfront rules, #street# regulations and the New York City Fire Code.

(6/30/09)

87-65

Applicability of Waterfront Regulations

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 after June 30, 2009, the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

(2/2/11)

87-66

Connection with Adjacent Zoning Lots

The following provisions apply to #developments#, #enlargements#, alterations or changes of #use#, pursuing certification, pursuant to either Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement) or 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).

On each of Parcels 2, 3 and 4, and only among Parcels 2, 3 and 4, a #development#, #enlargement#, alteration or change of #use#, shall provide a connection for bi-directional vehicular travel at an adjacent #zoning lot line# if such adjacent #zoning lot# has previously constructed a

connection that terminates at the shared #lot line#. Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of, and maintain the street width of, the existing adjacent private street. In addition to such physical shared #lot line# connection, a #private road# declaration shall be provided pursuant to the provisions of Section 87-64. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-64, has been recorded against the adjacent #zoning lot#.

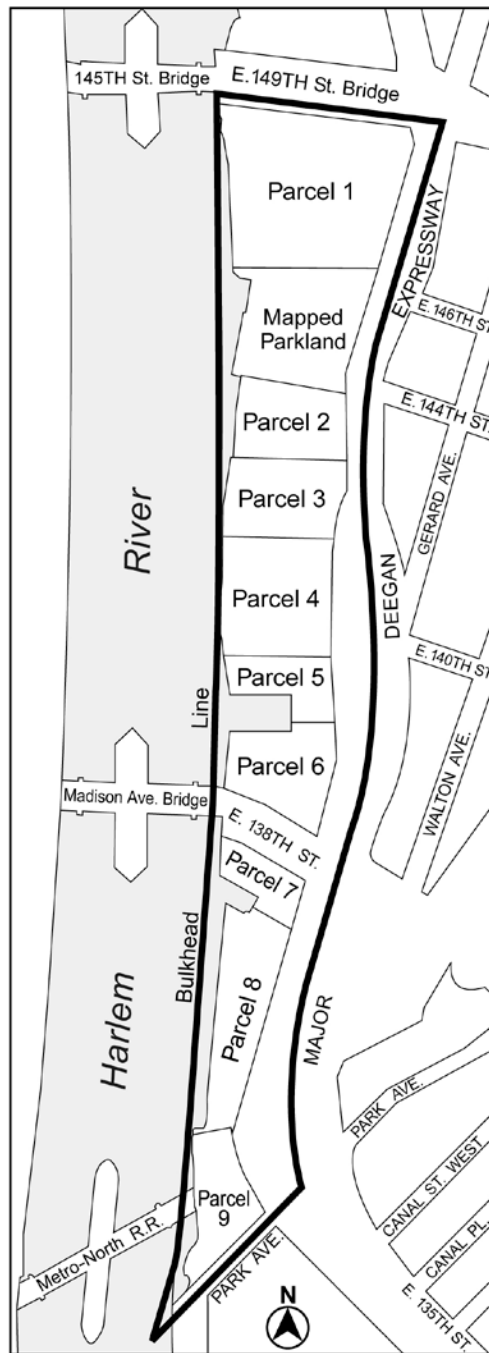
When no connection for vehicular travel terminating at the opposite side of a shared #lot line# exists, a dead-end fire apparatus access road turnaround may be constructed, pursuant to Section 87-63, which may extend into the designated #shore public walkway#. Such certification is also contingent upon providing a declaration of restrictions, in accordance with Section 87-64.

(6/30/09)

Appendix

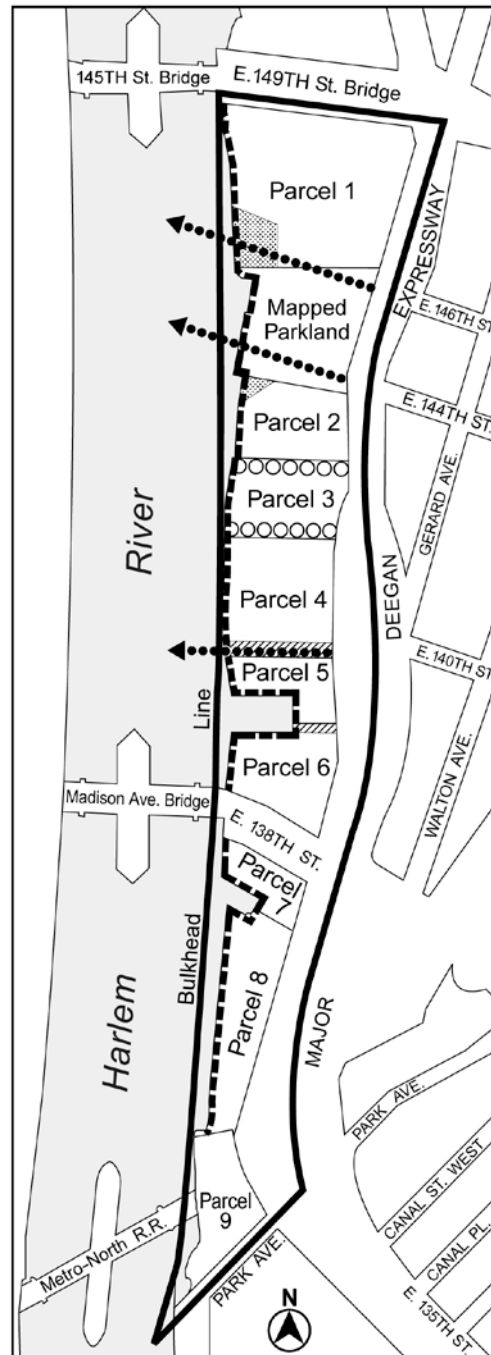
Special Harlem River Waterfront District Plan

Map 1. Special Harlem River Waterfront District and Parcels
(87-A1)



Special Harlem River Waterfront District

Map 2. Waterfront Access Plan: Public Access Elements (84-A2)



- Special Harlem River Waterfront District
- - - - - Shore Public Walkway/ Waterfront Yard
- ◄•••• Visual Corridor (Designated Location)
- ○ ○ ○ ○ Upland Connection (Variable Location)
- ▨ Upland Connection (Designated Location)
- ▩ Supplemental Public Access Area (Designated Location)

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



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Article VIII: Special Purpose Districts Chapter 8: Special Hudson Square District

Effective date of most recently amended section of Article VIII Chapter 8: 10/09/13

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(3/20/13)

Article VIII - Special Purpose Districts

Chapter 8

Special Hudson Square District

(3/20/13)

88-00

GENERAL PURPOSES

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

- (a) support the growth of a mixed residential, commercial and industrial neighborhood by permitting expansion and new development of residential, commercial and community facility uses while promoting the retention of commercial uses and light manufacturing uses;
- (b) recognize and enhance the vitality and character of the neighborhood for workers and residents;
- (c) encourage the development of buildings compatible with existing development;
- (d) regulate conversion of buildings while preserving continued manufacturing or commercial use;
- (e) encourage the development of affordable housing;
- (f) promote the opportunity for workers to live in the vicinity of their work;
- (g) retain jobs within New York City; and
- (h) promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect City tax revenues.

(3/20/13)

88-01

Definitions

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

Qualifying building

For the purposes of this Chapter, a "qualifying building" shall be any #building# that contained at least 70,000 square feet of #floor area# on March 20, 2013.

(10/9/13)

88-02

General Provisions

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Hudson Square District#, the provisions of this Chapter shall apply within the #Special Hudson Square District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

(3/20/13)

88-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Hudson Square District# Plan. The District Plan includes the map, "Special Hudson Square District and Subdistrict," in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations

where the special regulations and requirements set forth in this Chapter apply.

(3/20/13)

88-04 Subdistricts

In order to carry out the purposes and provisions of this Chapter, Subdistrict A is established. The Subdistrict is specified on the map in the Appendix to this Chapter.

(3/20/13)

88-05 Applicability of District Regulations

(3/20/13)

88-051 Applicability of Article I, Chapter 5

The conversion to #dwelling units# of non-#residential buildings# erected prior to January 1, 1977, or portions thereof, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b), except as superseded or modified by the provisions of this Chapter.

(3/20/13)

88-052 Applicability of district bulk regulations to certain enlargements

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), for the #enlargement# of a #building# which is the subject of Department of Buildings application number 121326742 filed on December 3, 2012, to create

a single commercial development, such #enlarged building# shall not be subject to the height and setback regulations of Section 88-33, paragraph (b), and may continue, provided that a building permit has been issued for such commercial development within two years of March 20, 2013. In addition, should the #zoning lot# which is the subject of the above-referenced Department of Buildings application merge with an adjacent #zoning lot# containing #wide street# frontage on Sixth Avenue, such a #zoning lot# merger and the subsequent combining of adjacent #buildings# shall not be deemed to create a new #non-compliance#, nor an increase in the degree of #non-compliance# in regards to Section 88-33, paragraph (b)(4), (Maximum length of #street wall#).

(3/20/13)

88-10

SUPPLEMENTAL USE REGULATIONS

All permitted #uses# in the underlying districts, as set forth in Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall comply with the provisions set forth in this Section, inclusive.

(3/20/13)

88-11

Residential Use

#Residential use# shall be permitted in accordance with the provisions of this Section.

(a) #Residential use# as-of-right

#Residential use# shall be permitted as-of-right on any #zoning lot# that, on March 20, 2013, was not occupied by a #qualifying building#. As a condition to receiving a building permit, such absence of a #qualifying building# on the #zoning lot# must be demonstrated to the satisfaction of the Department of Buildings.

(b) #Residential use# by certification

#Residential use# shall be permitted on a #zoning lot# that, on March 20, 2013, was occupied by one or more #qualifying

buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot#, as it existed on March 20, 2013, will contain at least the amount of non-#residential floor area# that existed within such #qualifying buildings# on the #zoning lot# on March 20, 2013, subject to the following:

- (1) non-#residential floor area# that is preserved within existing non-#qualifying buildings# on the #zoning lot# through restrictive declaration may count towards meeting the requirements of this certification; and
- (2) #floor area# from #community facility uses# with sleeping accommodations shall not count towards meeting the requirements of this certification.

However, non-#residential floor area# converted to #residential# vertical circulation space and lobby space need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of non-#residential floor area# that existed within such #qualifying buildings# on March 20, 2013, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change of #use# from non-#residential# to #residential#, or for any #development# containing #residences#.

(3/20/13)

88-12

Community Facility Use

The #community facility use# regulations applicable in M1 Districts shall not apply in the #Special Hudson Square District#. In lieu thereof, all #community facility uses# listed in Use Groups 3 and 4 shall be permitted, except that #community facilities# with sleeping accommodations shall only be permitted in accordance with paragraphs (a) or (b) of this Section, as applicable.

- (a) #Community facilities# with sleeping accommodations shall be permitted as-of-right on any #zoning lot# that, on March 20, 2013, was not occupied by a #qualifying building#. As a condition to receiving a building permit, such absence of a #qualifying building# on the #zoning lot# shall be demonstrated to the satisfaction of the Department of Buildings.
- (b) #Community facilities# with sleeping accommodations shall be permitted on a #zoning lot# that, on March 20, 2013, was occupied by one or more #qualifying buildings#, only upon certification by the Chairperson of the City Planning Commission that the #zoning lot# will contain at least the amount of non-#residential floor area# that existed within #qualifying buildings# on the #zoning lot# on March 20, 2013, subject to the following:
 - (1) non-#residential floor area# that is preserved within existing non-#qualifying buildings# on the #zoning lot# through restrictive declaration may count towards meeting the requirements of this certification; and
 - (2) #floor area# from #community facility uses# with sleeping accommodations shall not count towards meeting the requirements of this certification.

However, non-#residential floor area# converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as non-#residential floor area#.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of non-#residential floor area# that existed within such #qualifying buildings# on March 20, 2013, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change of #use# from non-#residential# to #community facility uses# with sleeping accommodations, or for any #development# containing #community facility uses# with sleeping accommodations.

- (c) Ground floor #community facility uses# shall be subject to the streetscape provisions set forth in Section 88-131.

(3/20/13)

88-13

Commercial Use

The #commercial use# regulations applicable in M1 Districts shall apply in the #Special Hudson Square District#, except that:

- (a) food stores, including supermarkets, grocery stores or delicatessen stores, shall not be limited as to the size of the establishment;
- (b) #uses# listed in Use Group 6A, other than food stores, and Use Groups 6C, pursuant to Section 42-13, 6E, 10 and 12B, shall be limited to 10,000 square feet of #floor area# at the ground floor level, per establishment. Portions of such establishments located above or below ground floor level shall not be limited in size;
- (c) ground floor #commercial uses# shall be subject to special streetscape provisions set forth in Section 88-131;
- (d) #commercial uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive;
- (e) #transient hotels# shall be allowed, except that:
 - (1) #development# or #enlargement# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with paragraph (a) of Section 88-11, shall only be allowed upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal has been met for the #Special Hudson Square District# as set forth in this paragraph, (e)(1), or, where such residential development goal has not been met, by special permit pursuant to Section 88-132 (Special permit for large transient hotels).

The residential development goal shall be met when at least 2,255 #dwelling units#, permitted pursuant to the provisions of Section 88-11, within the #Special Hudson Square District#, have received temporary or final

certificates of occupancy subsequent to March 20, 2013;
and

(2) a change of #use# within a #qualifying building# to a #transient hotel# with greater than 100 sleeping units shall only be allowed by special permit, pursuant to Section 88-132; and

(f) eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, are permitted only by special permit of the Board of Standards and Appeals, pursuant to Section 73-244.

(3/20/13)

88-131

Streetscape provisions

For #zoning lots# with #street# frontage of 50 feet or more, the location of certain #uses# shall be subject to the following #use# requirements.

- (a) For #uses# located on the ground floor or within five feet of #curb level#, limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B, shall have a depth of at least 30 feet from the #building# wall facing the #street# and shall extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#.
- (b) The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies or entrances to parking spaces, except that lobbies shall be limited to a total width of 40 feet per #street# frontage. The 30 foot minimum depth requirement shall not apply where a reduction in such depth is necessary in order to accommodate a #residential# lobby or vertical circulation core.
- (c) In Subdistrict A of this Chapter, for portions of a #building# bounding a #public park#, the ground floor #use# requirements of paragraph (a) of this Section shall apply to 100 percent of the width of the #street# frontage of the #zoning lot#, and #residential# lobbies and #schools# shall be permitted #uses# on the ground floor for purposes of compliance with paragraph (a).

For #zoning lots# with #street# frontage of less than 50 feet, no special ground floor #use# requirements shall apply.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor, provided they are located beyond 30 feet from the #building# wall facing the #street#.

Any ground floor #street wall# of a #development# or #enlargement# that contains #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors, provided such transparent materials have a minimum width of two feet. Such transparency shall occupy at least 50 percent of the surface area of each such ground floor #street wall# between a height of two feet, and 12 feet or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. The lowest level of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the #curb level#, with the exception of transom windows. In addition, the maximum width of a portion of the ground floor level #street wall# without transparency shall not exceed ten feet. However, where an entrance to a parking facility is provided, the requirements of this Section shall not apply to that portion of the ground floor #street wall# occupied by such an entrance.

(3/20/13)

88-132

Special permit for large transient hotels

(a) #Developments# or #enlargements#

In the #Special Hudson Square District#, prior to the residential development goal set forth in paragraph (e) of Section 88-13 (Commercial Use) having been achieved, the City Planning Commission may permit #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as-of-right, in accordance with paragraph (a) of Section 88-11, provided the Commission finds that:

- (1) sufficient development sites are available in the area to meet the residential development goal; or
- (2) a harmonious mix of #residential# and non-#residential uses# has been established in the surrounding area, and such #transient hotel# resulting from a #development# or #enlargement# is consistent with the character of such surrounding area.

(b) Changes of #use#

In the #Special Hudson Square District#, the City Planning Commission may permit the change of #use# of #floor area# within #qualifying buildings# to a Use Group 5 #transient hotel# with greater than 100 sleeping units provided that, at minimum, the amount of #floor area# changed to such #transient hotel# is:

- (1) preserved for Use Group 6B office #use# within a #qualifying building# located within the #Special Hudson Square District#; or
- (2) created for Use Group 6B office #use# within a #building developed# after March 20, 2013, or within the #enlarged# portion of a #building#, where such #enlargement# was constructed within one year of the date an application pursuant to this Section is filed with the Department of City Planning (DCP). Such #developed# or #enlarged buildings# may be located anywhere within the #Special Hudson Square District#, and shall have either temporary or final certificates of occupancy for Use Group 6B office #use#.

In order to permit such change of #use#, the Commission shall find that the proposed #transient hotel# is so located as not to impair the essential character, or the future use or development, of the surrounding area.

A restrictive declaration acceptable to the DCP shall be executed and recorded, binding the owners, successors and assigns to preserve an amount of Use Group 6B office #use# within a #qualifying building#, or created within a #development# or #enlargement#, as applicable. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for

any building permit related to a change in #use# from Use Group 6B office #use# to any other #use#.

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

(3/20/13)

88-14 **Manufacturing Use**

In the #Special Hudson Square District#, #manufacturing uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive.

(3/20/13)

88-20 **SIGN REGULATIONS**

In the #Special Hudson Square District#, #signs# are subject to the regulations applicable in C6-4 Districts, as set forth in Section 32-60, inclusive.

(3/20/13)

88-30 **SPECIAL BULK REGULATIONS**

Except as modified in this Chapter, the following bulk regulations shall apply:

- (a) For #developments#, #enlargements#, or changes of #use# containing #residences#, the #bulk# regulations of an R10 District, as set forth in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), shall apply;

(b) For #developments#, #enlargements#, or changes of #use# containing #manufacturing#, #commercial# or #community facility uses#, the #bulk# regulations set forth in Article IV, Chapter 3 (Bulk Regulations), shall apply.

For the purposes of applying the regulations of this Section, Greenwich Street shall be a #wide street#.

(3/20/13)

88-31

Floor Area Regulations

Except in Subdistrict A of this Chapter, the maximum #floor area# ratio for #zoning lots# that do not contain #residences# shall be 10.0; no #floor area# bonuses shall apply.

The maximum base #floor area ratio# for #zoning lots# that contain #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0. Such #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section 88-32 (Inclusionary Housing).

(3/20/13)

88-311

Special floor area regulations in Subdistrict A

For #zoning lots# in Subdistrict A of this Chapter that do not contain #residences#, the maximum #floor area ratio# shall be 10.0; no #floor area# bonuses shall apply.

For #zoning lots# in Subdistrict A containing #residences#, the maximum #floor area ratio# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0.

Any floor space designated for #use# as a #school# shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community

facility uses# and the total maximum #floor area ratio# of the #zoning lot#, provided that such school is either:

- (a) a public school, subject to the jurisdiction of the New York City Department of Education, pursuant to an agreement accepted by the School Construction Authority; or
- (b) a charter school, subject to the New York State Education Law, pursuant to an agreement with a charter school organization.

(3/20/13)

88-32

Inclusionary Housing

The #Special Hudson Square District#, except Subdistrict A, shall be an #Inclusionary Housing designated area#, and the provisions of Section 23-90 (INCLUSIONARY HOUSING) applicable to R10 Districts shall apply.

(3/20/13)

88-33

Height and Setback

In the #Special Hudson Square District#, the height and setback regulations of the underlying districts shall not apply. In lieu thereof, the provisions of this Section shall apply to all #buildings#.

- (a) Rooftop regulations

- (1) Permitted obstructions

The provisions of Section 33-42 shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a

figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage, or that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, dormers may penetrate a maximum base height 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 such dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

(2) Screening requirements for mechanical equipment

For all #developments#, #enlargements# and #conversions# of non-#residential floor area# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully screened on all sides. However, no such screening requirements shall apply to water tanks.

(b) Height and setback

(1) #Street wall# location

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to the minimum base height or the height of the #building#, whichever is less. On #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line#. For the purposes of this paragraph, (b), portions of #street walls# located up to 18 inches from a #street line# shall be considered to be located on the #street line# where a vertical element of such #street wall# is located on the #street line# and rises without setback from ground level to the top of the second #story# at intervals of at least once every 15 feet in plan and, above the level of the second #story#, where a

vertical element rises without setback to the applicable minimum base height at an interval of at least once every 30 feet in plan.

On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#.

Above the level of the ground floor, recesses shall be permitted beyond 20 feet of an adjacent #building# and beyond 30 feet of the intersection of two #street lines#, as follows:

(i) Along #wide streets#

Recesses shall be provided at the level of each #story# entirely above a height of 60 feet, up to the maximum base height of the #building#. Such recesses shall have a minimum depth of five feet and a width between 10 and 40 percent of the #aggregate width of street wall# of the #building# at the level of any #story#.

(ii) Along #narrow streets#

Above the level of the second #story#, recesses in #street walls# deeper than 18 inches shall be permitted. Such recesses may not exceed 30 percent of the #aggregate width of street wall# of the #building# at the level of any #story#.

(2) Base height

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and a maximum base height of 150 feet.

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, up to a maximum base height of 125 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may apply along a #narrow street# to a distance of 100 feet from its intersection with a #wide street#.

(3) Required setbacks and maximum #building# heights

(i) Along #wide streets#

The provisions of this paragraph, (b)(3)(i), shall apply to #buildings#, or portions thereof, located on #wide streets#, and on #narrow streets# within 100 feet from their intersection with a #wide street#. The portion of such #building# above a height of 150 feet shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. The maximum height of such #buildings# shall be 290 feet. In addition, the gross area of each of either the highest two or three #stories# of such #building# located entirely above a height of 230 feet, shall not exceed 80 percent of the gross area of the #story# directly below such highest two or three #stories#.

(ii) Along #narrow streets#

The provisions of this paragraph, (b)(3)(ii), shall apply to #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet from their intersection with a #wide street#.

The portion of such #building# above a height of 125 feet shall be set back from the #street wall# of the #building# at least 15 feet, except such dimensions may include the depth of any permitted recesses in the #street wall#.

The maximum height of such #buildings# shall be 185 feet. However, for #buildings# that include #floor area compensation# pursuant to Sections 88-32 and 23-90 (Inclusionary Housing) for the provision of an amount of #low income floor area# not less than 20 percent of the #residential floor area# on the #compensated zoning lot#, the maximum height of

such #building# shall be 210 feet where such #building# is on a #block# with a depth between #narrow streets# of more than 180 feet, and the maximum height of such #building# shall be 230 feet where such #building# is on a #block# where the depth between #narrow streets# is less than 180 feet.

For #buildings# containing #residences#, all portions of such #building# exceeding a height of 125 feet above the level of the #residential rear yard# shall be set back no less than ten feet from a #rear yard line#. No setback shall be required for #buildings# that include #floor area compensation# pursuant to Sections 88-32 and 23-90 for the provision of an amount of #low income floor area# not less than 20 percent of the #residential floor area# on the #compensated zoning lot#.

(4) Maximum length of #street wall#

The maximum length of any #street wall# located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a level of 150 feet. As an alternative, for #street walls# facing #wide streets# that provide vertical articulation, such maximum length may be increased to 175 feet, provided that between 30 and 40 percent of the width of the #street wall# is recessed at least five feet from all adjacent #street walls# above a height of 150 feet.

(5) Vertical #enlargements#

- (i) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location requirements of paragraphs (b)(1) and (b)(2) of this Section.
- (ii) Existing #buildings# with #street walls# that rise without setback to a height of at least 80 feet may be vertically #enlarged# in excess of one #story# or 15 feet without regard to the #street wall# location requirements of paragraphs (b)(1) and (b)(2) of this Section, provided such #enlarged# portion is located at least 10 feet from a #wide

street# and at least 15 feet from a #narrow street#.

(3/20/13)

88-331

Special height and setback regulations in Subdistrict A

For #zoning lots# in Subdistrict A of this Chapter, the regulations in paragraph (b) of Section 88-33 applicable to #wide streets# shall apply, except where modified or superseded by the regulations of this Section.

(a) Maximum #building# height

The maximum height of #buildings# shall be 430 feet.

(b) #Lot coverage#

Below a height of 290 feet, #buildings# shall have a minimum #floor area# coverage of at least 30 percent of the #lot area# of the #zoning lot#. Above a height of 290 feet, #buildings# shall have a minimum #floor area# coverage of at least 20 percent of the #lot area# of the #zoning lot#.

(c) Modification of #bulk# regulations for #zoning lots# bounding a #public park#

In the case of a #zoning lot line abutting# the boundary of a #public park#, such #zoning lot line# shall be considered to be a #wide street line# for the purposes of applying all #bulk# regulations of this Resolution, except for #street wall# regulations. For the purposes of applying #street wall# regulations in the case of a #zoning lot line abutting# the boundary of a #public park#, a line no more than 45 feet west of and parallel to the nearest boundary line of the #public park# shall be considered a #wide street line#.

(d) #Street wall# location

The #street wall# provisions of this Chapter shall apply, except that, for the portion of a #building# bounding a #public park#, the #street wall# shall be located at the #street line# for at least 50 percent of the frontage

bounding the #public park# and shall rise to the minimum base height, but not higher than the maximum base height.

(3/20/13)

88-332
Courts

Those portions of #buildings# that contain #residences# shall be subject to the court provisions applicable in R10 Districts as set forth in Section 23-80 (Court Regulations, Minimum Distance between Windows and Walls or Lot Lines and Open Area Requirements), inclusive.

(3/20/13)

88-40
YARD REGULATIONS

In the #Special Hudson Square District#, except as provided in Section 88-41 (Rear yard regulations for shallow through lots), the #yard# provisions applicable in R10 Districts shall apply to the #residential# portion of a #building#, and the #yard# provisions applicable in C6 Districts shall apply to non-#residential buildings#, or the non-#residential# portion of a #building#.

(3/20/13)

88-41
Rear Yard Regulations for Shallow Through Lots

For #through lot# portions of #zoning lots# located beyond 100 feet of a #wide street#, where the maximum depth of such #through lot# between #narrow streets# is 180 feet or less, any required #rear yard equivalent# shall be provided as an open area with a minimum depth of 60 feet, midway (or within ten feet of being midway) between the two #narrow street lines# upon which such #through lot# fronts.

(3/20/13)

88-50

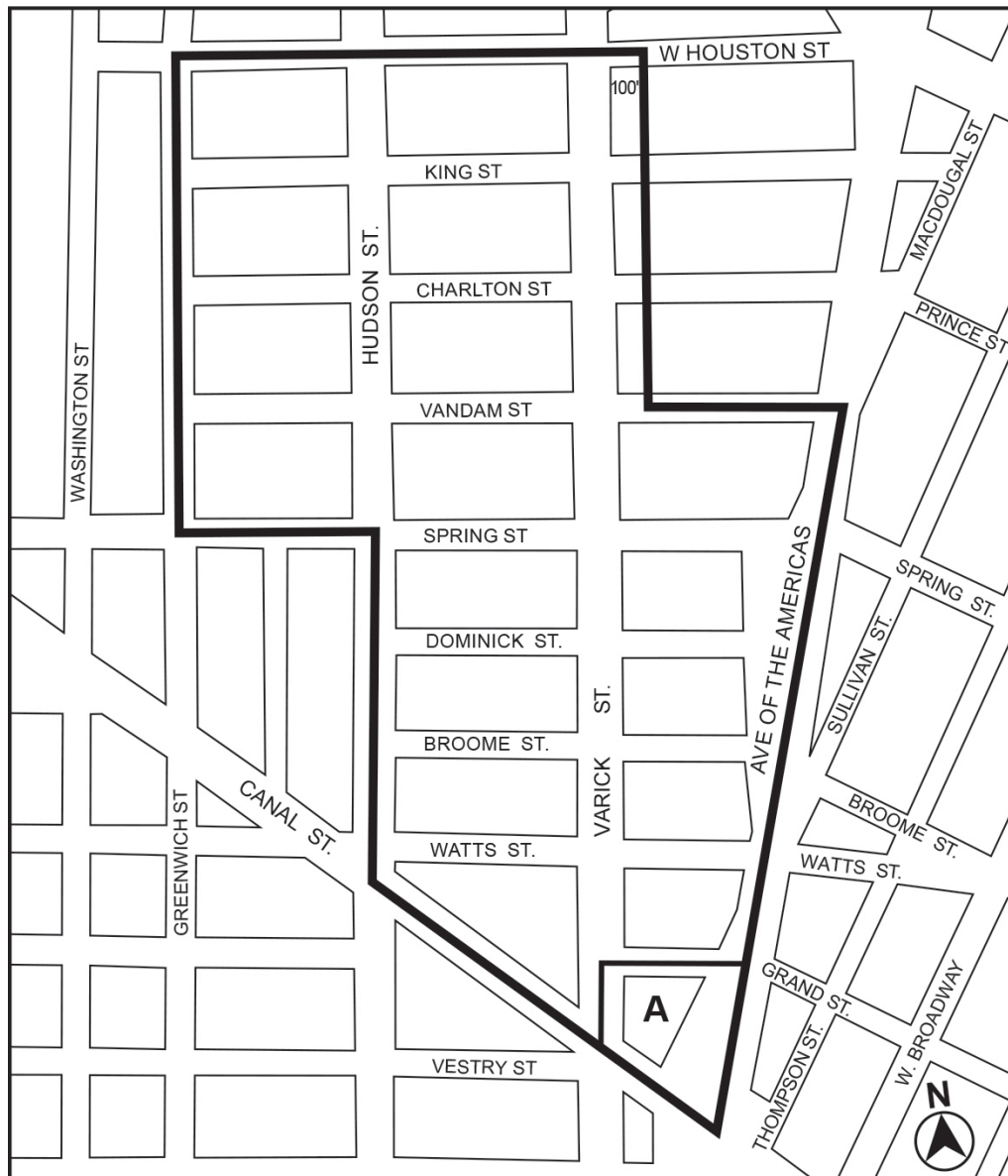
PARKING AND LOADING REGULATIONS AND CURB CUT LOCATIONS



In the #Special Hudson Square District#, the parking regulations applicable in C6-4 Districts, as set forth in Article III, Chapter 6, and as modified, pursuant to 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) shall apply.

(3/20/13)

Appendix A
Special Hudson Square District Plan

Special Hudson Square District and Subdistrict



-  *Special Hudson Square District*
-  *Special Hudson Square District Subarea A*

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



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Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article IX: Special Purpose Districts Chapter 1: Special Lower Manhattan District

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(3/20/13)

Article IX - Special Purpose Districts

Chapter 1

Special Lower Manhattan District

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(8/27/98)

91-00

GENERAL PURPOSES

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

- (a) encourage development of a 24-hour community through the conversion of older commercial buildings to residential use;
- (b) facilitate maximum design flexibility of buildings and enhance the distinctive skyline and streetscape of Lower Manhattan;
- (c) improve public use and enjoyment of the East River waterfront by creating a better physical and visual relationship between development along the East River and the waterfront area, public access areas and the adjoining upland community;
- (d) enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities;

- (e) restore, preserve and assure the use of the South Street Seaport Subdistrict as an area of small historic and restored buildings, open to the waterfront and having a high proportion of public spaces and amenities, including a South Street Seaport Environmental Museum, with associated cultural, recreational and retail activities;
- (f) establish the Historic and Commercial Core to protect the existing character of this landmarked area by promoting development that is harmonious with the existing scale and street configuration; and
- (g) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

(10/9/13)

91-01

General Provisions

Except as modified by the express provisions of the #Special Lower Manhattan District#, the regulations of the underlying zoning districts shall remain in effect.

Requirements that apply generally throughout the District are set forth in the provisions for this Chapter. The provisions of Section 91-40 (MANDATORY DISTRICT PLAN ELEMENTS) specify planning and urban design features that are primarily oriented toward the accommodation and well-being of pedestrians.

For requirements that are not generally applicable but are tied to specific locations within the Special District, the locations where these requirements apply are shown on District Map 2 (Street Wall Continuity Types 1, 2A, 2B & 3), Map 3 (Street Wall Continuity Types 4 & 5), Map 4 (Designated Retail Streets) and Map 5 (Curb Cut Prohibitions) in Appendix A. Certain #sign# regulations that apply to landmark #buildings# with #street walls# fronting Broadway are set forth in Section 91-134.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to all areas of the #waterfront area# within the #Special Lower Manhattan District#, except as otherwise provided in Section 91-60 (REGULATIONS FOR THE SOUTH

STREET SEAPORT SUBDISTRICT) for Piers 9, 11, 13 and 14. Piers 9, 11, 13 and 14 are shown on Maps 1 and 6 in Appendix A.

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

An existing public amenity, open or enclosed, that was a mandatory requirement or received a #floor area# bonus pursuant to the provisions of the former Special Greenwich Street Development District, eliminated on August 27, 1998, shall not be removed, reduced in size or in any way altered, other than pursuant to the provisions of Section 91-71 (Authorization for the Modification of Required Public Amenities).

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

Section 91-72 (Special Permit for Development over the Approaches to the Brooklyn Battery Tunnel)

Section 91-73 (Special Provisions for Battery Park Underpass/South Street).

(2/2/11)

91-02

Definitions

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

(5/11/11)

91-03

District Maps

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

text of this Chapter, apply.

Map 1	Special Lower Manhattan District
Map 2	Street Wall Continuity Types 1, 2A, 2B & 3
Map 3	Street Wall Continuity Types 4 & 5
Map 4	Designated Retail Streets
Map 5	Curb Cut Prohibitions
Map 6	South Street Seaport Subdistrict (Section 91-63)
Map 7	Subway Station Improvement Areas
Map 8	Public Access Modification Areas.

(2/2/11)

91-04

Subdistrict and Core Areas

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

(a) The South Street Seaport Subdistrict

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

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

(b) The Historic and Commercial Core

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

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

(2/2/11)

91-05

Applicability of the Quality Housing Program

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

(8/27/98)

91-06

Applicability of Article VII Provisions

(8/12/04)

91-061

Applicability of special permits by the Board of Standards and Appeals

Within the #Special Lower Manhattan District#, the following

Board of Standards and Appeals special permits shall not be applicable or shall be applicable only as modified.

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

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

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

Section 73-21 (Automotive Service Stations) shall not apply on #zoning lots# with frontage on any #street# listed on Map 2 or Map 4 in Appendix A

Section 73-244 (In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts and the Special Tribeca Mixed Use District) shall also apply in C5 Districts to eating or drinking establishments with entertainment, including musical entertainment or dancing, and a capacity of more than 200 persons.

(8/27/98)

91-062

Applicability of special permits by the City Planning Commission

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

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

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

Section 74-82 (Through Block Arcades)

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

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

Section 74-46 (Indoor Interactive Entertainment
Facilities).

(12/21/09)

91-07

**Modification of Use and Bulk Regulations for Zoning Lots Fronting
Upon DeLury Square Park**

Where the #lot line# of a #zoning lot# coincides with, or is
within 20 feet of, the boundary of DeLury Square Park, such #lot
line# shall be considered to be a #street line# for the purposes
of applying all #use# and #bulk# regulations of this Resolution.

(8/27/98)

91-10

SPECIAL USE REGULATIONS

(8/27/98)

91-11

Modification of Use Regulations in C5 Districts

(8/27/98)

91-111

Additional uses in C5 Districts

In addition to the special permit #uses# cited in Section 91-06,
the #use# regulations for C5 Districts within the #Special Lower
Manhattan District# are modified to permit the following #uses#:

From Use Group 7:

Use Groups 7B and 7E

From Use Group 8:

Use Groups 8A*, 8B and 8E

From Use Group 12:

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

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

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

(8/12/04)

91-112

Eating and drinking establishments with dancing in C5 Districts

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

eating or drinking establishments with entertainment, including musical entertainment or dancing, with a total capacity of 200 persons or fewer, provided that the dance floor or area, if any, does not exceed 400 square feet. The locational and waiting area requirements for eating or drinking establishments of Section 73-244 (In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts and the Special Tribeca Mixed Use District) shall apply;

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

(8/27/98)

91-113

Location of certain commercial uses

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

(2/2/11)

91-12

Uses on Designated Retail Streets

On designated retail #streets#, as shown on Map 4 in Appendix A, for #buildings developed# or #enlarged# after August 27, 1998, where the ground floor level of such #development# or #enlarged# portion of the #building# fronts upon such #streets#, #uses# within #stories# on the ground floor or with a floor level within five feet of #curb level#, shall be limited to only those #uses# permitted by the underlying regulations and Section 91-111 (Additional uses in C5 Districts), other than automobile showrooms or plumbing, heating or ventilating equipment showrooms, or any of the #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D.

(8/27/98)

91-13

Sign Regulations

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

(8/27/98)

91-131

Illuminated signs in C5 Districts

In all C5 Districts within the #Special Lower Manhattan District#, not more than one #illuminated#, non-#flashing sign#, other than an #advertising sign#, with a total #surface area# not

exceeding eight square feet shall be permitted for each #street# frontage of the #zoning lot#. Such #sign# may be located only within a window of a #building#.

(8/27/98)

91-132

Banner regulations

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

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

(5/9/01)

91-133

Height of signs in C6-9 Districts

In C6-9 Districts within the #Special Lower Manhattan District#, the regulations of Section 32-655 (Height of signs in all other Commercial Districts) may be modified to allow a maximum height of 50 feet above #curb level#, provided the City Planning Commission certifies that the design features of the existing #building#, as they appear on May 9, 2001, would unduly obstruct the visibility of the #sign# without such modification. An application for such certification shall be filed with detailed plans showing compliance with this Section.

(5/14/03)

91-134

Signs on landmark buildings fronting Broadway in C5-5 Districts

In addition to #signs# and banners otherwise permitted pursuant

to this Section, 91-13, et. seq., within 100 feet of Broadway in C5-5 Districts, on any #building# with a #street wall# fronting Broadway that is a landmark designated by the Landmarks Preservation Commission, the applicable #sign# regulations of Section 32-60 shall be modified according to the following provisions, provided such #signs# and any alterations to the #building# connected with such #signs# have received a certificate of appropriateness or other permit from the Landmarks Preservation Commission.

- (a) #Illuminated# non-#flashing signs# other than #advertising signs# are permitted with a total #surface area# (in square feet) not to exceed 50 square feet along any #street# frontage.
- (b) No permitted #sign# shall extend above #curb level# at a height greater than 30 feet.
- (c) No permitted #sign# shall project across a #street line# more than 60 inches.
- (d) Permitted #signs# displayed on awnings may also include commercial copy related to the type of business, profession, commodity, service or entertainment conducted, sold or offered within such #building#.

(8/27/98)

91-20

FLOOR AREA AND DENSITY REGULATIONS

(2/2/11)

91-21

Maximum Floor Area Ratio

The basic maximum #floor area ratio# on a #zoning lot# is specified in the table in Section 91-22 (Floor Area Increase Regulations) and may be increased only pursuant to the #floor area# increase and bonus provisions of this Chapter.

Notwithstanding the #floor area# increase and bonus provisions of this Chapter, the maximum permitted #floor area ratio# on a

#zoning lot# for #residential use# shall be 12.0.

(2/2/11)

91-22

Floor Area Increase Regulations

The basic maximum #floor area ratio# (FAR) of the underlying district may be increased by the inclusion of specific additional bonus #floor area# for a maximum #floor area ratio# as specified in the table in this Section.

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

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES
BY ZONING DISTRICT

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				Hist oric & Comm Core	South Street Seaport Subdistrict all waterfront #zoning lots#				
	R8	C6-4	C5-3 C5-5 C6-9	M1-4		C2-8	C4-6	C6-2A	C5-3	C6-9
Basic maximum FAR	6.02 ¹ 6.5 ³	10.0 ^{2,3,4}	10.0 ⁴ 15.0 ^{2,3}	2.0 ² 6.5 ³	10.0 ⁴ 15.0 ^{2,3}	2.0 ² 3.4 ³ 10.0 ⁴	3.4 ^{2,3,4}	6.0 ² 6.02 ⁴ 6.5 ³	10.0 ⁴ 15.0 ^{2,3}	15.0
Maximum as- of-right #floor area# bonus for #public plazas#	NA	2.0	3.0	NA	NA	NA	NA	NA	NA	NA
Maximum as- of-right #floor area# bonus for Inclusionary Housing (23- 90)	NA	2.0	NA	NA	NA	NA	NA	NA	NA	NA
Maximum FAR with as-of- right #floor area# bonuses	6.02 ¹ 6.5 ³	12.0	18.0	2.0 ² 6.5 ³	15.0	2.0 ² 3.4 ³ 10.0 ⁴	3.4	6.0 ² 6.02 ⁴ 6.5 ³	15.0	15.0
Maximum special permit #floor area# bonuses: subway station improvements & #covered pedestrian spaces#	NA	2.0	3.0	NA	3.0	NA	NA	NA	NA	NA
Maximum FAR with as-of- right and/or special						2.0 ²		6.0 ²		

permit #floor area# bonuses	6.02 ¹ 6.5 ³	12.0	18.0	2.0 ² 6.5 ³	18.0	3.4 ³ 10.0 ⁴	3.4	6.02 ⁴ 6.5 ³	15.0	15.0
Development rights (FAR) of a landmark lot for transfer purposes (74- 79)	NA	10.0	15.0 ⁵ 18.0 ⁶	NA	15.0	NA	NA	NA	NA	NA
Maximum total FAR of designated receiving sites in South Street Seaport Subdistrict (91-60)	NA	NA	NA	NA	NA	NA	3.4	8.02	21.6 ⁷	21.6 ⁷
Maximum FAR with transferred development rights from landmark #zoning lot# and as-of- right and special permit #floor area# bonuses	6.02 ¹ 6.5 ³	14.0	21.6	2.4 ² 7.8 ³	21.6	NA	3.4	8.02	21.6 ⁷	21.6 ⁷

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

² for a #commercial# or, where permitted, #manufacturing use#

³ for a #community facility use#

⁴ for a #residential use#

⁵ if receiving lot is located in a zoning district with a basic maximum FAR of less than 15

⁶ if receiving lot is located in a zoning district with a basic maximum FAR of 15

⁷ for lots greater than 30,000 square feet, may be exceeded by special permit (Section 91-663)

(2/2/11)

91-23

Floor Area Increase for Provision of Recreation Space

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

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

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

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

(2/2/11)

91-24

Floor Area Bonus for Public Plazas

The maximum permitted #floor area# on a #zoning lot# may be increased, in accordance with the following regulations, where a #public plaza# is provided that meets the requirements of Section 37-70 (PUBLIC PLAZAS):

- (a) A #floor area# bonus for a #public plaza# shall not be permitted for any #development# or #enlargement# that is 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 2A #street walls# pursuant to Section 91-31 (Street Wall Regulations).
- (b) For each square foot of a #public plaza#, the basic maximum #floor area# permitted by Section 91-22 (Floor Area Increase Regulations) 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 #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 #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.

(2/2/11)

91-25

Special Permit Bonuses for Increased Floor Area

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

(2/2/11)

91-251

Special permit for subway station improvements

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

The total additional #floor area# permitted on the #zoning lot# shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 91-21 (Maximum Floor Area Ratio) or 91-22 (Floor Area Increase Regulations).

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

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

Station	Line
Bowling Green	Lexington Avenue
Broad St	Nassau Street

Broadway-Nassau Street	8th Avenue
Fulton Street	Nassau Street/Broadway-
	7th Ave/Lexington Ave
Brooklyn Bridge-City Hall	Lexington Avenue
Chambers Street	Nassau Street
Chambers Street	Broadway-7th Avenue
Chambers Street	8th Avenue
Park Place	Broadway-7th Avenue
World Trade Center	8th Avenue
City Hall	Broadway-60th Street
Cortlandt Street-WTC	Broadway-7th Avenue
Cortlandt Street	Broadway-60th Street
Rector Street	Broadway-7th Avenue
Rector Street	Broadway-60th Street
Wall Street	Broadway-7th Avenue
Wall Street	Lexington Avenue
Whitehall Street-South Ferry	Broadway-7th Avenue/ Broadway-60th Street

(2/2/11)

91-252

Special permit for covered pedestrian space

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

The total additional #floor area# permitted on the #zoning lot# shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 91-21 (Maximum Floor Area Ratio) and 91-22 (Floor Area Increase Regulations).

(4/30/03)

91-30

HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS

For all #buildings or other structures# in the #Special Lower

Manhattan District#, the height and setback regulations of the underlying districts are superseded by the regulations of this Section.

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

(2/2/11)

91-31

Street Wall Regulations

For the purposes of applying the #street wall# regulations of this Section, #developments# shall include alterations and #enlargements# that change the height, width or location of a #street wall#.

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

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

- (1) #Street wall# regulations: Type 1

For #developments# that front upon a #street# indicated as "Type 1" 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# not occupied by existing #buildings# to remain, to a minimum base height of 150 feet or the height of the #building#, whichever is less. The maximum base height shall be 250 feet.

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

For #developments# that front upon a #street# indicated as "Type 2A" on Map 2 in Appendix A, #street walls# shall extend along such entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to

remain, 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# that front upon a #street# indicated as "Type 2B" on Map 2 in Appendix A, #street walls# shall extend along at least 60 percent of such #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, 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.

(4) #Street wall# regulations: Type 3

For #developments# that front upon a #street# indicated as "Type 3" on Map 2 in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain, 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.

(5) #Street wall# regulations: Type 4

For #developments# that front upon a #street# within the Historic and Commercial Core, indicated as "Type 4" on Map 3 (Street Wall Continuity Types 4 & 5) in Appendix A, the maximum base height shall be 100 feet.

(6) #Street wall# regulations: Type 5

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

- (b) For #developments# 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# 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# 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 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 37-50 where such areas are pedestrian circulation spaces.
- (c) When a #building# fronts on two intersecting #streets# for which different maximum base heights are specified, the higher maximum base height may wrap around to the #street# with the lower maximum base height for a distance along the #street line# of 100 feet. However, "Type 5" #street walls# shall not be permitted to wrap around to the intersecting #street#.
- (d) Arcades and sidewalk widenings that meet the design standards of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) 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.

(2/2/11)

91-32

Setback Regulations

In accordance with the provisions of Section 91-31, setbacks are required for any portion of a #building or other structure# that exceeds the maximum base heights specified for the applicable #street# in Section 91-31 (Street Wall Regulations).

Required setbacks shall be provided at a height not lower than

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

REQUIRED DEPTH OF SETBACKS

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

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

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

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

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

91-33

Lot Coverage Regulations

Above the maximum base height specified in Section 91-31 (Street Wall Regulations), up to a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 65 percent. Above a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 50 percent.

However, within the Historic and Commercial Core, above the maximum base height specified in Section 91-31, up to a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 75 percent. Above a height of 300 feet, the maximum #lot coverage# of any #zoning lot# shall be 60 percent.

For #buildings# fronting on more than one #street# where different maximum base heights are specified, the maximum #lot coverage# regulations specified in this Section shall apply at horizontal planes at heights corresponding to the different maximum base heights. The #lot coverage# at the level of the lowest plane shall apply to the portion of a #zoning lot# located beyond 100 feet from any #street# with a higher maximum base height. The #lot coverage# at the level of each subsequent higher plane shall apply to the portion of the #zoning lot# located beyond 100 feet from any #street# with a higher maximum base height, and shall also include those portions of the #zoning lot# where lower base heights apply. The highest horizontal plane shall be established over the entire #zoning lot#.

(2/2/11)

91-34

Maximum Horizontal Dimension for Tall Buildings

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

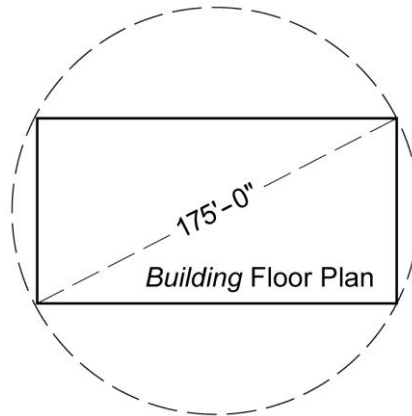


Diagram of Maximum Horizontal Dimension
(91-34)

(2/2/11)

91-35

Modification of Street Wall, Setback, Lot Coverage and Maximum Horizontal Dimension Regulations

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

- (a) the #street wall# requirements and minimum base heights of Section 91-31 (Street Wall Regulations);
- (b) the setback requirements of Section 91-32; and
- (c) where such #zoning lots# contain #buildings# existing on December 15, 1961, that exceed a height of 300 feet, the #lot coverage# regulations of Section 91-33 and the maximum horizontal dimension set forth in Section 91-34 (Maximum Horizontal Dimension for Tall Buildings), provided such modifications are limited to that portion of the #development# or #enlargement# between 300 and 325 feet in height, and provided the #lot coverage# of such portion does not exceed 55 percent.

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

- (1) such modifications will result in a site plan consistent with existing scale and streetscape patterns;

- (2) such modifications will ensure a harmonious relationship between the #development# or #enlargement# and the surrounding area;
- (3) such #street wall# modifications will enhance pedestrian circulation by providing pedestrian amenities that relieve sidewalk congestion;
- (4) such setback, #lot coverage# or horizontal dimension modifications will not unduly obstruct access to light and air to surrounding #streets# and properties; and
- (5) such setback, #lot coverage# or horizontal dimension modifications will result in a built form that maintains an appropriate relationship between tower and base portions of the #development# or #enlargement#.

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

(8/27/98)

91-40

MANDATORY DISTRICT PLAN ELEMENTS

(2/2/11)

91-41

Regulations for Designated Retail Streets

The #use# regulations of this Section, inclusive, shall apply to #buildings developed# after August 27, 1998, and to #buildings enlarged# on the ground floor level after August 27, 1998.

(2/2/11)

91-411

Location of required retail space

For any #development# or #enlargement# fronting on the ground

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

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

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

(8/27/98)

91-412

Access and glazing of required retail space

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

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

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

(2/2/11)

91-42

Pedestrian Circulation Space

Within the boundaries of the #Special Lower Manhattan District#, all #developments# or #enlargements# constructed after August 27, 1998, 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 on such #zoning lot# in accordance with the provisions of Section 37-50.

Pedestrian circulation space shall not be required if any of the following conditions exist:

- (a) the #zoning lot# is entirely occupied by a #building# of no more than one #story# in height;
- (b) the #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street frontage#;
- (c) the #zoning lot# is an #interior# or #through lot# fronting on a #street# or #streets# with Type 1, Type 2A, Type 2B, Type 3, Type 4 or Type 5 #street wall# regulations, as set forth in paragraph (a) of Section 91-31 (Street Wall Regulations);
- (d) the #zoning lot# is a #through lot# and both #street frontages# are less than 25 feet in length; or
- (e) the #zoning lot# is located in a C6-2A or C6-9 District within the South Street Seaport Subdistrict.

(2/2/11)

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 37-40 (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 37-50.

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

Station	Line
Bowling Green	Lexington Avenue
Broad St	Nassau Street
Broadway-Nassau Street	8th Avenue
Fulton Street	Nassau Street/Broadway- 7th Ave/Lexington Ave
Brooklyn Bridge-City Hall	Lexington Avenue
Chambers Street	Nassau Street
Chambers Street	Broadway-7th Avenue
Chambers Street	8th Avenue
Park Place	Broadway-7th Avenue
World Trade Center	8th Avenue
City Hall	Broadway-60th Street
Cortlandt Street-WTC	Broadway-7th Avenue
Cortlandt Street	Broadway-60th Street
Rector Street	Broadway-7th Avenue
Rector Street	Broadway-60th Street
Wall Street	Broadway-7th Avenue
Wall Street	Lexington Avenue
Whitehall Street-South Ferry	Broadway-7th Avenue/ Broadway-60th Street

(5/8/13)

91-50

OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS

The off-street parking regulations of Article 1, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core) and the loading regulations of the underlying districts apply to the #Special Lower Manhattan District#, except as supplemented or modified by the provisions of this Section.

(2/2/2)

91-51

Accessory Off-Street Parking for Residential Uses in Converted Buildings

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

- (a) no more than 200 spaces or a number of spaces equal to 20 percent of the number of #dwelling units# in the #converted building#, whichever is less, shall be permitted;
- (b) no curb cut shall be permitted on any #street# where the #converted building# has a #street# frontage of 40 feet or less;
- (c) no portion of any such parking facility shall be more than 23 feet above #curb level#;
- (d) no exhaust vents shall open onto any #street# or #public park# or publicly accessible #open space#, and no portion of the parking facility, other than entrances and exits, shall be visible from adjoining #zoning lots#, #streets# or parks; and
- (e) all such parking facilities shall be provided on the same #zoning lot# as the #residential uses# to which they are #accessory#, except as otherwise provided in Section 91-511 (Authorization for off-site parking facilities for converted buildings).

(5/8/13)

91-511

Authorization for off-site parking facilities for converted buildings

The City Planning Commission may authorize #accessory# residential off-site parking spaces for #non-residential

buildings# erected prior to January 1, 1977, or portions thereof, that are #converted# to #residential use#, to be provided in a fully-enclosed #building# on a #zoning lot# within the #Special Lower Manhattan District# other than the #zoning lot# that contains the #residential use#, provided the Commission finds that:

- (a) such #accessory# off-site parking spaces are conveniently located in relation to the #residential use#, and in no case further than 600 feet from the #zoning lot# containing the #residential use#;
- (b) such location of the #accessory# off-site parking facility will permit better site planning for the #building converted# to #residential use#;
- (c) that such #accessory# off-site parking facility shall contain parking spaces #accessory# only to #residential uses#; and
- (d) such parking facility complies with findings in paragraphs (c)(1), (c)(2), (c)(3) and (c)(5) of Section 13-45 (Special Permits for Additional Parking Spaces).

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

(5/8/13)

91-52

Curb Cut Regulations

All curb cuts shall be prohibited on #streets# indicated on Map 5 in Appendix A, except that:

- (a) The Commissioner of Buildings may approve a curb cut where there are no alternative means of access to required off-street loading berths from other #streets# bounding the #zoning lot#.
- (b) The City Planning Commission may authorize curb cuts for loading berths, provided:

- (1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;
- (2) such maneuvering area is at least equal in size to the area of the loading berth; and
- (3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

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

- (c) The City Planning Commission may authorize curb cuts for #accessory# parking for #residences#, provided such curb cuts:
- (1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and
 - (2) will not interfere with the efficient functioning of required pedestrian circulation spaces, or public transit facilities.

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

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

In addition, for #zoning lots# with frontage on #streets# where curb cuts are prohibited, the Commissioner of Buildings may waive required off-street loading berths pursuant to the provisions set forth in Section 13-35 (Modification of Loading Berth Requirements).

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

(9/8/11)

91-53

Waiver of Requirements for Accessory Off-Street Loading Berths

- (a) For #zoning lots# containing Use Group 10A department stores and Use Group 6B offices, where not more than 78,000 square feet of such office #use# is changed to department store #use#, the following modifications may be made provided that the Chairperson of the City Planning Commission certifies to the Department of Buildings that the conditions in paragraphs (b), (c), (d) and (e) of this Section have been met:
 - (1) waiver of #accessory# off-street loading berths required for such department store #use#;
 - (2) waiver of existing required #accessory# off-street loading berths when such waiver is necessary to provide an improved goods receiving and in-store transport system; and
 - (3) exemption of existing loading berth floor space from the definition of #floor area# as set forth in Section 12-10 when such floor space will be used for such improved goods receiving and in-store transport system.
- (b) A plan for curb side deliveries shall have been approved by the Department of Transportation, as part of the improved goods receiving and in-store transport system for the department store #use#. Such plan shall be based upon a traffic study prepared by a qualified professional and a scope of work, both of which have been approved by the Department of Transportation, establishing that the plan for curbside deliveries shall not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and shall not interfere with the efficient functioning of nearby public transit facilities;
- (c) At least one additional freight elevator and an aggregate of at least 6,000 square feet of staging area for loading and deliveries, exclusive of the area occupied by elevators, shall be provided on the #zoning lot# to be used for the improved goods receiving and in-store transport system for such department store #use#, as depicted on a site plan;
- (d) In the event that any existing loading berth floor space is to be exempted from the definition of #floor area# as set forth in Section 12-10, such floor space shall be used for

the improved goods receiving and in-store transport system;
and

- (e) A Declaration of Restrictions shall have been executed, in a form acceptable to the Department of City Planning, binding upon the owners and its successors and assigns, and providing for maintenance and use of the staging areas and additional elevators for the improved goods receiving and in-store transport system, as well as continued compliance with the plan for curbside deliveries and the site plan. Such declaration shall be filed and recorded in the Office of the City Register of the City of New York against the lots comprising the #zoning lot#. Receipt of proof of recordation in a form acceptable to the Department shall be a precondition to the issuance of this certification, and the recording information shall be included on any temporary or final certificate of occupancy for any #building# or portion thereof, issued after the recording date.

(8/27/98)

91-60

REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT

(8/27/98)

91-61

General Provisions

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

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

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

(2/2/11)

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 #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.

Granting lot

Within the South Street Seaport Subdistrict, a "granting lot" is a #zoning lot# or a closed or discontinued portion of a #street# or air space over a #street# which is identified as a #granting lot#, as identified on Map 6 (South Street Seaport Subdistrict) in Appendix A, upon which development is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Subdistrict and from which #development

rights# may be transferred. Such #zoning lots# and closed portions of #streets# or air space over #streets# are identified on the map of the transfer areas (Map 6) as Parcels 6, 7 and 9 and the adjacent hatched #street# areas.

Person

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

Receiving lot

Within the South Street Seaport Subdistrict, a "receiving lot" is a #zoning lot# identified on the map of transfer areas (Map 6 in Appendix A) to which #development rights# may be added. Such "receiving lots" are identified on the map as Parcels 1, 8, 15, 16, 20, 21 and 22.

Street

- (a) A #street#, as defined in Section 12-10; or
- (b) a way, designed or intended for general public circulation and #use#, that:
 - (1) performs the pedestrian circulation functions usually associated with a way shown on the City Map;
 - (2) remains open and unobstructed from the at-grade circulation level to the sky, except for public facilities customarily located on a #street# shown on the City Map, or those facilities permitted to be located on a #street# shown on the City Map, including without limitation, transitory fixtures or objects unattached to the real property encompassed by such way; and
 - (3) is a designated pedestrian way, pursuant to Section 91-68.

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

(8/27/98)

91-63

Transfer Areas Map

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

(2/2/11)

91-64

Transfer of Development Rights from Granting Lots

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

- (a) directly to a #receiving lot#; or
- (b) to a #person# for subsequent disposition to a #receiving lot#, all in accordance with the provisions of this Subdistrict, except that with respect to #zoning lots# located on Parcels 6, 7 and 9, as identified on Map 6 (South Street Seaport Subdistrict) in Appendix A, only those #development rights# in excess of the larger of the following conditions may be so conveyed or otherwise disposed of:
 - (1) an amount equal to the product of the #lot area# of each of such #zoning lots# multiplied by 5.0; or
 - (2) the total #floor area# of all existing #buildings# on any such #zoning lots#.

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

(2/2/11)

91-65

Addition of Development Rights to Receiving Lots

Within the South Street Seaport Subdistrict, all or any portion of the #development rights# transferred from a #granting lot# may be added to the #floor area# of all or any one of the #receiving lots# in an amount not to exceed the ratio of 10 square feet of #development rights# to each square foot of #lot area# of such #receiving lot#, except that with respect to a #receiving lot# having a #lot area# of less than 30,000 square feet, the total #floor area ratio# shall not exceed 21.6. However, if a #receiving lot# is located in a C4-6 District, the total #floor area ratio# shall not exceed 3.4 and if a #receiving lot# is located in a C6-2A District, the total #floor area ratio# shall not exceed 8.02. #Development rights# transferred to a #receiving lot# may be applied to a #mixed building# to increase the #floor area# of the #residential#, #commercial# and/or #community facility# portions of such #building# so that the maximum #floor area# for such #building# may be increased by the aggregate of #development rights# so transferred. In no event shall the #residential floor area ratio# exceed 12.0.

The City Planning Commission shall certify that any #zoning lot# that utilizes such transferred #development rights# conforms to this Section and, for those #receiving lots# within the Urban Renewal Area, to the regulations and controls of the Urban Renewal Plan.

(3/20/03)

91-66

Modification of Use and Bulk Regulations

(2/2/11)

91-661

Bulk modifications in C6-2A Districts

Within the South Street Seaport Subdistrict, for any #zoning lot# located in a C6-2A District, the underlying height and setback regulations shall apply, except the maximum #building# height shall be 120 feet. No minimum base height shall apply, and the

depth of a required setback along a #narrow street# shall be at least 10 feet. No #lot coverage# regulations shall apply to #corner lots#. Furthermore, the provisions of Article II, Chapter 8 (The Quality Housing Program), shall not apply.

(2/2/11)

91-662

Authorization for modification of bulk provisions and public space in C6-9 Districts

In the South Street Seaport Subdistrict, the City Planning Commission may authorize:

- (a) the alteration of any public amenity, open or enclosed, for which a #floor area# bonus has been granted, provided that the Commission finds that such modifications improve the intended public purpose of the amenity; or
- (b) the elimination or reduction of an existing public amenity, open or enclosed, for which a #floor area# bonus has been granted, provided that a new or improved public amenity, open or enclosed, is supplied elsewhere on, or within proximity to, the #zoning lot#, and the Commission finds that:
 - (1) the public amenity to be eliminated no longer serves its original purpose; and
 - (2) the proposed new or improved public amenity will provide a greater public benefit than the amenity to be eliminated or reduced and will better serve the purposes of the #Special Lower Manhattan District#; and
- (c) the modification of the applicable height, setback, lot coverage and distance between #buildings# requirements for any #development# or #enlargement# on a designated #receiving lot# that will incorporate transferred #development rights#, provided the Commission finds that the modifications:
 - (1) provide an appropriate distribution of #bulk# on the #zoning lot#;
 - (2) permit adequate light and air to the #development# or

#enlargement# and adjoining properties as well as the surrounding #streets#; and

- (3) will not impair the use and desirability of any public amenity that may be created or improved under the provisions of paragraph (b) of this Section.

If a #receiving lot# contains an existing #building#, such authorization shall incorporate any previous height and setback or other bulk modifications, granted prior to December 11, 2001, by the Board of Standards and Appeals, for such existing #building#.

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

(2/2/11)

91-663

Special permit for bulk modifications

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

- (a) either of the following conditions have been met:
 - (1) that the developer has obtained negative easements limiting the height of future #development# or #enlargement# to 85 feet or less on any adjoining #zoning lots# which are contiguous or would be contiguous to said #zoning lot# but for their separation by a #street# or #street# intersection, and such easements are recorded against such adjoining #zoning lots# by deed or written instrument. The Commission shall consider the aggregated areas of said #zoning lot# and the adjoining lots subject to such negative easements and the extent to which they achieve future assurance of light and air in determining the maximum permitted coverage. In no event shall such coverage exceed 80 percent of the #zoning lot# on which the #development# or #enlargement# will be located; or
 - (2) that the #lot coverage# for that portion of a #development# or #enlargement# below 300 feet may be

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

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

- (1) the location of the #development# or #enlargement# and the distribution of #bulk# will permit adequate light and air to surrounding #streets# and properties;
- (2) any modification of height and setback will provide for better distribution of #bulk# on the #zoning lot#; and
- (3) such special permit will aid in achieving the general purposes and intent of the Subdistrict.

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

(3/20/13)

91-664

Modification of hours of operation for waterfront public access areas

For any #zoning lot# which was the subject of application N130058 ZCM, the hours of operation set forth in paragraph (a) of Section 62-71 (Operational Requirements) may be extended to allow public access up to 24 hours per day, and the provisions of paragraph (a)(3) of Section 62-654 (Signage) shall be modified to require any such extended hours of public access, as may change over time, to be included on the required signage. The provisions of paragraph (a)(4) of Section 62-654 shall not apply where 24 hour access is allowed. The provisions of paragraph (b) of Section 62-71 requiring rules of conduct for the #waterfront public access area# to be established with the Department of Parks and Recreation, and other provisions of this Chapter requiring a

maintenance and operation agreement pursuant to Section 62-74 (Requirements for Recordation), shall not apply so long as a legal instrument acceptable to the Chairperson, in all other respects consistent with the provisions of Section 62-74, has been executed and recorded, setting forth rules of conduct and maintenance and operations requirements.

(8/27/98)

91-67

Recordation

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

(8/27/98)

91-68

Designated Pedestrian Ways

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

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

(2/2/11)

91-69

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

Within the area bounded by South Street, the southerly edge of Pier 9, the U. S. Pierhead Line and the northerly edge of Pier 14, which, for the requirements of this Section, shall be deemed to be a single #zoning lot#, the City Planning Commission may, by special permit, permit modification of the bulk regulations, other than #floor area ratio# applicable to the #zoning lot#, and may modify or waive the requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), in accordance with the provisions of this Section.

The special permit shall be subject to the condition that the property owner, principal lessee or licensee of property owner has entered into an agreement with the Department of Parks and Recreation to operate and maintain the publicly accessible areas in accordance with Section 62-70 (MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS). For purposes of this Section, such publicly accessible areas shall be deemed "waterfront public access areas."

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

- (a) any modification of height and setback regulations results in an appropriate distribution of permitted bulk on the piers;
- (b) no #buildings or other structures# shall unduly obstruct the visual corridor bounded by the prolongation of the northern and southern #street lines# of Wall Street seaward to the U. S. Pierhead Line;

- (c) any modification will not unduly impede surface traffic and will minimize possible vehicular/pedestrian conflicts in the surrounding area;
- (d) that the seaward end of all such piers is unobstructed to the greatest extent feasible so as to maximize views northward and southward;
- (e) the development plan for such area includes an appropriate amount of publicly-accessible open space which shall incorporate appropriate design features that serve the needs of the local area, including but not limited to landscaping, lighting and seating; and
- (f) the development plan is integrated with existing and proposed nearby development.

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

(2/2/11)

91-70

SPECIAL REGULATIONS FOR CERTAIN AREAS

#Developments# or #enlargements# in the former Special Greenwich Street Development District built prior to August 27, 1998, will continue to be governed by the regulations in effect at the time of issuance of the building permit and can only be modified or altered by Sections 91-71 through 91-73, inclusive.

(2/2/11)

91-71

Authorization for the Modification of Required Public Amenities

The City Planning Commission may authorize modifications of certain provisions of the former Special Greenwich Street Development District, eliminated on August 27, 1998, that mandated public amenities, as follows:

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

However, the open pedestrian bridge spanning Greenwich Street

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

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

(2/2/11)

91-72

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 the 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 November 15, 2007;
 - (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 November 15, 2007, 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 above the approaches to the Brooklyn Battery Tunnel and of the at-grade parcel bounding the northern #street line# of Joseph P. Ward Street and shown on the City Map, as amended October 3, 1946, as an approach to the Brooklyn Battery Tunnel by the New York State Triborough Bridge and Tunnel Authority, may be continued and in effect as set forth in Resolutions of the former New York City Board of Estimate 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.

For purposes of this paragraph, (b), the at-grade parcels bounding the northern #street line# of Joseph P. Ward Street shall mean:

the at-grade parcel bounding the northern #street line# of Joseph P. Ward Street and shown on the City Map, as amended October 3, 1946, as an approach to the Brooklyn Battery Tunnel; and

the at-grade parcel bounding the northern line of said parcel.

In order to grant such special permit, the Commission shall find that adequate access and #street# frontage to one or more #streets# is provided; and the streetscape, site design and 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.

(2/2/11)

91-73

Special Provisions for Battery Park Underpass/South Street

A #zoning lot# containing a #development#, or portion thereof, on a #waterfront zoning lot#, may be located within the volume above the upper limiting plane of the Battery Park Underpass/South Street, when such volume is eliminated, discontinued and closed. That portion of the #zoning lot# that lies above the Battery Park Underpass/South Street shall not be considered #lot area# for the purpose of computing maximum #floor area#; however, such portion shall be considered #lot area# for all other purposes of this Resolution.

(5/11/11)

91-80

PUBLIC ACCESS AREAS

(5/11/11)

91-81

Certification to Modify Existing Arcades in Certain Areas

For the purposes of this Section, "arcade" shall refer to an #arcade# or #through block arcade# provided in accordance with the provisions of Sections 12-10 (DEFINITIONS) and 37-80 (ARCADES); or an arcade provided in accordance with paragraph (a) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces); or an open space provided on a #zoning lot# between the #building street wall# and the #street line# where tables and chairs would otherwise not be allowed as permitted obstructions.

The provisions of this Section shall apply to existing #buildings# providing an arcade within the boundary designated by Map 8 in Appendix A of this Chapter.

Any underlying provisions restricting the placement of tables and chairs within such arcades may be modified where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such modifications are consistent with the

provisions of this Section, as follows:

(a) Tables and chairs

Publicly accessible tables and chairs and outdoor cafes, as well as shade umbrellas and other furnishings, shall be permitted obstructions within an arcade, provided that such obstructions comply with the provisions listed in paragraphs (a) and (b) of this Section, as applicable.

Tables or chairs provided within an arcade shall be moveable and shall not contain any plastic material.

Where an outdoor cafe is provided, it shall be a permanently unenclosed establishment and may have waiter or table service.

(1) Number and size of tables and chairs

A minimum of four tables and sixteen chairs shall be provided within an arcade.

(i) Publicly accessible tables and chairs

Publicly accessible tables, and related chairs, shall constitute a minimum of 40 percent of the total number of tables provided within an arcade. Fractions equal to or greater than one-half resulting from such calculation shall result in one additional table. Every publicly accessible table required by such calculation shall be required to have four chairs.

All tables shall have a minimum diameter of two feet. All publicly accessible chairs shall have seat backs, and the seats shall have a minimum depth of 12 inches and a maximum depth of 20 inches.

(ii) Outdoor cafe

Outdoor cafe tables, and related chairs, shall constitute a maximum of 60 percent of the total number of tables provided within an arcade. Fractions equal to or greater than one-half resulting from such calculation shall result in one additional table.

(2) Location restrictions and other prohibitions

Tables or chairs shall not be permitted within five feet of any #building# entrance. For arcades with a depth of ten feet or less, as measured from the column face furthest from the #street line# to the #street wall#, a clear pedestrian circulation pathway not less than three feet shall be provided. For arcades with a depth greater than ten feet, such required clear pedestrian pathway shall be increased to at least six feet. In addition, for #through block arcades#, a continuous clear path of ten feet shall be provided, connecting each #street# on which the public access area fronts.

(i) Publicly accessible tables and chairs

For arcades located on a #zoning lot# with frontage along Water Street, at least half of all publicly accessible tables and chairs shall be located within 25 feet of the Water Street #street line#.

(ii) Outdoor cafe

Outdoor cafes shall be located at the same elevation as the adjoining sidewalk area or #publicly accessible open area#, except that platforms that do not exceed a height of six inches may be provided.

Fences, planters, walls, fabric dividers or other barriers that separate outdoor cafe areas from other portions of the arcade or adjacent sidewalks or #publicly accessible open areas# shall be prohibited. No kitchen equipment shall be installed within an outdoor cafe.

(3) Hours of operation

(i) Publicly accessible tables and chairs

Tables and chairs shall not be chained, fixed or otherwise secured during the hours of 7:00 am to 9:00 pm. However, during the hours of 9:00 pm to 7:00 am, such tables and chairs may be removed or secured within the arcade.

Where publicly accessible tables and chairs and outdoor cafes are provided within an arcade, such publicly accessible tables and chairs shall be subject to the hours of operation of an outdoor cafe, as set forth in paragraph (a)(3)(ii) of this Section.

(ii) Outdoor cafe

Outdoor cafes must be in operation and provide service a minimum of 225 days per year.

All furnishings of an outdoor cafe, including tables, chairs, bussing stations and heating lamps, shall be completely removed from the arcade when the outdoor cafe is not in active use, except that tables and chairs may remain in such arcade if they are unsecured and may be used by the public without restriction.

(4) Locating publicly accessible tables and chairs within an adjacent #publicly accessible open area#

Where tables and chairs are provided in an arcade located on the same #zoning lot# as an existing #publicly accessible open area# that fronts upon Water Street, the Chairperson of the City Planning Commission may certify that publicly accessible tables and chairs, provided pursuant to paragraph (a)(2)(i) of this Section, may be located within such a #publicly accessible open area#.

The area within such #publicly accessible open area# occupied by publicly accessible tables and chairs provided pursuant to this paragraph, (a)(4), shall not be included in calculating the maximum #lot coverage# which permitted obstructions may occupy within such #publicly accessible open area#, where applicable.

Such publicly accessible tables and chairs shall not constitute a design change pursuant to the provisions of Section 37-62 (Changes to Existing Publicly Accessible Open Areas), provided the Chairperson finds that:

- (i) no more than 50 percent of the publicly accessible tables and chairs required to be within 25 feet of the Water Street #street line#, pursuant to

paragraph (a)(2)(i), shall be located within such #publicly accessible open area#. However, where the entirety of an arcade is located beyond 25 feet of the Water Street #street line#, the entirety of the publicly accessible tables and chairs required to be within 25 feet of such #street line#, pursuant to paragraph (a)(2)(i), may be located within such #publicly accessible open area#;

- (ii) such publicly accessible tables and chairs shall in no event constitute required seating for such existing #publicly accessible open area#; and
- (iii) such publicly accessible tables and chairs comply with the hours of operation provisions of paragraph (a)(3) of this Section.

Any proposed design change to an existing #publicly accessible open area# beyond the findings permitted in this Section shall be subject to the requirements of Section 37-62.

(b) Litter receptacles

Litter receptacles shall be permitted obstructions within an arcade pursuant to the provisions set forth in Section 37-744.

In order to certify that the proposed modification to an existing arcade is consistent with the provisions of this Section, the applicant shall submit, to the Chairperson, a site plan demonstrating the proposed obstructions within the existing arcade and, where applicable, the adjacent #publicly accessible open area#, and a detailed seating plan illustrating compliance with paragraph (a) of this Section.

All plans for arcades or other #publicly accessible open areas# that are the subject of a certification pursuant to this Section shall be filed and duly recorded in the 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 arcade, 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.

(6/12/13)

91-82

Existing Publicly Accessible Open Areas

The purpose of this Section is to facilitate temporary programmatic changes to existing public spaces to:

- (a) help address the short-term challenges facing the Water Street corridor as a result of Hurricane Sandy by encouraging increased economic activity, reinforcing community connections, creating a lively and engaging experience and improving the corridor's pedestrian environment; and
- (b) explore new types of #uses# and amenities within public spaces intended to draw residents, workers and visitors, thereby increasing the utilization and activation of the existing public spaces.

This Section, inclusive, shall be effective until January 1, 2014, at which time the provisions of this Section shall automatically expire and all #publicly accessible open areas#, as defined in Section 91-821, shall be returned to their compliant state and all temporary obstructions shall be removed.

(6/12/13)

91-821

Special provisions for publicly accessible open areas

For the purposes of this Section, the definition of #publicly accessible open area# shall also include any #arcade#, #through block arcade#, or other public amenity, open or enclosed, for which a #floor area# bonus has been granted.

The provisions of this Section shall apply to all #publicly accessible open areas# existing on June 12, 2013, within the area designated as a public space activation area on Map 8 (Public Access Modification Areas) in Appendix A of this Chapter.

Any underlying provisions, including Section 91-81 of this Chapter, restricting the placement of obstructions within

#publicly accessible open areas# or restricting their use for events may be modified, as follows:

(a) Temporary permitted obstructions

Amenities that shall be considered temporary permitted obstructions for cultural, entertainment and #commercial uses# including, but not limited to, tables, chairs, moveable planters, stages, kiosks, food trucks, artwork, and shade structures are allowed, provided that they:

- (1) are not permanently affixed to the ground and do not cause damage to any surface of the #publicly accessible open area#;
- (2) are not located within five feet of any #building# entrance; and
- (3) do not, in combination, occupy more than 60 percent of the #publicly accessible open area#.

(b) Events

Events including, but not limited to, farmers markets, holiday markets, concerts and performances, art and cultural exhibitions, and festivals are permitted. Such events may be sponsored by non-profit or for-profit entities, without limitation, and may include the sale of food, refreshments and other event-related items, for the benefit or enjoyment of event participants. The use of a #publicly accessible open area# for the promotion of products or services shall not itself qualify as an event permitted under this Section. Such events shall:

- (1) be open to the public; and
- (2) only be permitted to use amplified sound between the hours of 9:00 am and 10:00 pm.

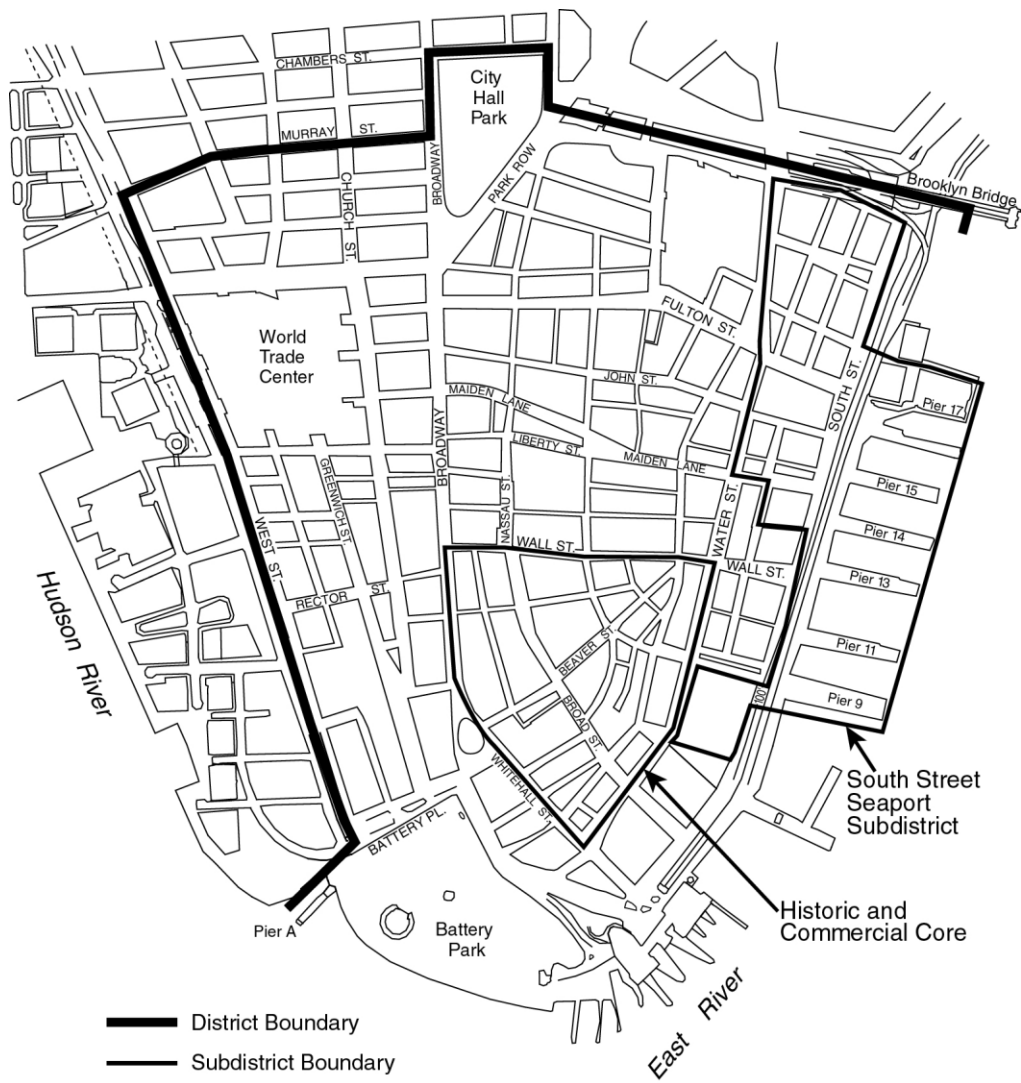
Nothing herein shall authorize the use of city #streets# or sidewalks in connection with an event permitted under this Section, and any such use shall be subject to all applicable provisions of law and regulation governing the use of city #streets# or sidewalks including, where applicable, the requirement to obtain a street activity permit from the Street Activity Permit Office of the Office of Citywide Events Coordination and Management. No event shall be permitted pursuant to this Section unless, no later than fourteen (14) days prior to

the scheduled date, the sponsor notifies the Street Activity Permit Office of the nature, size and location of the event upon a form prescribed by the Street Activity Permit Office for such purpose.

Appendix A
Lower Manhattan District Plan Maps

(12/11/01)

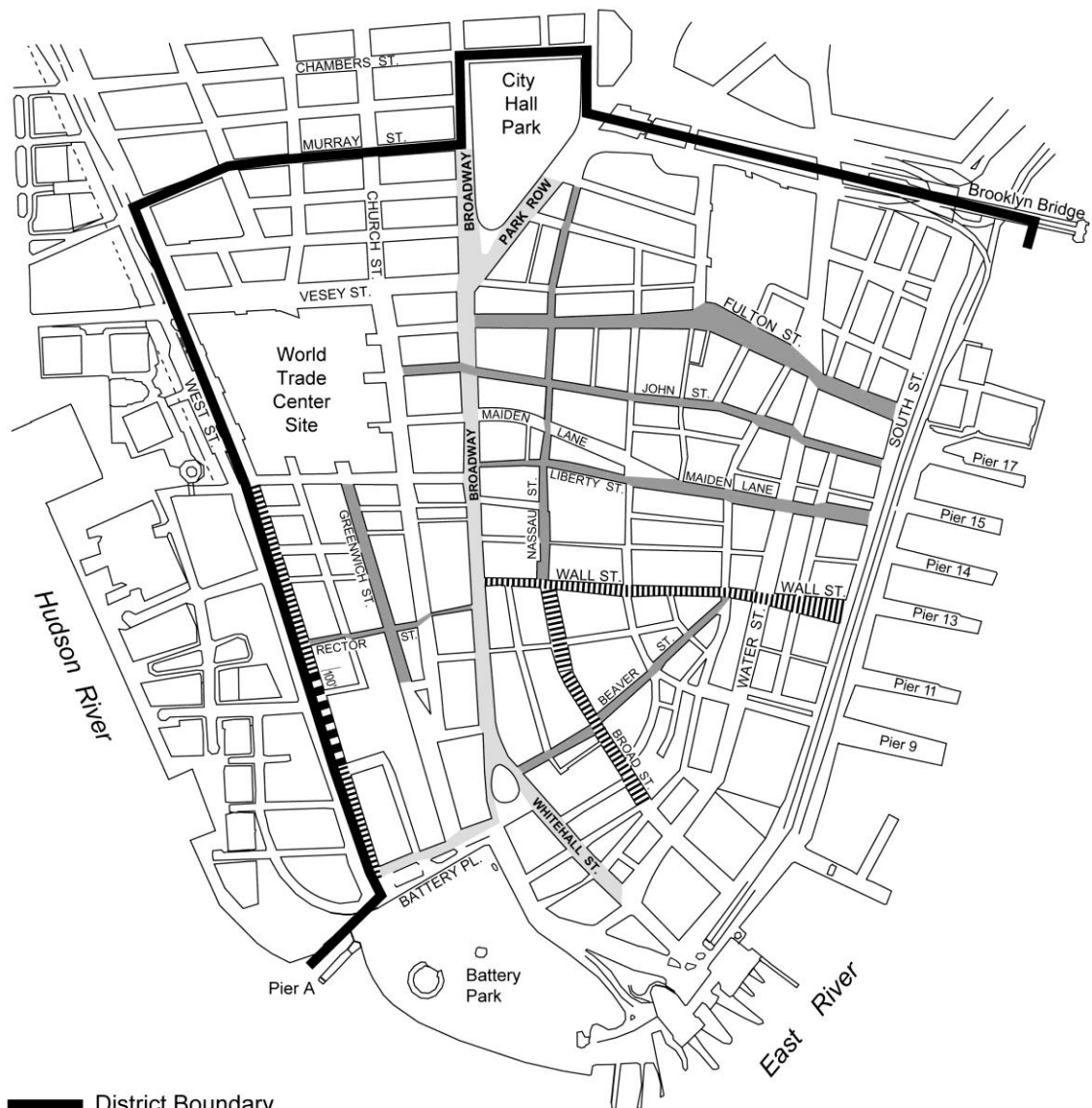
Map 1
Special Lower Manhattan District (91-A1)



(11/15/07)

Map 2

Street Wall Continuity Types 1, 2A, 2B & 3 (91-A2)



— District Boundary

— Type 1: 150' Minimum/ 250' Maximum Before Setback

- - - - - Type 2A: 85' Minimum/ 150' Maximum Before Setback/
100% Street Wall Continuity Required

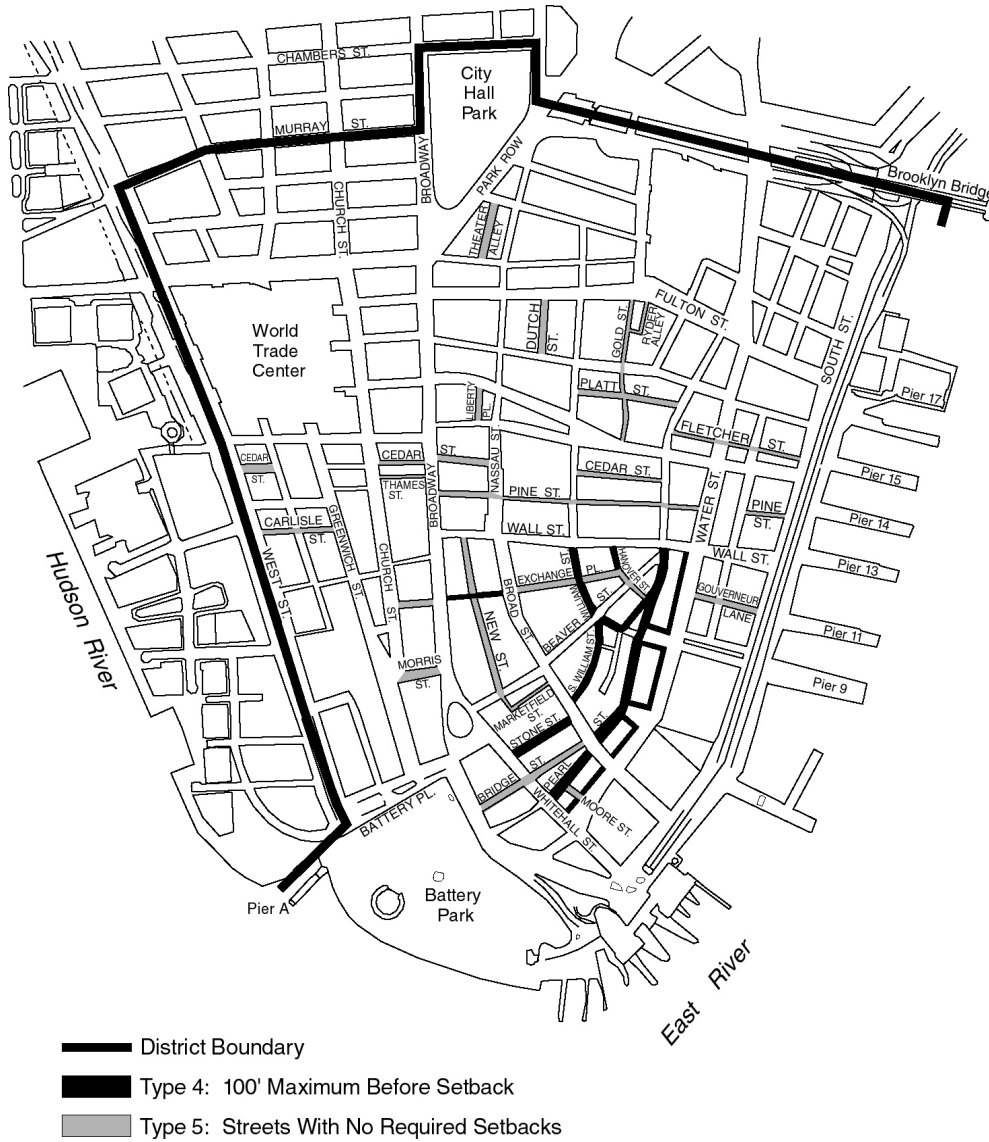
..... Type 2B: 85' Minimum/ 150' Maximum Before Setback/
At least 60% Street Wall Continuity Required

— Type 3: 60' Minimum

(8/27/98)

Map 3

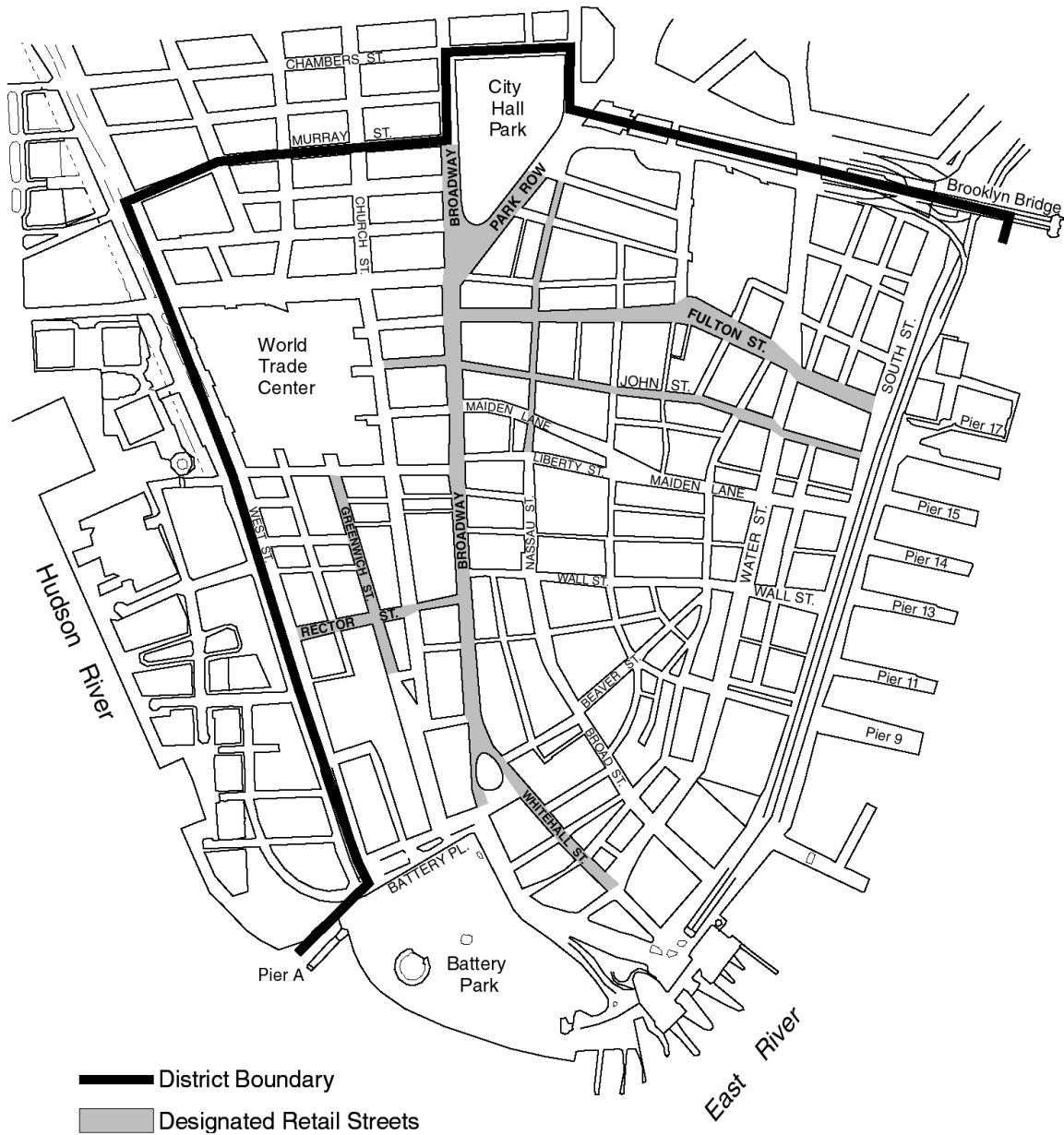
Street Wall Continuity Types 4 & 5 (91-A3)



(8/27/98)

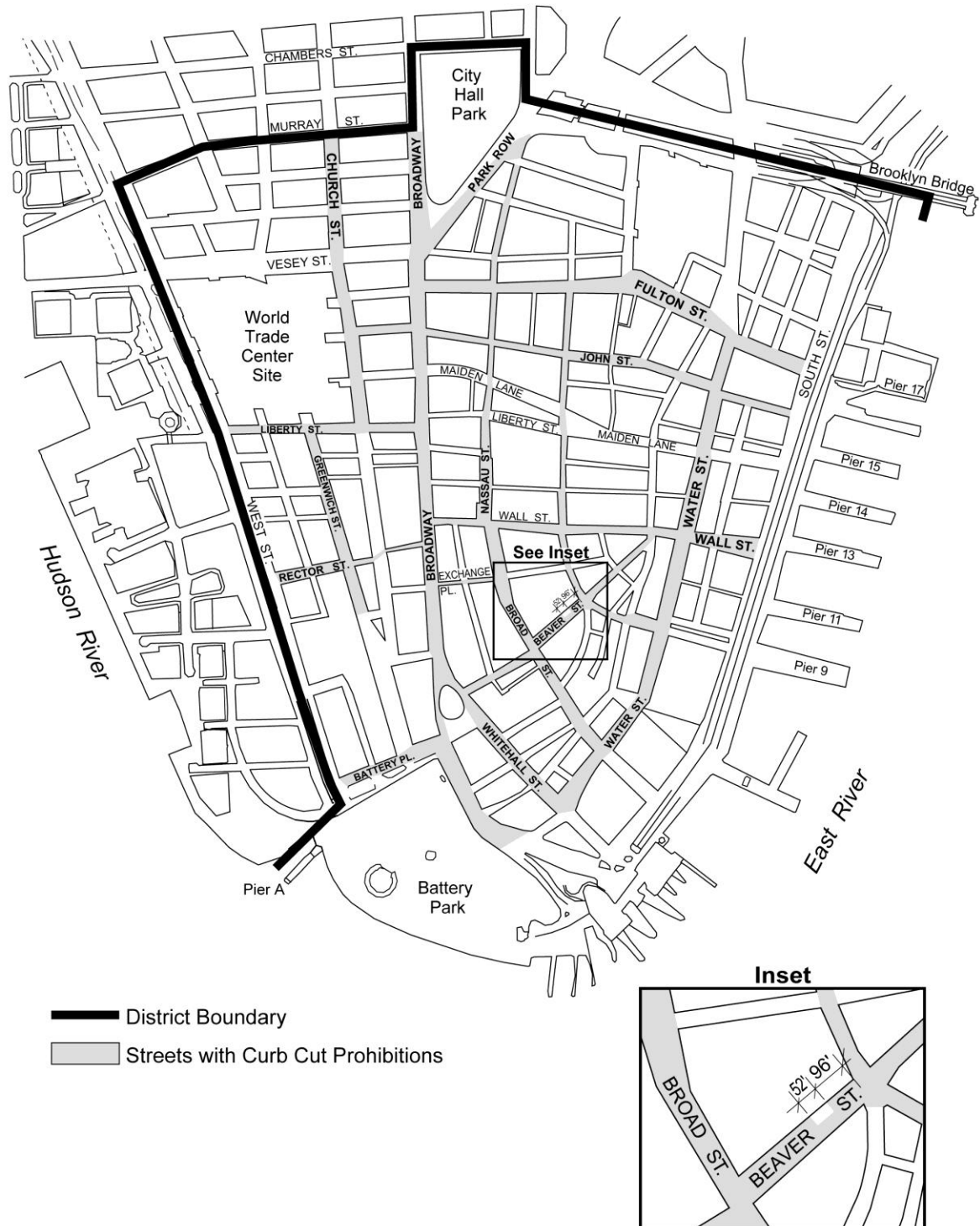
Map 4

Designated Retail Streets (91-A4)



(12/21/09)

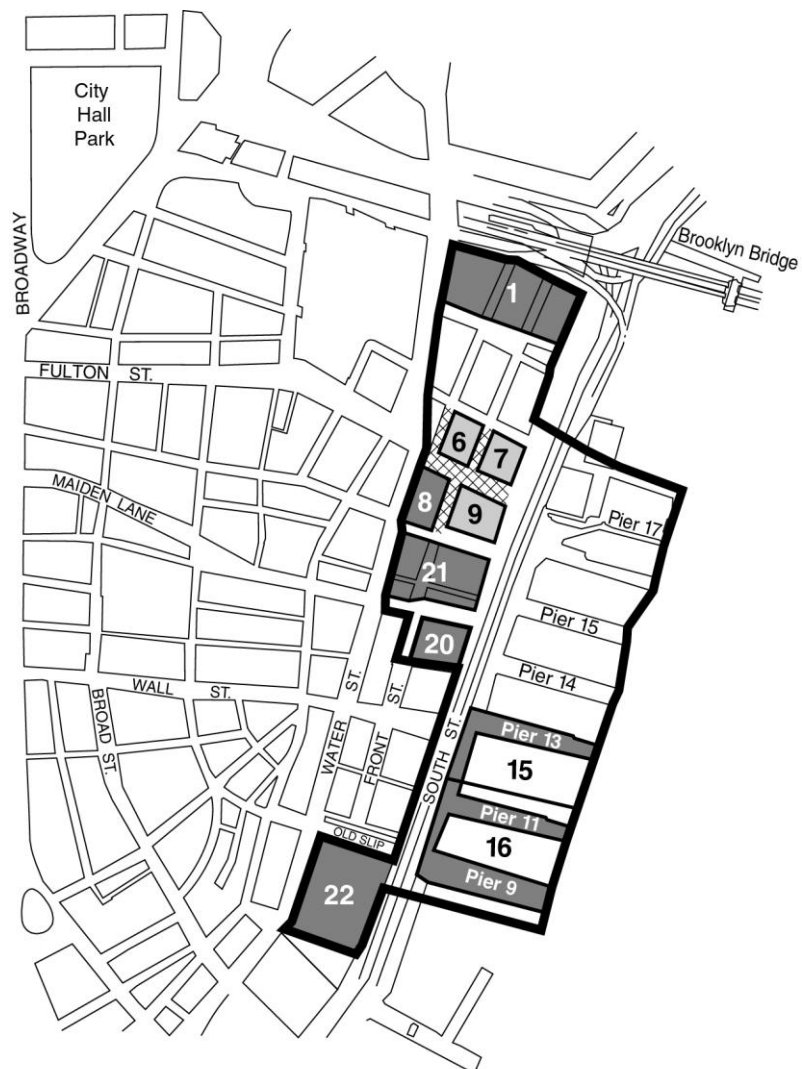
Map 5
Curb Cut Prohibitions (91-A5)



(12/11/01)

Map 6

South Street Seaport Subdistrict (91-A6)



— South Street Seaport Subdistrict

■ Receiving Lot

■ Granting Lot

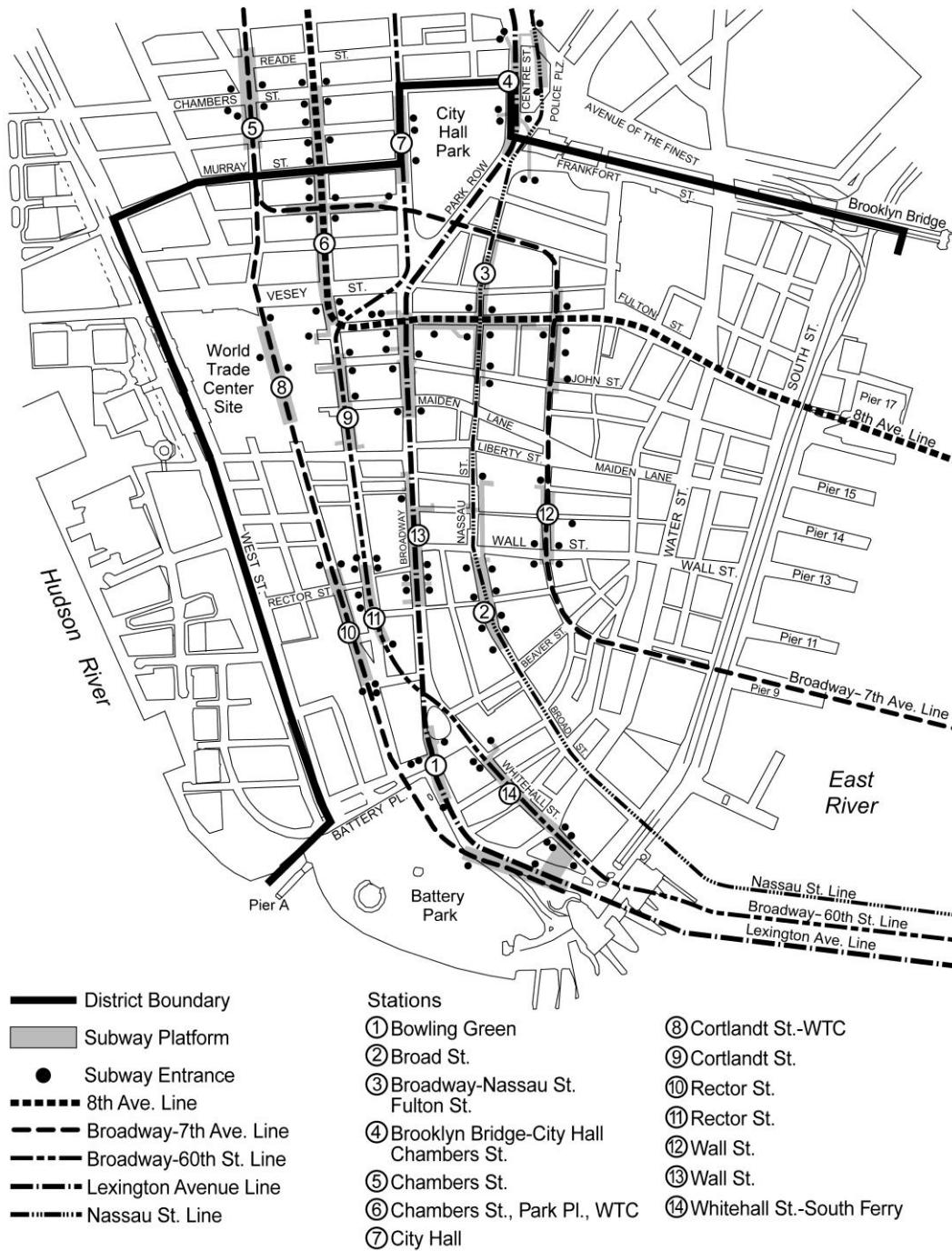
▨ Designated Pedestrian Ways

Numbers indicate Brooklyn Bridge Southeast Urban Renewal Plan Parcels

(2/2/11)

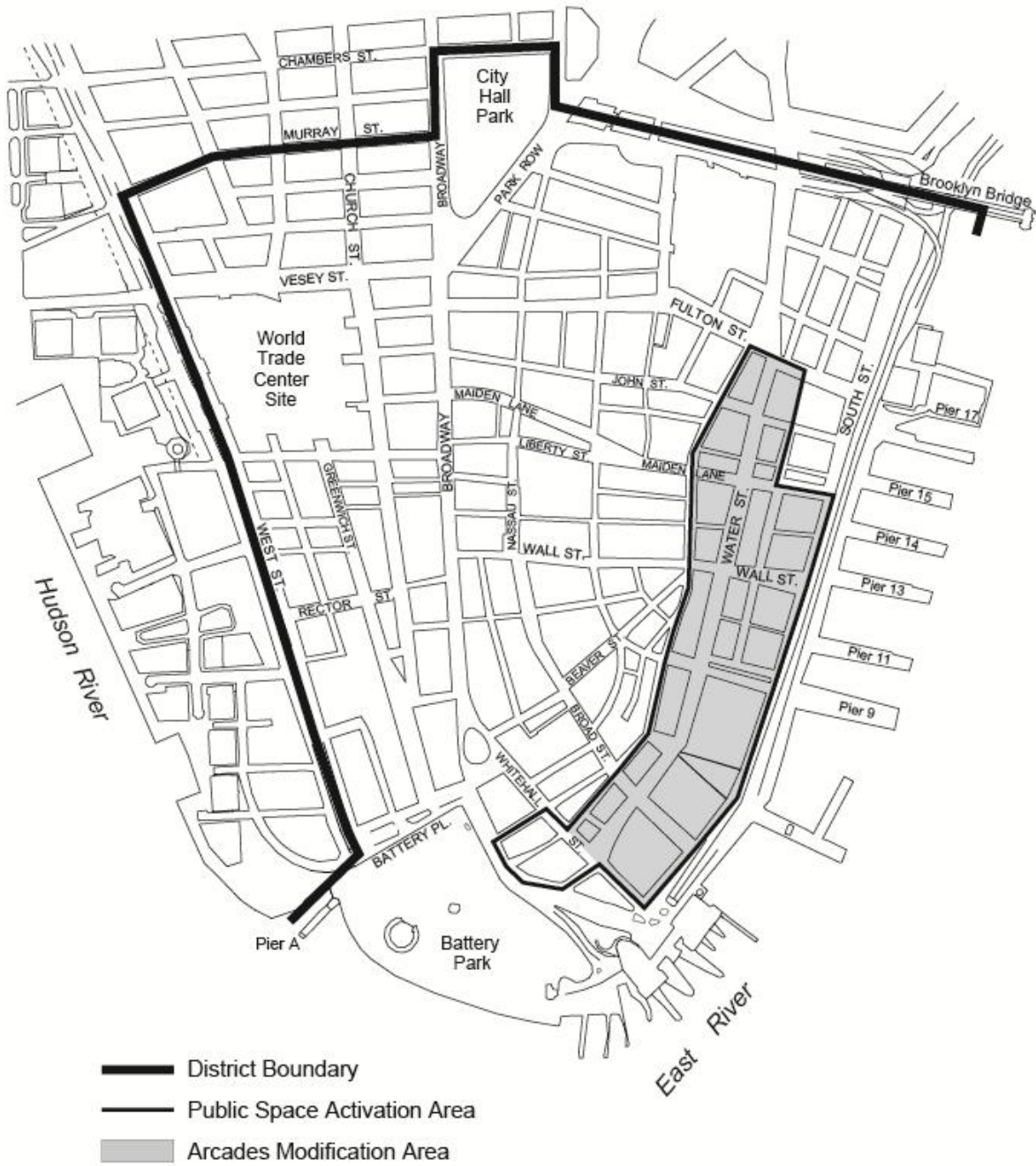
Map 7

Subway Station Improvement Areas (91-A7)



(6/12/13)

Map 8
Public Access Modification Areas (91-A8)



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article IX: Special Purpose Districts Chapter 2: Special Park Improvement District

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(4/23/73)

Article IX - Special Purpose Districts

Chapter 2

Special Park Improvement District

(4/23/73)

92-00

GENERAL PURPOSES

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

- (a) to preserve and protect the unique character and architectural quality of the residential part of Fifth Avenue and Park Avenue which includes many landmarks and other cultural buildings;
- (b) to provide alternatives to plaza and arcade development along Fifth Avenue and Park Avenue which are redundant in view of the existence of Central Park and the Park Avenue malls;
- (c) to channel private expenditures which would otherwise be spent on redundant facilities into development, beautification and maintenance of proximate public parks and other public areas;
- (d) to encourage the development of buildings compatible with the height of present development; and
- (e) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

(2/2/11)

92-01

Definitions

Development

For purposes of this Chapter a "development" includes the construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# on another #zoning lot#, and an #enlargement# involving an increase in #lot coverage#.

(12/11/01)

92-02

General Provisions

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

For the purposes of this Chapter, Duke Ellington Circle, located at the intersection of Fifth Avenue and East 110th Street, shall be considered a separate #street#.

(12/11/01)

92-03

Special Use Regulations

For any #zoning lot# located between Fifth Avenue, Duke Ellington Circle, East 109th Street and East 110th Streets:

- (a) #commercial uses# shall only be permitted beyond 100 feet of Fifth Avenue and shall be restricted to office #uses# listed in Use Group 6B;
- (b) the underlying district #sign# regulations shall not apply. In lieu thereof, #signs accessory# to a #commercial use# shall conform with all the #sign# regulations applicable in C1 Districts, except that #illuminated signs# shall not be permitted and, within 100 feet of Fifth Avenue, signs shall conform with the #sign# regulations for #Residence Districts# set forth in Section 22-30.

(12/11/01)

92-04

Special Bulk Provisions

(2/2/11)

92-041

Maximum Floor Area Ratio

The maximum #floor area ratio# for any #zoning lot# shall not exceed 10.0. No #floor area# bonuses shall be permitted.

(2/2/11)

92-042

Mandatory front building walls along certain street lines

- (a) Except as provided in paragraph (b) of this Section, the front #building# wall for all #developments# on #zoning lots# having frontage on Fifth Avenue or Park Avenue and for all #developments# along #street lines# within 50 feet of their intersection with the #street lines# of Fifth Avenue or Park Avenue, shall extend along the full length of its #street line# fronting on such #street# without setback for a height of 125 feet above #curb level# or the full height of the #building#, whichever is less. Above the height of 150 feet above #curb level#, the front #building# wall shall be set back 10 feet from the #street line#. The mandatory front #building# wall requirements are optional for the next 20 feet along the #street line# of a #narrow street# or for the next 75 feet along the #street line# of a #wide street#. However, where the front wall of a #building# with a height less than 125 feet above #curb level# was constructed with a setback from the #street lines#, #enlargement# of such #building# may be permitted by vertical extension of its existing #building# wall.
- (b) For any #zoning lot# having frontage on Fifth Avenue, Duke Ellington Circle, East 109th Street and East 110th Street, the provisions of this paragraph, (b), shall apply. The front #building# wall of any #development# shall extend along the full length of the Fifth Avenue and Duke Ellington Circle #street lines#, and along the full length of the East 109th Street and East 110th Street #street lines# within 50 feet of their intersection with Fifth Avenue and Duke Ellington Circle, and rise without setback to a minimum height of 85 feet above #curb level# or the full height of

the #building#, whichever is less. Above a height of 150 feet, the front #building# wall shall be set back at least 10 feet from such #street lines#. Such mandatory front #building# wall requirements are optional for the next 50 feet along the East 109th Street and East 110th Street #street lines#.

- (c) Front wall recesses are permitted within mandatory front #building# walls for architectural or decorative purposes, provided that the aggregate length at the level of any #story# does not exceed 50 percent of the length of the front wall where such recesses are permitted. The depth of such recesses shall not exceed six feet. No front wall recesses are permitted within 20 feet of the intersection of two #street lines#.

Where the aggregate width of balconies located along the front #building# wall, at the level of any #story#, exceeds 20 percent of the length of such front #building# wall, the front #building# wall may be set back not more than three feet from the #street line#.

The underlying district height and setback regulations apply along #street lines#, or portions thereof, not subject to the front #building# wall requirement.

(12/11/01)

92-043

Special height limitation

The maximum height of a #building or other structure#, or portion thereof, shall not exceed 19 #stories# or 210 feet above #curb level#, whichever is less.

(5/8/13)

92-05

Maximum Number of Accessory Off-Street Parking Spaces

Within the portion of the #Special Park Improvement District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Park Improvement District#, the provisions of this Section shall apply.

In no case shall the number of #accessory# off-street parking spaces for a #residential use# exceed 40 percent of the number of #dwelling units#. In no case shall curb cuts for vehicular access be located on Fifth Avenue or Park Avenue or on a #street# within 50 feet of its intersection with the #street line# of Fifth Avenue or Park Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District. All parking spaces #accessory# to #residences# shall be designed and operated exclusively for the long term storage of the private passenger motor vehicles used by the occupants of such #residences#.

The parking requirements set forth in Sections 25-21, 25-31, 36-21 or 36-31 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article IX: Special Purpose Districts Chapter 3: Special Hudson Yards District

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(1/19/05)

Article IX - Special Purpose Districts

Chapter 3

Special Hudson Yards District

(4/14/10)

93-00

GENERAL PURPOSES

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

- (a) to facilitate and guide the development of an environmentally beneficial, transit-oriented business and residence district by coordinating high density development with expanded mass transit facilities, extended and improved subway lines, improved pedestrian access to mass transit facilities, improved pedestrian circulation and avoidance of conflicts with vehicular traffic;
- (b) to control the impact of buildings on the access of light and air to the streets and avenues of the Hudson Yards area and the surrounding neighborhoods;
- (c) to provide an open space network comprised of public parks, public open space and public access areas through the establishment of a large-scale plan and other controls and incentives;
- (d) to preserve the pedestrian orientation of ground floor uses, and thus safeguard a traditional quality of the City;
- (e) to preserve the low- and medium scale residential character of the Hell's Kitchen area;
- (f) to provide a transition between the Hudson Yards District and the Clinton community to the north;
- (g) to provide a transition between the Hudson Yards District and the Garment Center to the east;

- (h) to provide a transition between the Hudson Yards District and the West Chelsea area to the south;
- (i) to promote the use of the Jacob K. Javits Convention Center to the west by creating an active and attractive business district that facilitates pedestrian access to the Center;
- (j) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms;
- (k) to provide a transition between the Hudson Yards District and the Hudson River to the west;
- (l) to facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations;
- (m) to promote the most desirable use of land and building development in accordance with the District Plan for the Hudson Yards and thus conserve the value of land and buildings and thereby protect the City's tax revenues; and
- (n) to limit the amount of off-street parking based on regulations that address the anticipated needs of residents, workers and visitors to the Hudson Yards Area, consistent with the objective of creating an area with a transit- and pedestrian-oriented neighborhood character.

(5/31/12)

93-01

Definitions

ERY Culture, Festival and Exhibit Facility

An "ERY Culture, Festival and Exhibit Facility" is a #use#, operated by a not-for-profit entity, that comprises changing, non-permanent exhibits, events, expositions, presentations, festivals and fairs related to any or all of the following: visual arts, performing arts, culinary arts, literature, journalism, crafts, fashion and design, or any similar artistic activity. No trade shows shall be permitted unless they are related to one of such activities. Any #building# in

which an #ERY Culture, Festival and Exhibit Facility# is located may include a moveable portion that may be extended and retracted to cover all or a portion of the Culture Facility Plaza described in Section 93-71, paragraph (j).

ERY High Line

For the purpose of this Chapter, the #ERY High Line# shall refer to the portion of the #High Line# between the western #street line# of Tenth Avenue and the western #street line# of Eleventh Avenue north of West 30th Street.

High Line

For the purposes of this Chapter, the "High Line" shall refer to the elevated rail line structure located between Gansevoort Street and West 34th Street in the north-south direction, and between Washington Street and Twelfth Avenue in the east-west direction.

High Line bed

The "High Line bed" is the highest level of the horizontal surface (platform) of the elevated rail line structure of the #High Line#.

High Line Landscape Improvement Deposit

For the purpose of this Chapter, the #High Line Landscape Improvement Deposit# shall be in the amount of \$18,214,507 for the #ERY High Line# and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section 93-71, in the amount of \$23,200,228, as adjusted by changes in the construction cost index published by the Engineering News-Record (ENR) for New York City, commencing as of January 2012. Payment of the #High Line Landscape Improvement Deposit# shall be in the form of cash or other form of immediately available funds. The #High Line Landscape Improvement Deposit# shall be held by the City, or an instrumentality of the City, as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the improvement for public use of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

High Line Maintenance Funding

For the purpose of this Chapter, #High Line Maintenance Funding# shall mean funding sufficient for the maintenance and ordinary repair of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, in an amount acceptable to the City, as adjusted on an annual basis.

High Line Rehabilitation Deposit

For the purpose of this Chapter, the #High Line Rehabilitation Deposit# shall be in the amount of \$9,580,763 for the #ERY High Line# and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section 93-71, in the amount of \$12,203,234, as adjusted by changes in the construction cost index published by the ENR for New York City commencing as of January, 2012. Payment of the #High Line Rehabilitation Deposit# shall be in the form of cash or other form of immediately available funds if plans and specifications for rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed as of the time the #High Line Rehabilitation Deposit# is required, and if such plans and specifications have not been substantially completed at the time the #High Line Rehabilitation Deposit# is required, in the form of cash or a cash equivalent, such as a letter of credit, in a form acceptable to the City. The #High Line Rehabilitation Deposit# shall be held by the City, or an instrumentality of the City, as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

Hudson Yards District Improvement Fund

The "Hudson Yards District Improvement Fund" (the "Fund") shall be an account of the Hudson Yards Infrastructure Corporation (the "Corporation"). The Fund shall be owned for all purposes by the Corporation and may be used for any corporate purpose of the Corporation, including its pledge, assignment or sale in furtherance of any financing by the Corporation in support of district improvements in the #Hudson Yards Redevelopment Area#. The Corporation, as owner for all purposes of the Fund, will manage the Fund in furtherance of the purposes of the Corporation.

Hudson Yards Redevelopment Area

The "Hudson Yards Redevelopment Area" shall be the areas within the #Special Hudson Yards District#, Area P-2 of the #Special Garment Center District#, the 42nd Street Perimeter Area of the #Special

Clinton District#, and the area bounded by the center line of Eleventh Avenue, the northern #street line# of West 43rd Street, the westerly prolongation of the northern #street line# of West 43rd Street to the U.S. Pierhead Line, the U.S. Pierhead Line, the westerly prolongation of the southern #street line# of West 29th Street to the U.S. Pierhead Line, and the southern #street line# of West 29th Street. However, the area bounded by the westerly side of Eleventh Avenue, the southerly side of West 43rd Street, the westerly side of Twelfth Avenue and the northerly side of West 33rd Street shall not be included in the #Hudson Yards Redevelopment Area#, except for any portion of such #blocks# containing a transit easement for subway-related use. Furthermore, the #Hudson Yards Redevelopment Area# shall not include any underground connections from a subway station to any #use# located on such excluded #blocks# or between any such #uses#.

Phase 2 Hudson Boulevard and Park

The "Phase 2 Hudson Boulevard and Park" is the area within the #Special Hudson Yards District# bounded on the north by the center line of West 39th Street, on the east by the eastern boundary of the park located between West 38th and West 39th Streets and the eastern #street line# of Hudson Boulevard East, on the south by the center line of West 36th Street, and on the west by the western #street line# of Hudson Boulevard West and the western boundary of the park located between West 38th and West 39th Streets, as shown on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter.

Tenth Avenue Spur

For the purpose of this Chapter, the #Tenth Avenue Spur# shall refer to the portion of the #High Line# above the intersection of Tenth Avenue and West 30th Street.

(10/9/13)

93-02

General Provisions

The provisions of this Chapter shall apply within the #Special Hudson Yards District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or

modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

(4/29/14)

93-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Hudson Yards District# Plan.

The District Plan includes the following six maps in Appendix A of this Chapter:

- Map 1 - Special Hudson Yards District, Subdistricts and Subareas
- Map 2 - Mandatory Ground Floor Retail
- Map 3 - Mandatory Street Wall Requirements
- Map 4 - Mandatory Sidewalk Widening
- Map 5 - Transit Facilities
- Map 6 - Sites Where Special Parking Regulations Apply

Subdistrict Plans include the following five maps in Appendix B of this Chapter:

- Map 1 - Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan
- Map 2 - Subdistrict F: Site Plan
- Map 3 - Subdistrict F: Public Access Area Plan
- Map 4 - Subdistrict F: Mandatory Ground Floor Requirements
- Map 5 - Subdistrict F: Mandatory Street Wall Requirements

The Maps are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

(4/29/14)

93-04

Subdistricts and Subareas

In order to carry out the provisions of this Chapter, six subdistricts are established, as follows:

The Large-Scale Plan Subdistrict A

Farley Corridor Subdistrict B

34th Street Corridor Subdistrict C

Hell's Kitchen Subdistrict D

South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F.

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Hudson Yards District#. Within certain subdistricts, subareas are established, as follows:

Within the Large-Scale Plan Subdistrict A:

Eastern Rail Yard Subarea A1

Four Corners Subarea A2

Subarea A3

Subarea A4

Subarea A5

Within Farley Corridor Subdistrict B:

Western Blocks Subarea B1

Central Blocks Subarea B2

Farley Post Office Subarea B3

Pennsylvania Station Subarea B4

Within Hell's Kitchen Subdistrict D:

Subarea D1

Subarea D2

Subarea D3

Subarea D4

Subarea D5

Within these subareas, certain special regulations apply which do not apply within the remainder of the subdistrict.

The subdistricts and subareas are outlined on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter. Additional requirements for specific subdistricts, or portions thereof, are outlined in Appendix B of this Chapter.

(1/19/05)

93-05

Applicability of District Regulations

(3/28/12)

93-051

Applicability of Article I, Chapter 1

Within the #Hudson Yards Redevelopment Area#, Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced

but not completed on January 19, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than January 19, 2006.

(5/8/13)

93-052

Applicability of Article I, Chapter 3

#Public parking lots# authorized prior to January 19, 2005, and #accessory# off-street parking facilities for which a special permit has been granted prior to January 19, 2005, may be renewed subject to the terms of such authorization or special permit.

The provisions of Article I, Chapter 3, in their entirety shall be applied to Subdistrict F. The following provisions of Article I, Chapter 3, governing #automated parking facilities#, as defined in Section 13-02, automobile rental establishments, commercial vehicle parking, and off-street loading berths shall apply to Subdistricts A, B, C, D and E, as applicable:

- (a) for #automated parking facilities#, the provisions of Section 13-101 (Calculating parking spaces in automated parking facilities), paragraph (b) of Section 13-25 (Reservoir Spaces), and paragraph (b) of Section 13-27 (Minimum and Maximum Size of Parking Facilities);
- (b) for automobile rental establishments, the provisions of Section 13-15 (Permitted Parking for Automobile Rental Establishments), paragraph (b) of Section 13-221 (Enclosure and screening requirements), Section 13-241 (Location of curb cuts), paragraph (b) of Section 13-242 (Maximum width of curb cuts), paragraph (c) of Section 13-25, and paragraph (c) of Section 13-27;
- (c) for commercial vehicle parking, the provisions of Section 13-16 (Permitted Parking for Car Sharing Vehicles and Commercial Vehicles); and
- (d) for off-street loading berths, the provisions of Section 13-30, inclusive.

Additional provisions of Article I, Chapter 3, shall be applicable as specified in Section 93-80, inclusive.

(1/19/05)

93-053

Applicability of Chapter 3 of Article VII

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

Section 73-16 (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 73-62 (Modification of Bulk Regulations for Residential Buildings)

Section 73-63 (Enlargement of Non-Residential Buildings)

Section 73-64 (Modifications for Community Facility Uses).

(4/14/10)

93-054

Applicability of Article VII, Chapter 4

(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 Public Plazas)

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

(b) The following provisions regarding special permits by the City Planning Commission shall be applicable as modified:

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall be applicable to the renewal of City Planning Commission special permits for #public parking lots# and #public parking garages# granted prior to April 14, 2010.

Section 74-79 (Transfer of Development Rights from Landmark Sites) shall apply, except that within the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B, such section shall be applicable only for a #development# or #enlargement# that has increased its permitted #floor area ratio# to 15.0 pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea B4). Furthermore, the maximum amount of #floor area# that may be transferred from the #zoning lot# occupied by a landmark #building# may increase the maximum allowable #floor area ratio# within the Pennsylvania Station Subarea B4 to 19.5.

Section 74-82 (Through Block Arcades) shall apply to any #development# or #enlargement# for which a #through block arcade# would not otherwise be permitted pursuant to this Chapter, except that

no #floor area# bonus shall be permitted.

(9/4/08)

93-055

Modification of use and bulk regulations for zoning lots bounding Hudson Boulevard Park

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public parks# located between West 35th Street, Hudson Boulevard East, West 33rd Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard West for the purposes of applying all #use# and #bulk# regulations of this Resolution.

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public park# located between West 39th Street, Tenth Avenue, West 38th Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard East and West, as applicable, for the purposes of applying all #use# and #bulk# regulations of this Resolution.

(12/21/09)

93-06

Declaration of Restrictions in Subdistrict F

No building permit shall be issued for any #development# or #enlargement# within Subdistrict F unless a declaration of restrictions, in substantially the form reviewed by the City Planning Commission pursuant to CEQR No. 09DCP007M and referenced in and made an exhibit to the findings of the Commission pursuant to 6 NYCRR Section 617.11 in connection with its adoption of the regulations of this Chapter and as modified by the City Council, applicable to Subdistrict F (as such declaration may be revised prior to filing and recordation in accordance with the provisions thereof applicable to amendments made subsequent to filing and recordation), shall have been filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against all property interests in Subdistrict F proposed for #development# or #enlargement# pursuant to this Chapter.

(5/31/12)

93-10

USE REGULATIONS

The #use# regulations of the underlying districts are modified as set forth in this Section, inclusive.

The only permitted change of #use# for the #High Line# shall be to provide publicly accessible open space in accordance with the provisions of Sections 93-71 (Public Access Areas in the Eastern Rail Yard Subarea A1) and 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

(7/24/13)

93-101

ERY Culture, Festival and Exhibit Facility

For purposes of this Chapter, all references to #community facility#, #community facility use# or #uses# in Use Groups 3 or 4 in connection with Eastern Rail Yard Subarea A1 shall be deemed to include an #ERY Culture, Festival and Exhibit Facility#.

(1/19/05)

93-11

Air Space over a Railroad or Transit Right-of-way or Yard

The provisions for the use of air space over railroad or transit right-of-ways or yards set forth in Sections 22-41, 32-44 and 42-462 shall not apply. In lieu thereof, all #developments# or #enlargements# within such air space shall comply with the provisions of this Chapter.

(1/19/05)

93-12

Special Residential Use Regulations

(1/19/05)

93-121

Restrictions on residential use

No #residential use# shall be permitted within the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B.

(2/2/11)

93-122

Certification for residential use in Subdistricts A, B and E

Within the Large-Scale Plan Subdistrict A, Subareas B1 and B2 of the Farley Corridor Subdistrict B, and the South of Port Authority Subdistrict E, #residential use# shall be permitted only upon certification of the Chairperson of the City Planning Commission that the #zoning lot# on which such #residential use# is located contains the minimum amount of #commercial floor area# required before #residential use# is allowed, as specified in Section 93-21 or 93-22, as applicable, and that for #zoning lots# in Subareas A2 through A5 of the Large-Scale Plan Subdistrict A, a certification pursuant to Section 93-34 (Distribution of Floor Area in the Large-Scale Plan Subdistrict A) has been made.

However, special regulations shall apply to #zoning lots# with phased development, as follows:

- (a) For #zoning lots# with less than 69,000 square feet of #lot area#, the Chairperson shall allow for phased development, upon certification that a plan has been submitted whereby the ratio of #commercial floor area# to #residential floor area#, in #buildings# in each phase, is no smaller than the ratio of the minimum amount of #commercial floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential floor area# permitted on the #zoning lot# as specified in Section 93-21 or 93-22, as applicable, and
- (b) For #zoning lots# with at least 69,000 square feet of #lot area#, the Chairperson shall allow for one or more #buildings# containing #residences# to be #developed# or #enlarged# without the minimum amount of #commercial floor area# required before #residential use# is allowed, as specified in Section 93-21 or

93-22, as applicable, upon certification that a plan has been submitted whereby one or more regularly-shaped portions of the #zoning lot# with a minimum area of 50,000 square feet are reserved for future development of not more than two million square feet of #commercial floor area# on each such portion, and that, upon full development of such #zoning lot#, the ratio of #commercial floor area# to #residential floor area# shall be no smaller than the ratio of the minimum amount of #commercial floor area# required on the #zoning lot# before #residential use# is allowed, to the maximum #residential floor area# permitted on the #zoning lot#, as specified in Section 93-21 or 93-22, as applicable.

All #developments# or #enlargements# so certified shall be permitted only in accordance with the provisions of this Chapter.

(2/2/11)

93-123

Location of residential use within buildings

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #residential uses# on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #dwelling units# and provided any non-#residential uses# are not located directly over any #story# occupied in whole or in part by #dwelling units#. However, such non-#residential uses# may be located over such a #story# occupied by #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

(2/2/11)

93-124

Restrictions on conversions of residential use

In #Commercial Districts# mapped within R8A Districts, a #residential use# existing on December 21, 2005, within a #story# that has a floor level within five feet of #curb level#, may not be #converted# to a #commercial use#.

(1/19/05)

93-13

Special Office Use Regulations

(2/2/11)

93-131

Certification for office use

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistrict F.

- (a) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# in the #Hudson Yards Redevelopment Area# that includes Use Group 6B offices #developed# or #enlarged# after January 19, 2005, until the Chairperson of the Department of City Planning certifies to the Commissioner of Buildings that:
 - (1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to Sections 23-90 (INCLUSIONARY HOUSING), 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25 (Floor Area Bonus for New Legitimate Theater Use); or
 - (2) such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections 23-90, 93-30, inclusive, or 96-25, and will not result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 20 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District# or the #Special Garment Center District#, as applicable.

- (b) Where the Chairperson of the Department of City Planning determines that the amount of office #floor area# in any #development# or #enlargement# will result in a total amount of Use Group 6B office #floor area developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area#

of over 20 million square feet, no building permit from the Department of Buildings shall be issued for any #development# or #enlargement# that includes Use Group 6B offices constructed after January 19, 2005, until the Chairperson certifies to the Commissioner of Buildings that:

- (1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to Sections 23-90, 93-30, inclusive, or 96-25; or
- (2) such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections 23-90, 93-30, inclusive, or 96-25, and will not result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District# or the #Special Garment Center District#, as applicable.

However, if such #developments# or #enlargements# fail to comply with the provisions of Section 11-331 with respect to completion of foundations within one year of the date of certification pursuant to this Section, such building permit shall lapse, and any new building permit will require a new Chairperson's certification pursuant to this Section.

- (c) Where the Chairperson of the Department of City Planning determines that the amount of office #floor area# in any #development# or #enlargement# will result in a total amount of Use Group 6B office #floor area# developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet, and where such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections 23-90, 93-30, inclusive, or 96-25, such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission pursuant to Section 93-132.

However, no such authorization shall be required for #developments# or #enlargements# utilizing the Inclusionary Housing Program within the area bounded by West 35th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, or in the 42nd Street Perimeter Area of the #Special Clinton District#, where the total #floor area

ratio# for such #developments# or #enlargements# does not exceed 12.0.

(12/21/09)

93-132

Authorization for office use

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistrict F.

Where the amount of Use Group 6B office #floor area# in a #development# or #enlargement# will result in over 25 million square feet of such #use developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area#, and such #development# or #enlargement# utilizes increased #floor area# pursuant to Sections 23-90 (INCLUSIONARY HOUSING), 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25 (Floor Area Bonus for New Legitimate Theater Use), such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission that:

- (a) such #development# or #enlargement# will not require any significant additions to the supporting services of the neighborhood or that provisions for adequate supporting services have been made;
- (b) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby or provisions have been made to handle such traffic; and
- (c) such #development# or #enlargement# is consistent with the goals of the applicable special district.

(4/29/14)

93-14

Ground Floor Level Requirements

The following provisions relating to retail continuity and transparency requirements shall apply to all subdistricts in the #Special Hudson Yards District#, except that the provisions of this Section shall not apply along the northern #street# frontage of West

35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.

- (a) Retail continuity along designated streets in Subdistricts A, B, C, D and E

Map 2 in Appendix A of this Chapter specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 50 percent of the #building's street# frontage, as indicated on Map 2.

#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 50 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying district, but not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D. Where a sidewalk widening is required, such #uses# shall be within 50 feet of the sidewalk widening line.

A #building's street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways, entrances to subway stations, other subway-related #uses# as described in Section 93-65 (Transit Facilities), or within the Eastern Rail Yard Subarea A1 where such retail continuity requirements are applicable to #building# walls facing certain public access areas, pursuant to Section 93-71, as follows:

- (1) for #building# walls facing the outdoor plaza described in Section 93-71, paragraph (b): the through block connection described in Section 93-71, paragraph (d), and the connection to the public plaza described in Section 93-71, paragraph (e);
- (2) for #building# walls facing the through block connection described in Section 93-71, paragraph (d): the outdoor plaza described in Section 93-71, paragraph (b);
- (3) for #building# walls facing the connection to the #public plaza# described in Section 93-71, paragraph (e): the outdoor plaza described in Section 93-71, paragraph (b) and

the public plaza described in Section 93-71, paragraph (c);
or

- (4) a combination of retail #uses# and public access areas so as to satisfy the 50 foot depth requirement for retail continuity.

In no event shall the length of #street# frontage (exclusive of any portion of such #street# frontage allocated to entrances to subway stations and other subway-related #uses#) occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less, except that the width of a lobby need not be less than 20 feet; and within the Eastern Rail Yard Subarea A1, the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less.

- (b) Retail continuity along designated streets in Subdistrict F

Map 4 (Subdistrict F: Mandatory Ground Floor Requirements) in Appendix B specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 70 percent of the #building's# street# frontage, as indicated for each location on Map 4.

- (1) Along Eleventh Avenue

The ground floor retail provisions established in paragraph (a) of this Section shall apply to the ground floor #street# frontage of #buildings# along Eleventh Avenue. In addition, if a #street# frontage is occupied by a bank, as listed in Use Group 6, such a #street# frontage shall not exceed a #street wall# width, in total, of 25 feet.

- (2) Along designated streets other than Eleventh Avenue

In addition to the #uses# listed in paragraph (a) of this Section, the following #community facility uses# from Use Groups 3 and 4 as well as the following #commercial use# from Use Group 6B shall be permitted within a #story# that has a floor level within five feet of #curb level# for frontages along designated #streets#, as shown on Map 4, other than Eleventh Avenue.

From Use Group 3:

Art galleries, non-commercial

Libraries

Museums

Nursery, kindergarten, elementary or secondary #schools#
(with no living or sleeping accommodations)

From Use Group 4:

Ambulatory diagnostic and treatment health care
facilities

Community centers

Houses of worship

Recreation centers, non-commercial

From Use Group 6B:

Veterinary medicine, limited to small animals.

A minimum of 70 percent of the #aggregate width of street wall# shall be occupied by #uses# permitted in this Section. A minimum of 50 percent of the #street# frontage of a #building# shall be allocated exclusively to #uses# listed in paragraph (a) and Use Group 3 #uses# listed in this paragraph, (b)(2). In addition, a maximum of 20 percent of the #street# frontage of a #building# shall be permitted to provide the Use Group 4 and 6B #uses# listed in this paragraph, (b)(2). However, if a #street# frontage is occupied by a bank, as listed in Use Group 6, such #street# frontage shall not exceed a #street wall# width, in total, of 25 feet.

The remaining portion of the #street wall# may be occupied by #uses# listed in this Section, or by lobby space, mechanical space or entrances to #accessory# parking garages, provided that:

- (i) the maximum width of a single lobby frontage shall be 40 feet, or 25 percent of the #street wall#, whichever is less. A maximum of two such lobbies shall be permitted along a single #street wall# frontage, provided that the

minimum distance between such lobbies shall not be less than 120 feet; and

(ii) the maximum width of a #street wall# occupied by an entrance to #accessory# parking spaces shall not exceed 35 feet.

(c) Transparency requirements along designated streets in Subdistricts A, B, C, D, E and F

For any #development# or ground floor #enlargement# fronting on #streets# designated on Map 2 in Appendix A of this Chapter, glazing shall be provided in accordance with the provisions set forth in paragraph (c) of this Section.

Each ground floor level #street wall# of a #commercial# or #community facility use#, as set forth in this Section, shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, or public access area, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

For #developments# or #enlargements# fronting upon Hudson Boulevard that are adjacent to existing #buildings# located within the Hudson Boulevard #street# bed or #public park#, the Hudson Boulevard #street wall# of such #development# or #enlargement# shall be designed in a manner that will enable the glazing requirements of this Section to be met upon demolition of the #buildings# within such #street# bed or #public park# and, within six months of such demolition, such glazing requirements shall be complied with.

(d) Non-transparent walls within Subdistrict F

Within Subdistrict F, any non-transparent area of a new or existing wall with a width in excess of 40 feet and a height in excess of five feet fronting upon a public sidewalk or publicly accessible open space shall be treated with a decorative element or material or shall be screened with planting so as to provide visual relief. Such screening or decorative treatment shall be required to a height of 15 feet above the level of the public

sidewalk or publicly accessible open space, or the height of the wall, whichever is less.

(12/21/09)

93-141

Certification to modify ground floor level requirements in Subdistrict F

Within Subdistrict F, the Chairperson of the City Planning Commission may modify the ground floor level requirements of paragraphs (b), (c) and (d) of Section 93-14 (Ground Floor Level Requirements), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is the minimum necessary to accommodate the ventilation requirements of the below-grade rail operations. Any application for such change shall include a mechanical plan that conveys the extent of the needs and required modifications, as well as a letter from the Metropolitan Transportation Authority describing the needs for such modifications.

(2/2/11)

93-15

Security Gates

All security gates installed after January 19, 2005, that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.

(4/14/10)

93-16

Public Parking Facilities

In C2-5, C2-8 and C6 Districts, the provisions of Sections 32-17 (Use Group 8) and 32-21 (Use Group 12) with respect to #public parking garages# and #public parking lots# are inapplicable and are

superseded by the provisions of Section 93-80 (OFF-STREET PARKING REGULATIONS).

(4/29/14)

93-17

Modification of Sign Regulations

(a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Within the Pennsylvania Station Subarea B4, the provisions of Section 93-171 (Special permit for signs within the Pennsylvania Station Subarea) shall apply. The following modifications to the underlying #sign# regulations shall apply in the Eastern Rail Yard Subarea A1:

- (1) #Flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required pursuant to Section 93-71.
- (2) For #signs# facing Tenth Avenue, or on a portion of a #building# within 100 feet of Tenth Avenue, in addition to #signs# permitted under the underlying #sign# regulations:
 - (i) up to four #signs# may exceed the maximum height limitations of the underlying #sign# regulations, provided that no such #sign# exceeds 95 feet in height; and
 - (ii) up to five #signs# may be located without regard to the maximum #surface area# limitations of the underlying #sign# regulations, provided that:
 - (a) the aggregate #surface area# of such #signs# does not exceed 4,400 square feet; and
 - (b) each such #sign# shall have a maximum #surface area# of 650 square feet, except for one #sign# that may have a maximum #surface area# of 1,800 square feet.

Any #sign# which exceeds the maximum height permitted by the underlying sign regulations shall direct attention to no more than one business conducted on the #zoning lot# and no such #signs# shall be #flashing signs#. Additionally, no more than two of the additional #signs# permitted under this paragraph, (a)(2), if located below the maximum height permitted by the underlying #sign# regulations, shall be #flashing signs#.

Erection of one or both of the additional #flashing signs# permitted under this paragraph, (a)(2), shall be conditioned upon and subject to additional limitations upon flashing effects for all #flashing signs# located on a #building# wall facing Tenth Avenue or on a #building# wall within 100 feet of Tenth Avenue, as prescribed by the Commission pursuant to a restrictive declaration. Recordation of such restrictive declaration in the Office of the Register and compliance with the terms thereof with respect to any previously erected #flashing signs# permitted under the underlying #sign# regulations shall be a precondition to the issuance of permits by the Commissioner of Buildings for an additional #flashing sign# permitted under this paragraph.

- (3) Along the #ERY High Line#, the #sign# regulations as set forth in Section 93-17, paragraph (b)(1), shall apply. In addition, no #flashing signs# above the level of the #High Line bed# shall be located within 150 feet of and facing the #ERY High Line#.
- (4) For an #ERY Culture, Festival and Exhibit Facility#, the total #surface area# of all permitted #signs# and banners shall be as set forth in this paragraph, (a)(4). The maximum aggregate #surface area# of all #signs# shall not exceed 2,700 square feet. #Signs#, other than banners, facing the outdoor plaza, as described in Section 93-71, paragraph (b), shall not exceed a maximum aggregate #surface area# of 200 square feet; #signs# facing the connection to the High Line, as described in Section 93-71, paragraph (f), shall not exceed a maximum aggregate #surface area# of 200 square feet; and #signs# facing West 30th Street shall not exceed a maximum aggregate #surface area# of 1,700 square feet. A maximum of 600 square feet of #signs# in the form of banners are permitted facing or within the outdoor plaza. No #sign# shall exceed a height of 30 feet above the level of the Culture Facility Plaza, as described in Section 93-71, paragraph (j) and no #signs#

facing West 30th Street shall be located at a height above the #High Line#. Banners located within the outdoor plaza may be installed on one or two poles located not less than 13 feet from an #ERY Culture, Festival and Exhibit Facility#. The bottom of any such banner shall be located at least 10 feet above the bottom of the pole. Any #sign# that exceeds 300 square feet of #surface area# shall be non-#illuminated# or a #sign with indirect illumination#.

(b) Subdistrict F

For the purposes of calculating the permitted #surface area# of a #sign#, each site set forth on Map 2 (Subdistrict F: Site Plan) in Appendix B shall be considered a separate #zoning lot#.

(1) Along the #High Line#

The #sign# regulations of the underlying districts shall not apply to #signs# located within 50 feet of the #High Line#, except for #signs# located entirely below the level of the #High Line bed#. In lieu thereof, the #sign# regulations of a C1 District shall apply, except that #accessory signs# located within the #High Line# frontage may have a maximum height of 20 feet above the level of the #High Line bed#.

No #signs# affixed to or resting upon the #High Line# shall be permitted, except as pursuant to a signage plan for the #High Line#, as authorized by the City Planning Commission, provided the Commission finds that such signage plan will:

- (i) enhance the use of the #High Line# by providing signage that is consistent with the use of the #High Line# as a public open space;
- (ii) provide, at a minimum, directional, informational and interpretive signage consistent with the use of the #High Line# as a public open space;
- (iii) be integrated with the design of the #High Line# open space; and
- (iv) not adversely affect development adjacent to the #High Line# and in the surrounding neighborhood.

(2) Other locations

Within Subdistrict F, the underlying #sign# regulations shall apply for #signs# located beyond 50 feet of the #High Line#, and for portions of #signs# located entirely below the level of the #High Line bed# along West 30th Street. However, #flashing signs# shall not be permitted in Subdistrict F, except along frontages within 200 feet of the intersection of the West 33rd Street and 11th Avenue #street lines#.

(7/24/13)

93-171

Special permit for signs within the Pennsylvania Station Subarea

For an arena permitted pursuant to Section 74-41 within Pennsylvania Station Subarea B4, the City Planning Commission may, by special permit, modify the applicable provisions of Sections 32-63 (Permitted Advertising Signs) to allow advertising #signs#, 32-64 (Surface Area and Illumination Provisions) to allow increased #surface area# along specified #streets# and 32-65 (Permitted Projection or Height of Signs), provided such #signs# comply with the conditions of paragraph (a) and the findings of paragraph (b) of this Section, as follows:

(a) Conditions

- (1) no #sign# shall extend to a height greater than 85 feet above #curb level#;
- (2) all #signs# located below a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 550 square feet on the West 31st Street frontage of Subarea B4, 250 square feet on the West 33rd Street frontage of Subarea B4 and 850 square feet on the Eighth Avenue frontage of Subarea B4; and
- (3) all #signs# located above a height of 12 feet above #curb level# shall be limited in location and aggregate #surface area# to 5,500 square feet within the #through lot# fronting on Eighth Avenue, 3,000 square feet within each #corner lot# fronting on Eighth Avenue, 3,000 square feet within the #through lot# portion of the West 31st Street frontage of Subarea B4 and 3,000 square feet within the #through lot# portion of the West 33rd Street frontage of Subarea B4.

- (b) The Commission shall find that the location and placement of such #signs# is appropriate in the relationship to #buildings# and #uses# on the #zoning lot# and to adjacent open areas, and would be compatible with the character of the arena site, including its use as an entryway to Pennsylvania Station, and of the surrounding area.

For purposes of calculating the height of any #sign# permitted pursuant to this Section, #curb level# shall be defined as 30.755 feet above Manhattan datum.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on the number, size and location of arena #signs# permitted pursuant to the district regulations.

(1/19/05)

93-18

Non-Conforming Uses in Large-Scale Plan Subdistrict A

In the Large-Scale Plan Subdistrict A, for a period of not more than ten years after January 19, 2005, existing automobile repair establishments listed in Use Group 16 of Section 32-25 that were conforming prior to January 19, 2005, may be #enlarged#, provided that the #floor area ratio# of any such establishment, including any #enlargement# pursuant to this Section, does not exceed 5.0.

(1/19/05)

93-19

Authorization for Electrical Utility Substations

Electrical utility substations shall be allowed in the #Special Hudson Yards District# in order to serve the needs of the Special District, and the regulations thereof shall be modified as necessary to accommodate the operational needs of the substation, upon authorization of the City Planning Commission which shall be issued upon finding, with respect to a proposed site, that:

- (a) to the extent reasonably permitted by the operational needs of the substation, the architectural and landscaping treatment of such #use# will blend harmoniously with the abutting area; and

- (b) if the site proposed for such #use# is Subareas D4 or D5 of the Hell's Kitchen Subdistrict D of the #Special Hudson Yards District#, that there are difficulties in locating such #use# in other Subdistricts of the #Special Hudson Yards District#.

The City Planning Commission may, consistent with cost-effective operations and capital planning, and the operational needs of the substation, prescribe appropriate conditions and safeguards on matters necessary to effectuate the provisions of paragraph (a) of this Section which are not regulated by other applicable codes, laws, rules or regulations. The applicant shall provide the Department of City Planning with a general description of such codes, laws, rules or regulations and a certification that the proposed substations shall comply therewith.

(2/2/11)

93-20

FLOOR AREA REGULATIONS

The #floor area# regulations of this Section, inclusive, shall apply to #zoning lots#.

(7/24/13)

93-21

Floor Area Regulations in the Large-Scale Plan Subdistrict A

In the Large-Scale Plan Subdistrict A, the #floor area# provisions of this Section shall apply.

- (a) Subareas A2 through A5

In Subareas A2 through A5, the basic maximum permitted #floor area ratio# shall be as specified in Row A in the table in this Section. Such #floor area ratio# may be increased to the maximum amount specified in Row B in the table, pursuant to Section 93-31 (District Improvement Fund Bonus) or the transfer of #floor area# or increase in the amount of #floor area# from the #Phase 2 Hudson Boulevard and Park# pursuant to Sections 93-32 or 93-33. For #zoning lots# that have maximized their permitted #floor area# through such #floor area# bonus or transfer provisions,

the permitted #floor area# may be further increased to the maximum amount specified in Row C in the table through the distribution of #floor area# from the Eastern Rail Yard Subarea A1, pursuant to Section 93-34. #Residential use# shall only be permitted on a #zoning lot# with a non-#residential floor area ratio#, as follows, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E):

- (1) 18.0 or more in Subareas A2 and A3
- (2) 15.6 or more in Subarea A4
- (3) 14.0 or more in Subarea A5.

Maximum Permitted Floor Area Ratio
within Subareas A2 through A5

	Subarea A2	Subarea A3	Subarea A4	Subarea A5
<u>ROW A</u> Basic maximum #floor area ratio# (FAR)	<u>10.0 total</u> 10.0 C 2.0 CF	<u>10.0 total</u> 10.0 C 2.0 CF	<u>10.0 total</u> 10.0 C 2.0 CF	<u>10.0 total</u> 10.0 C 2.0 CF
<u>ROW B</u> Maximum FAR through bonus pursuant to Section 93-31 or transfer or increase pursuant to Sections 93-32 or 93-33	<u>18.0 total</u> 18.0 C 2.0 CF	<u>18.0 total</u> 18.0 C 2.0 CF	<u>18.0 total</u> 18.0 C 2.4 R 2.0 CF	<u>18.0 total</u> 18.0 C 4.0 R 2.0 CF
<u>ROW C</u> Maximum FAR through distribution pursuant to Section 93-34	<u>33.0 total</u> 33.0 C 6.0 R 2.0 CF	<u>24.0 total</u> 24.0 C 6.0 R 2.0 CF	<u>21.6 total</u> 21.6 C 6.0 R 2.0 CF	<u>20.0 total</u> 20.0 C 6.0 R 2.0 CF

C = Commercial FAR
CF = Community Facility FAR
R = Residential FAR

(b) Eastern Rail Yard Subarea A1

The Eastern Rail Yard Subarea A1 shall generate a maximum #floor area ratio# of 19.0. The maximum #floor area ratio# for

#commercial use# shall be 19.0, the maximum #floor area ratio# for #residential use# shall be 3.0, and the maximum #floor area ratio# for #community facility use# shall be 2.0. In order to promote a superior site plan, the amount of #floor area# permitted in the subarea shall be limited, and unused #floor area# may be distributed as follows:

- (1) The maximum #floor area ratio# for any #zoning lot# in the subarea shall be 11.0. The maximum #floor area ratio# for #commercial use# shall be 9.0, the maximum #floor area ratio# for #community facility use# shall be 2.0, and the maximum #floor area ratio# for #residential use# shall be 3.0. #Residential use# shall only be permitted on a #zoning lot# with a non-#residential floor area ratio# of 8.0 or more, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E).

Any floor space occupied by an #ERY Culture, Festival and Exhibit Facility#, including any floor space #accessory# thereto, that is located below the elevation of the Culture Shed Plaza described in Section 93-71, paragraph (j), within the moveable portion that may be extended and retracted to cover and enclose all or any portion of the Culture Facility Plaza, or within a portion of a #building# that contains #residential use# and is not designed to house such moveable portion, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. In addition, in a #building# containing both #residential use# and an #ERY Culture, Festival and Exhibit Facility#, any floor space occupied by elevator shafts, structural systems or stairwells serving the #residential use# that is either located on any #story# occupied entirely by the #ERY Culture, Festival and Exhibit Facility#, except for such elevator shafts, structural systems, and stairwells, or is located on a #story# occupied in part by the #ERY Culture, Festival and Exhibit Facility# where such elevator shaft or stairwell is not accessible for #residential use# on such #story# except for emergency egress, shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential uses# and the total maximum #floor area ratio# of the #zoning lot#.

For a #building#, or portion of a #building#, containing #residential use# that is located adjacent to the #ERY High Line#, any floor space used for storage, restrooms, maintenance facilities or other support space for the #ERY High Line# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #residential# or #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#.

- (2) Unused #floor area# may be distributed to #zoning lots# in Subareas A2 through A5 pursuant to Section 93-34, provided the total amount of distributed #floor area# does not exceed an amount equal to the #lot area# of the Eastern Rail Yard Subarea A1 multiplied by 10.0. Furthermore, the total #floor area# distributed to Subarea A2 shall not exceed 3,238,000 square feet.

(c) #Phase 2 Hudson Boulevard and Park#

For #zoning lots# or portions of #zoning lots# in the #Phase 2 Hudson Boulevard and Park#, the provisions of Section 93-32 (Floor Area Regulations in the Phase 2 Hudson Boulevard and Park) and 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park) shall apply.

Notwithstanding the provisions of this Section, the basic maximum permitted #floor area ratio# may be increased on an "adjacent lot" pursuant to Section 74-79 (Transfer of Development Rights from Landmark Sites), provided that the maximum #floor area# transferred from the landmark lot does not exceed the basic maximum permitted #floor area ratio# less the total #floor area# of all #buildings# on the landmark lot.

(2/2/11)

93-22

Floor Area Regulations in Subdistricts B, C, D, E and F

(a) Subdistricts B, C, D and E

In Subdistricts B, C, D and E, the basic maximum #floor area ratio# is determined by the subdistrict and, where applicable, subarea, as specified in the table in this Section. The basic

maximum #floor area ratios# for #non-residential buildings# are set forth in Row A, and the basic maximum #floor area ratios# for #buildings# containing #residences# are set forth in Row B. Such basic maximum #floor area ratios# may be increased to the amount specified in Row C only pursuant to Section 93-31 (District Improvement Fund Bonus) or as otherwise specified in Sections 93-221 through 93-224.

For a #zoning lot# with more than one #building#, the basic maximum #floor area ratios# set forth in Row A shall apply, provided that any #building# that is #developed# or #enlarged# after January 19, 2005, is wholly #non-residential#. If a #building# containing #residences# is #developed# or #enlarged# on such a #zoning lot# after January 19, 2005, the basic maximum #floor area ratios# set forth in Row B shall apply.

Notwithstanding the provisions of this Section, the basic maximum permitted #floor area ratio# may be increased on an "adjacent lot" pursuant to Section 74-79 (Transfer of Development Rights from Landmark Sites), provided that the maximum #floor area# transferred from the landmark lot does not exceed the basic maximum permitted #floor area ratio# less the total #floor area# of all #buildings# on the landmark lot.

Maximum Permitted Floor Area Ratio
within Subdistricts B through E

	Farley Corridor Subdistrict B				34th St Corridor Sub district C	Hell's Kitchen Subdistrict D			South of Port Auth. Sub district E
Subarea	Western Blocks	Central Blocks	Farley Post Office	Penn. Stn.		Subarea D1	Subarea D2	Subarea D3	
ROW A Basic maximum #floor area ratio# for #non- residential buildings#	<u>10.0</u> total 10.0 C 2.0 CF	<u>12.0</u> total 12.0 C 2.0 CF	<u>10.0</u> total 10.0 C 2.0 CF	<u>10.0</u> total 10.0 C 2.0 CF	<u>10.0</u> total 10.0 C 10.0 CF	<u>7.5</u> total 2.0 C 7.5 CF	<u>7.5</u> total 2.0 C 7.5 CF	<u>7.5</u> total 6.0 C 7.5 CF	<u>10.0</u> total 10.0 C 2.0 CF
ROW B Basic maximum FAR for #buildings# containing #residences#	NA	NA	<u>10.0</u> total 10.0 C 6.0 R 2.0 CF	NA	<u>6.5</u> total 6.5 C 6.5 R 6.5 CF	<u>6.5</u> total 2.0 C 6.5 R 6.5 CF	<u>6.5</u> total 2.0 C 6.5 R 6.5 CF	<u>7.5</u> total 6.0 C 7.5 R 7.5 CF	NA
ROW C Maximum FAR through special #floor area# increases pursuant to Section 93- 30,inclusive, Inclusionary Housing Section 93- 23,inclusive, or Section 74-79, inclusive, as applicable.	<u>21.6</u> total 21.6 C 6.0 R 2.0 CF	<u>19.0</u> total 19.0 C 4.0 R 2.0 CF	NA	<u>19.5</u> total 19.5 C 2.0 CF	<u>13.0</u> total 13.0 C 12.0 R 12.0 CF	<u>15.0</u> total 3.0 C 12.0 R 12.0CF	<u>13.0</u> total 3.0 C 12.0 R 12.0CF	<u>12.0</u> total 7.5 R 7.2 C 12.0CF	<u>18.0</u> total 18.0 C 3.0 R 2.0 CF

C = Commercial FAR
CF = Community Facility FAR
R = Residential FAR

(b) Subdistrict F

In Subdistrict F, the #floor area ratio# provisions of Section 93-225 (Floor area regulations in Subdistrict F) shall apply.

(4/29/14)

93-221

Maximum floor area ratio in the Farley Corridor Subdistrict B

(a) Western Blocks Subarea B1

In the Western Blocks Subarea B1 of the Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial floor area ratio# of 12.0 or more, or as provided for phased developments in Section 93-122 (Certification for residential use in Subdistricts A, B and E).

(b) Central Blocks Subarea B2

In the Central Blocks Subarea B2 of Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122.

(c) Farley Post Office Subarea B3

In the Farley Post Office Subarea B3 of Farley Corridor Subdistrict B, no #floor area# increases shall be permitted.

(d) Pennsylvania Station Subarea B4

In the Pennsylvania Station Subarea B4 of Farley Corridor Subdistrict B, any increase in the #floor area ratio# specified in Row A in the table in Section 93-22 shall be permitted only pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea) and Section 74-79 (Transfer of Development Rights from Landmark Sites), as modified by paragraph (b) of Section 93-054 (Applicability of Chapter 4 of Article VII).

(e) Transfer of #floor area#

Notwithstanding any other provision of this Resolution, #floor area# may not be transferred between a #zoning lot# located north of West 31st Street in the Western Blocks Subarea B1 and a #zoning lot# located north of West 31st Street in the Central Blocks Subarea B2.

(2/2/11)

93-222

Maximum floor area ratio in the 34th Street Corridor Subdistrict C

In the 34th Street Corridor Subdistrict C, the basic maximum #floor area ratios# of #non-residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus). The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5, pursuant to Sections 93-31 (District Improvement Fund Bonus) and 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), as follows:

- (a) the #residential floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase, pursuant to Section 93-31, there is a #floor area# increase of six square feet, pursuant to Section 23-90, as modified by Section 93-23; and
- (b) any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Section 93-31.

(2/2/11)

93-223

Maximum floor area ratio in Hell's Kitchen Subdistrict D

- (a) Subareas D1 and D2

In Subareas D1 and D2 of Hell's Kitchen Subdistrict D, the basic maximum #floor area ratios# of #non-residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32. The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 pursuant to Section 93-31 (District

Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23, as follows:

- (1) The #residential floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase pursuant to Sections 93-31 or 93-32 there is a #floor area# increase of six square feet, pursuant to Section 23-90, as modified by Section 93-23.
- (2) Any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Section 93-31 or 93-32.

Furthermore, in Subarea D1, the #floor area ratio# on a #zoning lot# may exceed 13.0 only where the #community facility floor area ratio# is not less than the excess of such #floor area ratio# above 13.0.

(b) Subarea D3

In Subarea D3, the basic maximum #floor area ratio# may be increased only pursuant to Section 93-31 (District Improvement Fund Bonus).

(c) Subareas D4 and D5

In Subareas D4 and D5, the underlying #floor area ratio# regulations shall apply.

(d) Authorization for transfer of #floor area# for public facilities

For any #zoning lot# located partially in Subarea D2 and partially in Subarea D4, where such #zoning lot# is occupied by a #development# or #enlargement# that includes a public facility, the City Planning Commission may authorize modifications to the #street wall# requirements of Subarea D4 and authorize modifications to the provisions of Section 77-22 (Floor Area Ratio) in order to allow the transfer of #floor area# from that portion of the #zoning lot# located in Subarea D4 to that portion located in Subarea D2, provided the #floor area ratio# for the #zoning lot# does not exceed the adjusted maximum #floor area ratio# for the #zoning lot# as specified in Section 77-22. In order to authorize such modifications, the Commission shall find that:

- (1) such public facility provides a necessary service to the surrounding area;
- (2) such transfer of #floor area# is necessary in order for the #development# or #enlargement# to achieve an adequate separation of #uses# on the #zoning lot#; and
- (3) such transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of #use# to the detriment of occupants of #buildings# on the #block# or surrounding #blocks#, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the public facility to the local community and the City as a whole.

(e) Authorization for transfer of floor area for public open areas

For #developments# or #enlargements# on #zoning lots# divided by district boundaries that are wholly or partially within Hell's Kitchen Subdistrict D and provide publicly accessible open areas contiguous to or over the Lincoln Tunnel Approaches or Dyer Avenue, the Commission may authorize the distribution of #floor area# across such district boundaries pursuant to Section 93-543 (Authorization for the provision of public open areas).

(2/2/11)

93-224

Maximum floor area ratio in the South of Port Authority Subdistrict E

In the South of Port Authority Subdistrict E, #residential use# shall only be permitted as part of a #development# or #enlargement# on a #zoning lot# with a #commercial floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122 (Certification for residential use in Subdistricts A, B and E).

(2/2/11)

93-225

Floor area regulations in Subdistrict F

In Subdistrict F, the maximum #floor area ratio# for #residential#, #community facility# and #commercial uses# on a #zoning lot# shall be as follows:

- (a) the maximum #floor area ratio# for #residential uses# shall be 8.0;
- (b) the maximum #floor area ratio# for #community facility uses# shall be 2.0. However, any floor space occupied by a public #school#, constructed in whole or in part pursuant to agreement with the New York City School Construction Authority and subject to the jurisdiction of the New York City Department of Education, shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#;
- (c) the maximum #floor area ratio# for #commercial uses# shall be 8.0; and
- (d) the total maximum #floor area ratio# in the subdistrict shall be 10.0, except as modified pursuant to Section 93-23 (Modifications of Inclusionary Housing Program).

(12/21/09)

93-23

Modifications of Inclusionary Housing Program

Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell's Kitchen) of the #Special Hudson Yards District# and Area P2 of the #Special Garment Center District#, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts. The underlying provisions of Section 23-90 shall only be applicable in Subdistrict F as modified by Section 93-233 (Floor area increase for affordable housing in Subdistrict F).

(7/29/09)

93-231

Definitions

For the purposes of this Chapter, matter in italics is defined in Section 12-10 or 23-911 (General definitions), inclusive.

(2/2/11)

93-232

Floor area increase in Subdistricts B, C, D and E, and Preservation Area P2

Within Subdistricts B, C, D and E, and Preservation Area P2, the provisions of Section 23-952 (Floor area compensation in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the #floor area# compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E and F) or 121-31 (Maximum Permitted Floor Area), the maximum permitted #residential floor area ratio# on a #zoning lot# with #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing Program may be increased, as follows:

- (a) The permitted #floor area ratio# may be increased from 6.5, or as otherwise specified in Section 93-22, to a maximum of 9.0, provided that:
 - (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#; or
 - (2) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential floor area# on the #zoning lot#; or
 - (3) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#.
- (b) The permitted #floor area ratio# may be increased from 9.0 to a maximum of 12.0, provided that:

- (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#; or
- (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#, and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential floor area# on the #zoning lot#; or
- (3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#.

For the purposes of this Section, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(12/21/09)

93-233

Floor area increase for affordable housing in Subdistrict F

The #floor area# of any #building# containing #residences# in Subdistrict F may be increased by up to five percent, and such increase may be in excess of the maximum #floor area ratio# of 8.0 for #residential use#, and the total maximum #floor area ratio# of 10.0, provided that:

- (a) at least 20 percent of the #residential# units in such #building#, inclusive of any #floor area# increase permitted by this Section, shall be occupied by #lower income households#, as defined in Section 23-911 (General definitions);
- (b) such #building# shall comply with the provisions of:
 - (1) Section 23-954 (Additional requirements for compensated developments), paragraphs (b) and (c);
 - (2) Section 23-96 (Requirements for Generating Sites), paragraphs (b) through (i); and;

(3) Section 23-961 (Additional requirements for rental affordable housing), paragraphs (a) through (d); and

(c) the sum of all #floor area# increases permitted pursuant to this Section does not exceed 0.4 times the total #lot area# of Subdistrict F.

(1/19/05)

93-30

SPECIAL FLOOR AREA REGULATIONS

(2/2/11)

93-31

District Improvement Fund Bonus

In Area P-2 of the #Special Garment Center District# and in the #Special Hudson Yards District#, except in Subdistrict F, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Sections 93-21, 93-22 or 121-31, as applicable, provided that instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #Hudson Yards District Improvement Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area# for such #development# or #enlargement#.

The Commissioner of Buildings shall not authorize the construction of any #development# or #enlargement# utilizing #floor area# bonused pursuant to this Section, including foundations with respect thereto, nor shall the construction of any bonused portion thereof be authorized, until the Chairperson has certified that the requirements of this Section have been met. Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a #development# or #enlargement# which does not utilize such bonused #floor area#, provided that, prior to issuance of such permit, the Chairperson has notified the Commissioner of Buildings in writing of the receipt by the Department of City Planning of either:

- (a) a letter from the applicant for such permit dated no earlier than 30 days prior to issuance thereof, stating whether as of such date the applicant anticipates filing an application to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or Section 23-90, as modified by Section 93-23; or
- (b) an application for a bonus from such applicant to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or Section 23-90, as modified by Section 93-23.

Copies of letters received from applicants pursuant to paragraph (a) of this Section shall be forwarded by the Department of City Planning to the Community Board and local City Council member, and maintained on file and be available for public inspection at such Department.

The contribution amount shall be \$100 per square foot of #floor area# as of January 19, 2005, and shall be adjusted by the Chairperson annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the twelve months ended on June 30 of that year. The contribution amount shall be determined based upon the rate which is in effect at the time the contribution is received, and contributions may be made only on days when the Hudson Yards Infrastructure Corporation (the "Corporation") is open for business and during business hours as specified by the Corporation.

The Commission may promulgate rules regarding the administration of this Section, and the Commission may also, by rule, adjust the contribution amount specified in the preceding paragraph to reflect changes in market conditions within the #Hudson Yards Redevelopment Area# if, in its judgment, the adjusted amount will facilitate the district-wide improvements that are consistent with the purposes of this Chapter and the purposes of the #Special Garment Center District#. The Commission may make such an adjustment by rule, not more than once a year.

For any such adjustment by rule decreasing the contribution amount, or increasing the contribution amount by more than the percentage change in the Consumer Price Index for all urban consumers, the following shall apply:

- (1) Such rule shall be effective for not more than two years; and

- (2) The Commission shall not publish the proposed rule pursuant to the City Administrative Procedure Act unless the City Council Land Use Committee and the Department of City Planning have jointly filed an application for a zoning text amendment under Section 201 of the New York City Charter, which would make such adjustment of the contribution amount permanently effective. The contribution amount established under such rule as finally adopted shall continue in effect with further adjustments based upon the Consumer Price Index for all urban consumers, until the next adjustment of the contribution amount pursuant to this Section.

For the #conversion# to #dwelling units# of non-#residential floor area#, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to the provisions of this Section.

(2/2/11)

93-32

Floor Area Regulations in the Phase 2 Hudson Boulevard and Park

In the #Phase 2 Hudson Boulevard and Park#, no #development# shall be permitted and, except as provided in Section 93-051 (Applicability of Chapter 1 of Article I), no #building# shall be #enlarged#. However, #floor area# from a granting site within the #Phase 2 Hudson Boulevard and Park# may be transferred to a receiving site in accordance with the provisions of paragraph (a) of this Section.

For the purposes of this Section, a "granting site" shall mean a #zoning lot#, or portion thereof, within the #Phase 2 Hudson Boulevard and Park# and the #lot area# of such granting site shall include any area on such site designated on the City Map as Hudson Boulevard or #public park#, and a "receiving site" shall mean a #zoning lot#, or portion thereof, within Subareas A2 through A5 of the Large-Scale Plan Subdistrict A or Subareas D1 or D2 of Hell's Kitchen Subdistrict D, to which #floor area# from a granting site has been transferred.

Special regulations for certain #zoning lots# partially within the #Phase 2 Hudson Boulevard and Park# are set forth in Section 93-33.

- (a) Transfer of floor area by certification

The Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# of a receiving site to be increased up to the maximum amount specified in Section 93-21 or 93-22, as applicable, through the transfer of #floor area# from a granting site, provided that:

- (1) the maximum amount of #floor area# transferred from a granting site shall not exceed the #floor area ratio# permitted on the granting site, as listed below, less any existing #floor area# to remain on the granting site:

District	Maximum #floor area ratio#
C2-8	7.5
C6-2	6.02
C6-4	10.0
M1-5	5.0

- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a receiving site shall be based on an amount not to exceed the #floor area ratio# permitted on a #zoning lot# through such transfer pursuant to Section 93-21 or 93-22, as applicable. In the event a granting site generates more #floor area# than is permitted on a receiving site, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# transfers pursuant to this Section; and
- (4) where all #floor area# shall be transferred from a granting site pursuant to one or more such certifications, all certificates of occupancy have been surrendered for such granting site, all structures on such granting site have been demolished, and such granting site has been conveyed to the City for improvement, where applicable, as a #public park# or #street#, as provided for on the City Map.

Where, as a result of the transfer of #floor area# pursuant to this paragraph, (a), the amount of #floor area# on a receiving site is less than the maximum allowable as specified for the applicable subarea in Row B in the table in Section 93-21 and Row C in the table in Section 93-22, any additional #floor area#, up to the maximum #floor area ratio# permitted on the receiving site as specified in such rows, may be achieved only

through contributions to the #Hudson Yards District Improvement Fund# pursuant to Section 93-31 (District Improvement Fund Bonus), an increase in #floor area# pursuant to paragraph (b) of this Section or Section 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park), or the Inclusionary Housing Program pursuant to Section 23-90, as modified by Section 93-23.

(b) Authorization for contribution-in-kind

The City Planning Commission may authorize a contribution-in-kind to the #Hudson Yards District Improvement Fund# for a receiving site, provided that:

- (1) the conditions for transferring #floor area# set forth in paragraph (a) of this Section have been met;
- (2) the granting site will be improved, at the applicant's expense, as a #public park# or #street#, as provided for on the City Map, prior to conveyance to the City; and
- (3) the applicant has entered into an agreement or provided instruments in a form satisfactory to the City, providing for the improvement of the granting site as a #public park# or #street# pursuant to an agreed upon construction schedule.

In order to grant such authorization, the Commission shall find that the #public park# or #street# has been designed in accordance with the approved plan for the Hudson Boulevard and Park, or as an appropriate interim design, in consultation with the Department of Parks and Recreation or Department of Transportation.

The amount of increased #floor area# generated by the contribution-in-kind shall be as determined by the Commission, which shall determine the reasonable cost of such improvement, including any acquisition and site preparation costs, and shall permit a #floor area# bonus in relation thereto. In making such determination, the Commission may consult with an engineer at the applicant's expense. In the event the contribution-in-kind results in an amount of #floor area# in excess of what is permitted on the receiving site, the Commission shall authorize that such excess #floor area# be credited towards future #floor area# increases pursuant to Section 93-31.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement#

identified as utilizing the increased #floor area# permitted pursuant to this paragraph, (b), and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion until the Chairperson has certified that the improvements are substantially complete and usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement# nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the improvements have been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson.

An application filed with the Chairperson of the Commission for the transfer of #floor area# pursuant to this Section shall be made jointly by the owners of the granting site and receiving site and shall include a site plan and #floor area# zoning calculations for the granting site and the receiving site, and a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with notice of the restrictions upon further development of the granting site and the receiving site.

Notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the granting site and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site.

(2/2/11)

93-33

Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park

Where all of the #lot area# within the following parcels, as they existed on January 19, 2005, that is also within the #Phase 2 Hudson Boulevard and Park#, has been conveyed to the City pursuant to the provisions of Section 93-32, the owner of the residual portion of one of these parcels may convey to the City such residual portion, with all development rights appurtenant thereto, provided that all certificates of occupancy have been surrendered and all structures on such parcel have been demolished:

Block 708, Lots 20 and 46

Block 709, Lot 17

Block 710, Lot 20.

When such conveyance is made, the Chairperson of the City Planning Commission may certify that such owner is entitled to an increase in #floor area# on any receiving site as specified in Section 93-32, in lieu of a permitted #floor area# increase in exchange for contributions to the #Hudson Yards District Improvement Fund#. The amount of increase certified shall not exceed the #lot area# of the residual portion times the #floor area ratio# of the applicable zoning district, as specified in Section 93-32, paragraph (a)(1).

The maximum amount of #floor area# increase on a receiving site shall be based on an amount not to exceed the #floor area ratio# increase permitted on a #zoning lot# through such contribution pursuant to Sections 93-21 or 93-22, as applicable. In the event the certified permissible #floor area# increase is greater than that permitted on a receiving site, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# increases on receiving sites pursuant to this Section.

Once certified by the Chairperson, the entitlement to an increase in #floor area# pursuant to this Section shall be the property of the former owner of the residual property conveyed to the City, and such owner may assign, sell or otherwise transfer such entitlement without restriction.

Where certification is made pursuant to this Section, the site plan and #floor area# calculations for the receiving site, together with the notice of restrictions upon further development of the receiving site, included in the application submitted pursuant to Section 93-32, shall set forth the increase in #floor area# for such receiving site certified hereunder.

(2/2/11)

93-34

Distribution of Floor Area in the Large-Scale Plan Subdistrict A

In order to promote a superior site plan in the Eastern Rail Yard Subarea A1 of the Large-Scale Plan Subdistrict A, the Chairperson of the City Planning Commission shall allow, by certification, the

distribution of #floor area# from the Eastern Rail Yard Subarea A1 to #zoning lots# in Subareas A2 through A5 of the Large-Scale Plan Subdistrict A. Such distribution shall only be permitted for receiving sites that have maximized their permitted #floor area# through contributions to the #Hudson Yards District Improvement Fund#, pursuant to Section 93-31, or the transfer of #floor area# or increase in the amount of #floor area# from the #Phase 2 Hudson Boulevard and Park#, pursuant to Sections 93-32 or 93-33. For the purposes of this Section, a "receiving site" shall mean a #zoning lot# within Subareas A2 through A5 to which #floor area# from the Eastern Rail Yard Subarea A1 has been distributed.

(a) Distribution of #floor area# by certification

The Chairperson of the Commission shall allow, by certification, a distribution of #floor area# from the Eastern Rail Yard Subarea A1 to a receiving site provided that:

- (1) The amount of #floor area# distributed does not result in distributions in excess of the maximum amount specified for the applicable #use# that may be distributed from the Eastern Rail Yard Subarea A1, as set forth in paragraph (b)(2) of Section 93-21;
- (2) Each distribution, once completed, irrevocably reduces the amount of #floor area# that may be distributed from the Eastern Rail Yard Subarea A1 by the amount of #floor area# distributed; and
- (3) The amount of #floor area# on the receiving site which results from such distribution does not exceed the maximum #floor area ratio# permitted on a #zoning lot# through distribution of #floor area# from the Eastern Rail Yard Subarea A1, as specified in Row C of the table in Section 93-21.

(b) Requirements for application

An application filed with the Chairperson of the Commission for the distribution of #floor area# by certification pursuant to paragraph (a) of this Section shall be made jointly by the owner of the development rights of the Eastern Rail Yard Subarea A1 and the receiving site and shall include:

- (1) a site plan and #floor area# zoning calculations for the receiving site; and

- (2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, together with a notice of the restrictions limiting further development of the Eastern Rail Yard Subarea A1.

Such notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the Eastern Rail Yard Subarea A1 and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit for any #development# or #enlargement# utilizing #floor area# distributed pursuant to this Section, including foundations with respect thereto, on the receiving site. Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for the construction of a #development# or #enlargement# which does not utilize such distributed #floor area#.

(1/19/05)

93-35

Special Permit for Transit Bonus in Pennsylvania Station Subarea B4

In the Pennsylvania Station Subarea B4, for #developments# or #enlargements# that significantly enhance the pedestrian environment and provide improvements to access to public transit facilities, the City Planning Commission may permit a commensurate #floor area# increase for #commercial use# above a #floor area ratio# of 10.0 to a maximum #floor area ratio# of 19.5.

- (a) The following conditions shall apply:
 - (1) the applicant shall submit a plan acceptable to the Commission identifying that portion of the #development# or #enlargement# utilizing such increased #floor area#;
 - (2) all transit facility improvements shall comply with applicable design standards or the current guidelines of the Metropolitan Transit Authority, New Jersey Transit, or Amtrak, as applicable;
 - (3) the applicant shall submit schematic or concept plans for all proposed improvements to the applicable transportation

agency and the Commission, and any further documentation deemed necessary by the reviewing agencies;

- (4) the Commission shall receive a letter from the applicable transportation agency stating the drawings and other documents submitted by the applicant have been determined to be of sufficient scope and detail to fix and describe the size and character of the transit improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and other such elements as may be appropriate; and
- (5) the owner shall sign a legally-enforceable instrument in a form acceptable to the reviewing agencies containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain all parts of the improvement, whether on-site or off, pursuant to an agreed-upon construction schedule. Such instrument shall be recorded against the #zoning lot# in the Office of the Register of the City of New York for New York County and a certified copy of the instrument shall be submitted to the Chairperson of the Commission and the applicable transportation agencies.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion, until the applicable transportation agencies have certified that the transit facility improvement is substantially complete and usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the transit improvement has been finally completed in accordance with the approved plans and such final completion has been certified by the applicable transportation agencies.

- (b) In order to grant such special permit, the Commission shall find that:

- (1) the transit improvements significantly enhance the surface and subsurface pedestrian circulation network into and around the #development# or #enlargement# and to and from public transit facilities;
- (2) the streetscape, the site design and the location of #building# entrances for the #development# or #enlargement# contribute to the overall improvement of pedestrian circulation within the #Special Hudson Yards District# and minimize congestion on surrounding streets; and
- (3) the increased #floor area# will not unduly increase the #bulk# of the #development# or #enlargement# , density of population or intensity of #use# to the detriment of the occupants of #buildings# in the surrounding area.

In determining the amount of #floor area# bonus, the Commission shall consider the extent to which the transit improvements address each of the above findings.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# or #enlargement# and to minimize adverse effects on the character of the surrounding area.

(1/19/05)

93-40

HEIGHT AND SETBACK REGULATIONS

In the #Special Hudson Yards District#, height and setback regulations shall be as set forth in this Section, inclusive.

(4/30/12)

93-41

Rooftop Regulations

- (a) Subdistricts A, B, C, D and E

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within Subdistricts A through E, except that dormers may penetrate a maximum base height in accordance

with the provisions of paragraph (c)(1) of Section 23-621
(Permitted obstructions in certain districts).

(b) Subdistrict F

In Subdistrict F, the provisions of paragraph (f) of Section 33-42 shall apply, except that for towers above a height of 350 feet, rooftop mechanical structures shall comply with the tower top articulation provisions set forth in Section 93-569.

(2/2/11)

93-42

Height and Setback in Subdistricts A, B, C, D, E and F

In Subareas D4 and D5 of the Hell's Kitchen Subdistrict D, the underlying height and setback regulations shall apply as set forth in Section 93-542, as modified by Section 93-41 (Rooftop Regulations).

In Subdistricts A, B and C, Subareas D1, D2 and D3 of the Hell's Kitchen Subdistrict D, and Subdistrict E, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of Section 93-41 and paragraphs (a) through (d) of this Section shall apply. These regulations are further modified in certain locations as set forth in Section 93-50 (SPECIAL HEIGHT AND SETBACK REGULATIONS). The height of all #buildings or other structures# shall be measured from #curb level#.

In Subdistrict F, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of Section 93-41 and Section 93-56 (Special Height and Setback Regulations in Subdistrict F) shall apply.

(a) Maximum base heights

The maximum height of a #building or other structure# before setback shall be 150 feet along a #wide street# and along a #narrow# street within 100 feet of its intersection with a #wide street#, and 90 feet along a #narrow street# beyond 100 feet of its intersection with a #wide street#. For #corner lots# with #wide street# frontage and more than 100 feet of #narrow street# frontage, the maximum #building# height before setback along the #narrow street# may, as an alternative, be the weighted average of 150 feet for the first 100 feet from the corner, and 90 feet for the remainder of the #narrow street# frontage. Such

allowable maximum heights before required setbacks are hereinafter referred to as "maximum base heights."

(b) Required setbacks

For #buildings# that contain only #residential use# above the applicable maximum base height, the required minimum setback for portions of such #buildings# that exceed such maximum base height shall be 10 feet from a #wide street# and 15 feet from a #narrow street#.

For #buildings or other structures# that contain #commercial# or #community facility use# above the applicable maximum base height, the required minimum setback for portions of #buildings or other structures# that exceed such maximum base height shall be 15 feet from a #wide street# and 20 feet from a #narrow street#.

(c) Tower #lot coverage#

The portion of any #building# or #buildings# located above a height of 150 feet are hereinafter referred to as "towers."

- (1) Towers containing #residences# shall occupy, in the aggregate, a minimum of 30 percent of the #lot area# of the #zoning lot#, except that this requirement shall not apply to the highest 40 feet of such tower or towers. Furthermore, towers containing #residences# shall occupy not more than 40 percent of the #lot area# of the #zoning lot# or, for #zoning lots# less than 20,000 square feet, the percentage set forth in the following table:

LOT COVERAGE OF TOWERS
ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percentage of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

- (2) Towers that contain only #commercial# or #community facility use#, or a combination thereof, shall occupy not more than 60 percent of the #lot area# of the #zoning lot# or, for #zoning lots# less than 30,000 square feet, the percentage set forth in the following table:

LOT COVERAGE OF TOWERS
ON SMALL ZONING LOTS

Area of #Zoning Lot# (in square feet)	Maximum Percentage of #Lot Coverage#
20,500 or less	70
20,501 to 21,500	69
21,501 to 22,500	68
22,501 to 23,500	67
23,501 to 24,500	66
24,501 to 25,500	65
25,501 to 26,500	64
26,501 to 27,500	63
27,501 to 28,500	62
28,501 to 29,999	61

- (d) Length of #building# wall

The maximum length of any #story# located above a height of 500 feet shall not exceed 250 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 500 feet. No side of such rectangle shall exceed a width of 250 feet.

(6/29/10)

93-50

SPECIAL HEIGHT AND SETBACK REGULATIONS

In Subdistricts A, B and C, and Subareas D1, D2 and D3 of the Hell's Kitchen Subdistrict D, and Subdistrict E, the height and setback regulations set forth in paragraphs (a) through (d) of Section 93-42 (Height and Setback in Subdistricts A, B, C, D, E and F) shall apply, except that such regulations are modified in certain locations as set forth in this Section. Such modifications include the establishment of #street wall# location regulations, and minimum and maximum base heights, as shown on Map 3 (Mandatory Street Wall Requirements) of

Appendix A of this Chapter. Such modifications also include depths of required setbacks, maximum length of #building# walls for towers, and tower #lot coverage#. Special provisions for recesses and sidewalk widenings are as follows:

(a) Recesses

Where #street walls# are required to be located on #street lines# or sidewalk widening lines, ground floor recesses up to three feet deep shall be permitted for access to #building# entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 93-63. Above a height of 60 feet for #buildings# fronting upon 34th Street in Subdistrict C or above a height of 50 feet for #buildings# fronting upon Tenth Avenue in Subdistricts C and D, and up to any specified minimum base height, recesses are permitted provided that the aggregate length of such recesses does not exceed 30 percent of the length of the required #street wall# at any level, and the depth of such recesses does not exceed five feet. No limitations on recesses shall apply above any specified minimum base height or to any portion of a #zoning lot# where #street walls# are not required.

Where #street walls# are required to extend along the entire #street# frontage of a #zoning lot#, no recesses shall be permitted within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except where corner articulation rules apply.

(b) Sidewalk Widenings

Where a #street wall# is required to extend along the entire #street# frontage of a #zoning lot#, and such #street# is intersected by a #street# with a mandatory sidewalk widening, no #street wall# shall be required within such sidewalk widening. Where corner articulation rules apply, the inner boundary of any required sidewalk widening may be considered to be the #street line#. The mandatory #street wall# requirements are illustrated on Map 3 in Appendix A of this Chapter. Where sidewalk widening lines are specified, such lines shall be parallel to and five or ten feet from the #street line#, as required pursuant to Section 93-61 and illustrated on Map 4 (Mandatory Sidewalk Widenings) in Appendix A.

In Subdistrict F, the provisions of Section 93-41 (Rooftop Regulations) and Section 93-56 (Special Height and Setback Regulations in Subdistrict F) shall apply.

(1/19/05)

93-51

Special Height and Setback Regulations in the Large-Scale Plan Subdistrict A

(2/2/11)

93-511

Tower lot coverage

The tower #lot coverage# requirements of paragraph (c) of Section 93-42 shall not apply within the Large-Scale Plan Subdistrict A.

(2/2/11)

93-512

Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A

(a) Hudson Boulevard

For the purposes of this paragraph, (a), Hudson Boulevard shall be considered to be a #wide street#. The #street wall# of #buildings# shall be located on the Hudson Boulevard sidewalk widening line and extend along at least 70 percent of the length of the Hudson Boulevard frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 120 feet. On #corner lots#, the maximum base height may apply along intersecting #narrow street lines# for a distance of 100 feet from its intersection with Hudson Boulevard. Above a height of 120 feet, a setback at least 25 feet in depth is required from the Hudson Boulevard #street line#, and setbacks from intersecting #narrow streets# shall comply with the provisions of paragraph (b) of Section 93-42 (Height and Setback in Subdistricts A, B, C, D, E and F).

Alternatively, for #zoning lots# that occupy the entire Hudson Boulevard #block# front, the Hudson Boulevard #street wall# may rise above a height of 120 feet without setback at the Hudson Boulevard sidewalk widening line, provided that:

- (1) the aggregate width of such #street wall# facing Hudson Boulevard does not exceed 100 feet;
- (2) all other portions of the #building# that exceed a height of 120 feet are set back at least 25 feet from the Hudson Boulevard #street line# at a height not lower than 90 feet; and
- (3) all portions of the #building# that exceed a height of 120 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

(b) Tenth Avenue

The #street wall# of #buildings# shall be located within 10 feet of the Tenth Avenue #street line# and extend along at least 70 percent of the Tenth Avenue frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. On #corner lots#, the maximum base height may apply along intersecting #narrow street lines# for a distance of 100 feet from its intersection with Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

Alternatively, for #zoning lots# that occupy the entire Tenth Avenue #block# front and where no portion of the #building# is within 10 feet of the Tenth Avenue #street line#, the Tenth Avenue #street wall# may rise above a height of 150 feet without setback, provided:

- (1) the aggregate width of such #street wall# does not exceed 100 feet;
- (2) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet; and
- (3) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

(c) Midblocks

For all #zoning lots# with frontage along the northerly #street lines# of West 35th through West 40th Streets, the #street wall# of any #building# shall be located on and extend along at least 50 percent of the length of the sidewalk widening line of the #zoning lot# and shall rise without setback to a minimum base height of 60 feet and a maximum base height of 120 feet. Above a height of 120 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. Alternatively, the #street wall# of a #building# may rise without setback at the sidewalk widening line provided the aggregate width of such #street wall# does not exceed 100 feet or 50 percent of the width of such northerly #street line# frontage of the #zoning lot#, whichever is less, and provided all other portions of the #building# that exceed a height of 120 feet comply with the setback provisions of Section 93-42. The provisions of this paragraph shall not apply within 100 feet of Eleventh Avenue. However, any #zoning lot# partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this paragraph, (c), to the entire West 35th, West 36th, West 37th, West 38th, West 39th or West 40th Street #street# frontage of the #zoning lot#.

For all #zoning lots# with frontage along the southerly #street lines# of West 36th through West 41st Streets, the #street wall# of any #building# shall not exceed a maximum base height of 120 feet. Above a height of 120 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

(d) Rear setback

No #yard# requirements shall apply to any #commercial building# or commercial portion of a #building#. However, above a height of 120 feet, no portion of such #building# shall be nearer to a #rear lot line# than 20 feet.

(2/2/11)

93-513

Four Corners Subarea A2

(a) Hudson Boulevard

The provisions of paragraph (a) of Section 93-512 (Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A) shall apply, except that the maximum base height shall be 150 feet.

(b) West 34th Street

The #street wall# of any #building# shall be located on the West 34th Street sidewalk widening line and extend along at least 70 percent of the West 34th Street frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. For portions of #buildings# exceeding a height of 150 feet, a setback of 20 feet from the #street line# of West 34th Street shall be required. However, a #street wall# may rise without setback along the sidewalk widening line provided the aggregate width of such #street wall# does not exceed 50 percent of the width of the West 34th Street frontage of the #zoning lot# and provided all other portions of the #building# that exceed a height of 150 feet are set back at least 20 feet from the #street line# of West 34th Street.

(c) Tenth Avenue

The regulations set forth in paragraph (b) of Section 93-512 shall apply.

(d) Rear setback

The provisions of paragraph (d) of Section 93-512 shall apply.

(7/24/13)

93-514

Eastern Rail Yard 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;
- (3) west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street, provided that either:
 - (i) such area contains only #uses# in Use Groups 3 and 4; or
 - (ii) where such area includes #residential use#, such #residential use# shall be located only in a #building#, or portion of a #building#, located west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West, and such #building# may also include #uses# in Use Groups 3, 4, 6A and 6C. In addition, #uses# in Use Group 3 or 4 may be located in a #building# separate from any #building# containing #residential use#, provided that any such separate #building# may not be located closer than 50 feet east of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West.
- (4) for any #building# located at or above the elevation of the #High Line bed# which faces the #ERY High Line#, the #street wall# shall not be located closer than five feet to the edge of the #ERY High Line# and such five foot separation shall remain unobstructed, from the level of the #High Line bed# adjacent to such #building# to the sky. Notwithstanding the foregoing, for any #building# located partly within 335 feet of the Tenth Avenue #street line#, any portion thereof of up to 280 feet in width, as measured parallel to West 30th Street, may be located above the #High Line bed# at a height of 60 feet or more measured from the #High Line bed#, provided such portion has a maximum width of 200 feet along the West 30th Street #street line# and a maximum average width of 240 feet. Structural columns and related architectural features placed within the maximum width of 200 feet along the West 30th Street #street line# supporting such portion of the #building# may be located within five feet of the southern edge of the #ERY High Line#, and such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 50 percent of the measured area of such elevation located within the

maximum width of 200 feet along the West 30th Street #street line#, from the mean level of the adjoining public sidewalk to a height of 60 feet above the level of the #High Line bed#. A maximum of thirty percent of such measured area may be constructed of opaque materials. Additionally, such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 45 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street #street line#, from the level of the #High Line bed# to a height of 25 feet above the level of the #High Line bed#.

(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 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.

(c) Length of #building# walls

The provisions of paragraph (d) of Section 93-42 limiting the length of #building# walls above a height of 500 feet shall not apply.

(2/2/11)

93-52

**Special Height and Setback Regulations in the Farley Corridor
Subdistrict B**

The tower #lot coverage# requirements of paragraph (c) of Section 93-42 shall not apply within the Farley Corridor Subdistrict B.

(2/2/11)

93-521

450 West 33rd Street

The provisions of this Section shall apply within an area bounded by Tenth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

No #building# shall exceed a height of 150 feet within 10 feet of West 33rd Street, 15 feet of Tenth Avenue and 20 feet of West 31st Street, except as provided below:

- (a) along West 31st Street, a #building# may rise without setback provided no part of such #building# is within 15 feet of West 31st Street; and
- (b) along West 33rd Street, a #building# may rise without setback, provided that the #aggregate width of street walls# above a height of 150 feet and within 10 feet of the West 33rd Street #street line# does not exceed 50 percent of the length of the West 33rd Street frontage of the #zoning lot#.

However, if more than 75 percent of the total #floor area# existing on the #zoning lot# on January 19, 2005, is demolished, the reconstructed #buildings# shall not exceed a height of 150 feet within 15 feet of a #wide street line# and 20 feet of a #narrow street line#.

(4/29/14)

93-522

Ninth Avenue Rail Yard

The provisions of this Section shall apply within the area bounded by Ninth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

No #building or other structure# shall exceed a height of 150 feet within 15 feet of a #wide street line# and 20 feet of a #narrow street line#. However, on a #narrow street#, a #building# may rise without setback provided no part of such #building# is within 15 feet of the #narrow street line#.

No #rear yard# or #rear yard equivalent# regulations shall apply to any #building developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to

Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions)
for the #development# of an arena in the area bounded by Ninth
Avenue, West 31st Street, Dyer Avenue and West 33rd Street.

(2/2/11)

93-523

Pennsylvania Station Subarea B4

Along Eighth Avenue, #street walls# shall be provided as follows:

- (a) A #street wall# shall be provided for the mandatory public space required pursuant to paragraph (a) of Section 93-74. Such #street wall# shall extend for at least 100 feet along the Eighth Avenue sidewalk widening line and rise without setback to a minimum height of 60 feet. No portion of such #street wall# shall exceed a height of 150 feet within 15 feet of the Eighth Avenue #street line#. However, such #street wall# may encroach upon the mandatory sidewalk widening provided the height of such #street wall# within the sidewalk widening does not exceed 90 feet.
- (b) In addition to the #street wall# required pursuant to paragraph (a) of this Section, #street walls# shall be provided along at least 35 percent of the Eighth Avenue frontage of the #zoning lot#. Such #street walls# shall be located within 10 feet of the Eighth Avenue #street line# and rise without setback to a minimum height of 90 feet and a maximum height of 150 feet, except that no setbacks shall be required where such #street walls# are located 10 feet from the Eighth Avenue #street line#.
- (c) No #street walls# shall be located further than 10 feet from the Eighth Avenue #street line# unless they front upon a public plaza provided pursuant to paragraph (c) of Section 93-74. Along West 31st and West 33rd Streets, any portion of a #street wall# that exceeds a height of 150 feet shall be set back at least 15 feet from the West 31st and West 33rd Street #street lines#, as applicable. As an alternative, if the entire #building# is set back at least 10 feet from the West 31st or West 33rd Street #street line#, such #building# may rise without setback along such #street#.

(2/2/11)

93-53

**Special Height and Setback Regulations in the 34th Street Corridor
Subdistrict C**

(a) 34th Street

For #zoning lots# with frontage on 34th Street, the #street wall# of a #building# shall be located on and extend along the entire West 34th Street #street line#, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#. Such #street walls# shall rise without setback to a minimum base height of 120 feet and a maximum base height of 150 feet. For #corner lots#, these provisions shall also apply along any intersecting #street line# for a minimum distance of 50 feet and a maximum distance of 100 feet from its intersection with West 34th Street. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

(b) Tenth Avenue

For #zoning lots# with frontage on Tenth Avenue, the provisions of paragraph (a) of Section 93-541 shall apply.

(c) Midblocks between Eighth Avenue and Ninth Avenue

For #zoning lots# with frontage on West 33rd Street or West 35th Street beyond 100 feet of Eighth Avenue and Ninth Avenue, the #street wall# of any #building# shall be located on and extend along the entire West 33rd Street or West 35th Street frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. The #street wall# of any #building# may rise to a height less than 80 feet, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed, enlarged# or altered after February 2, 2011, to a height exceeding 80 feet.

(1/19/05)

93-54

Special Height and Setback Regulations in Hell's Kitchen Subdistrict D

(2/2/11)

93-541

Height and setback in Subareas D1 and D2

(a) Tenth Avenue

- (1) For #zoning lots# that do not occupy the entire Tenth Avenue #block# front, and for #zoning lots# that occupy the entire Tenth Avenue #block# front where existing #buildings# containing #residences# will remain, the #street wall# of any #development# or #enlargement# shall be located on and extend along the entire Tenth Avenue #street line#, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such lines. Such #street wall# shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet, except that such minimum base height requirement shall not apply to any existing #buildings# containing #residences# to remain. Where such #zoning lots# also front upon a #narrow street#, these provisions shall apply along such #narrow street# frontage for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.
- (2) For #zoning lots# that occupy the entire Tenth Avenue #block# front, and where no existing #buildings# fronting upon Tenth Avenue will remain, the #street wall# shall be located within 10 feet of the Tenth Avenue #street line# and extend along the entire Tenth Avenue frontage of the #zoning lot# and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. These provisions shall apply for a minimum distance

of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue.

Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. Alternatively, the Tenth Avenue #street wall# may rise above 150 feet without setback, provided that:

- (i) the aggregate width of such #street wall# does not exceed 100 feet;
- (ii) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet;
- (iii) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42; and
- (iv) all portions of the Tenth Avenue #street wall# that do not exceed a height of 90 feet are located 10 feet from the Tenth Avenue #street line#, except that recesses may be provided in accordance with the recess provisions of paragraph (a) of Section 93-50. Above a height of 90 feet, up to a height of 150 feet, any #street wall# facing Tenth Avenue shall be located no closer to Tenth Avenue than 10 feet.

(b) Hudson Boulevard

The regulations set forth in paragraph (a) of Section 93-512 (Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A) shall apply, except that wherever a setback from the Hudson Boulevard #street line# is required to be at least 25 feet deep, such setback depth may be reduced to 15 feet.

(c) Midblocks between Tenth Avenue and Hudson Boulevard

The regulations set forth in paragraph (c) of Section 93-512 shall apply.

(d) Length of #building# wall

The maximum length of any #story# located above a height of 150 feet that faces north or south shall not exceed 100 feet. Such

length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 150 feet. Any side of such rectangle from which perpendicular lines may be drawn to the nearest #narrow street line# shall not exceed 100 feet.

(e) Tower #lot coverage#

Where more than one tower on a #zoning lot# contains #residences#, the minimum #lot area# requirement of paragraph (c)(1) of Section 93-42 shall not apply to the highest 80 feet of at least half of the number of such towers.

(2/26/15)

93-542

Height and setback in Subareas D4 and D5

In Subareas D4 and D5 of Hell's Kitchen Subdistrict D, the underlying height and setback regulations shall apply, except that:

- (a) the rooftop regulations set forth in Section 93-41 shall apply;
- (b) within the C2-5 District of Subarea D4, #commercial uses# shall be limited to two #stories# or a height of 30 feet, whichever is less;
- (c) within the C1-7A District of Subarea D5, recesses in the #street wall# of any #building# facing Ninth Avenue shall not be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except as provided for permitted corner articulation; and
- (d) the regulations set forth in paragraph (d) of Section 23-692 (Height limitations for narrow buildings or enlargements) shall be modified to allow portions of #buildings# with #street walls# less than 45 feet in width to reach the height of the tallest #abutting building# without regard to the width of the #street# onto which such #building# fronts.

(2/2/11)

93-543

Authorization for the provision of public open areas

For #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 37-727. Furthermore, such open areas shall comply with the requirements for #public plazas# set forth in Sections 37-744 (Litter receptacles), 37-75 (Signs), 37-77 (Maintenance) and paragraph (a) of Section 37-78 (Compliance).

All plans for publicly accessible 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 certification of the publicly accessible open areas and setting further such provisions as necessary to ensure compliance with the requirements of this Section. Such filing and recording of the instrument, together with the grant of all necessary approvals by the Port Authority, 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.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# subject to the provisions of this Section until the Chairperson of the Commission certifies to the Department of Buildings that the public access area is substantially complete and that the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson of the Commission certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access area.

(4/30/12)

93-55

Special Height and Setback Regulations in the South of Port Authority Subdistrict E

(a) #Zoning lots# with Eighth Avenue frontage

For #zoning lots# with frontage on Eighth Avenue, the #street wall# of a #building# shall be located on the Eighth Avenue sidewalk widening line and, where applicable, on the West 39th Street and West 40th Street #street lines#, and extend along the entire #street# frontage of the #zoning lot#. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. The #street wall# of any #building# may rise to a height less than 90 feet, provided that no #building# on the #zoning lot# exceeds such height except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding 90 feet.

Above a height of 120 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 120 feet above the Eighth Avenue sidewalk widening line and #street lines# of West 39th Street and West 40th Street, as applicable, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance, except as provided below:

- (1) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-63, as applicable, may penetrate the #sky exposure plane#;
- (2) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane#. In addition, a dormer, as listed in paragraph (c)(1) of Section 23-621, may penetrate the #sky exposure plane#.

(b) #Zoning lots# without Eighth Avenue frontage

For #zoning lots# without frontage on Eighth Avenue, the #street wall# of a #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street walls# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. The #street wall# of any #building# may rise to a height less than 80 feet, provided that no #building# on the #zoning lot# exceeds such height except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed, enlarged# or altered after February 2, 2011, to a height exceeding 80 feet.

(4/29/14)

93-56

Special Height and Setback Regulations in Subdistrict F

The height and setback regulations set forth in this Section, inclusive, shall apply to specific development sites identified as Sites 1 through 6 on Map 2 (Subdistrict F: Site Plan) in Appendix B. All #buildings or other structures developed# or #enlarged# within Subdistrict F, with the exception of those approved as part of a public access area pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), shall occur within

these designated site locations. However, portions of a #building# located entirely below grade, and exempt from the definition of #floor area#, shall be permitted to extend beyond such designated site locations. Furthermore, the boundary of Site 6 may be extended in a westerly direction, by up to 40 feet, to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section 93-568 (Site 6).

Map 4 (Mandatory Sidewalk Widening) in Appendix A identifies the location of a sidewalk widening required along Eleventh Avenue that is referenced in this Section, inclusive. Regulations governing the design of this sidewalk widening are set forth in Section 93-61.

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways. Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B, identifies the location of publicly accessible open spaces, private streets, and pedestrian ways that are referenced in this Section.

Publicly accessible open spaces are comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection and the #High Line#. General rules governing such publicly accessible open spaces are set forth in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

Publicly accessible private streets are comprised of the West 32nd Street Extension (including the Allee, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 3 in Appendix B) and the West 31st Street Extension. Publicly accessible pedestrian ways are comprised of the West 30th Street Corridor, and the Connector. General rules governing such private streets and pedestrian ways are set forth in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

For the purposes of applying height and setback regulations, the term "#buildings#" shall include #buildings or other structures#.

(4/29/14)

93-561

General rules for Subdistrict F

The following regulations shall apply to all #buildings# within Sites 1 through 6:

(a) #Street wall# location

For the purposes of applying the height and setback regulations of this Section, inclusive, wherever a #building# fronts upon any publicly accessible open space, private street or pedestrian way, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B, the boundary of such publicly accessible open spaces, private streets or pedestrian ways shall be considered to be a #street line#. Furthermore, for the purposes of applying such height and setback regulations, the sidewalk widening line required along Eleventh Avenue shall be considered the Eleventh Avenue #street line#.

Wherever a #building# on Sites 1, 5 or 6 faces the #High Line#, the #street wall# shall not be located closer than five feet to the edge of the #High Line#, as shown on Map 3. Such five foot separation shall remain unobstructed, from the level of finished grade adjacent a #building#, to the sky, except as permitted:

- (1) for that portion of a #building# on Site 5 located above a height of 50 feet as measured from the #High Line bed#, pursuant to Section 93-567 (Site 5);
- (2) for that portion of a #building# on Site 6 located below the #High Line#, pursuant to Section 93-568 (Site 6); and
- (3) pursuant to paragraph (d) of Section 93-756 (General requirements for the #High Line#).

(b) Measurement of #building# heights

- (1) Measurement of #building# base and transition heights

For portions of a #building# that front upon a publicly accessible sidewalk, the maximum #building# base height and, where applicable, the maximum transition height of a #street wall#, shall be measured from the mean level of the public sidewalk that such #street wall# fronts upon. For portions of a #building# that front upon publicly accessible open spaces in which no sidewalks are provided adjacent to a #street wall#, the maximum #building# base height or, where applicable, the maximum transition height of a #street wall#, shall be measured from the mean level of the final grade of the open space that such #street wall# fronts upon. However, the following #street wall# heights shall be measured from the #High Line bed#:

- (i) on Site 6, the portion of a #street wall# above the #High Line bed# facing the #High Line# beyond 60 feet of Eleventh Avenue; and
- (ii) on Site 6, along the Southwest Open Space within 60 feet of the #High Line#.

(2) Measurement of tower heights

The height of a tower shall be measured from the highest level of the public sidewalk or finished grade located nearest such tower, to the ceiling of the highest #story# of the tower where #floor area# occupies more than 75 percent of the gross area of such #story#. However, on Site 5, the height of the tower shall be measured from the #High Line bed#.

Where minimum height differences are required between towers, such heights, for each tower, shall be measured from the Manhattan Datum, which is 2.75 feet above sea level.

(c) Towers

Criteria for towers on Sites 1 through 6 are set forth in this Section, inclusive. The minimum distance between all such towers shall be 60 feet.

(4/29/14)

93-562

Street wall regulations for certain streets

The locations of all #street walls# identified in this Section are shown on Map 5 (Subdistrict F: Mandatory Street Wall Requirements) in Appendix B.

(a) Applicability

The provisions of this Section shall apply to:

- (1) All #street walls# of #buildings# on Site 1 that front along:
 - (i) the West 32nd Street Extension;

- (ii) the Western Open Space within 60 feet of the West 32nd Street Extension; and
 - (iii) the Midblock Connection within 60 feet of the West 32nd Street Extension.
- (2) All #street walls# of #buildings# on Site 2 that front along:
 - (i) Eleventh Avenue south of the Northeast Plaza;
 - (ii) the West 32nd Street Extension; and
 - (iii) the Midblock Connection within 60 feet of the West 32nd Street Extension.
- (3) All #street walls# of a #building# on Site 4 that front along:
 - (i) Eleventh Avenue;
 - (ii) the West 32nd Street Extension within 50 feet of Eleventh Avenue; and
 - (iii) the West 31st Street Extension within 50 feet of Eleventh Avenue.
- (4) All #street walls# of a #building# on Site 6 that front along:
 - (i) Eleventh Avenue five feet north of the #High Line#;
 - (ii) the West 31st Street Extension;
 - (iii) the #High Line#, completely above the #High Line bed#;
 - (iv) the Southwest Open Space within 60 feet of the #High Line#; and
 - (v) the Southwest Open Space within 60 feet of the West 31st Street Extension.
- (b) #Street wall# location

All #street walls# identified in paragraph (a) of this Section shall be located on the #street line#.

All such #street walls# shall extend along the entire #street# frontage of the site or the required portion identified in paragraph (a). However, such #street wall# location rules may be modified in accordance with the recess provisions of paragraph (c) of this Section.

(c) Recesses

- (1) Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances;
- (2) To allow for corner articulation, the required #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such lines;
- (3) To ensure variation in the required #street wall#, a #building# shall provide recesses or ground floor level setbacks in accordance with the following provisions:
 - (i) A minimum of 20 percent of the #aggregate width of street walls# shall provide a minimum recess of three feet from the #street wall# above the level of the second #story#. However, for the portion of Site 6 that fronts along the #High Line#, such recess shall be provided above the level of the first #story#. However, no portion of such recess shall be located within 30 feet of the intersection of two #street lines#, except where corner articulation is provided in accordance with paragraph (c)(2) of this Section.
 - (ii) A maximum of 30 percent, or 50 percent for Site 4, of the #aggregate width of street walls# may provide a recess of up to 15 feet at any level, which may extend to the height of the #building# base and may allow for portions of towers to rise without setback from the ground floor level. However, no such setbacks shall be permitted within 30 feet of the intersection of two #street lines#, except where corner articulation is provided in accordance with paragraph (c)(2) of this Section.

93-563

Site 1

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 1.

(a) #Building# base

(1) Facing West 33rd Street

The #street wall# of the #building# facing West 33rd Street may rise without setback to a maximum base height of 120 feet before a setback is required. However, no setbacks shall be required within 150 feet of Twelfth Avenue.

(2) Facing the West 32nd Street Extension

The provisions of this paragraph, (a)(2), shall apply to #street walls# facing the West 32nd Street Extension, the Western Open Space and the Midblock Connection within 60 feet of the West 32nd Street Extension. Such #street walls# shall rise without setback to a minimum base height of 60 feet and a maximum base height of 90 feet.

(3) Facing the Western Open Space

The provisions of this paragraph, (a)(3), shall apply to #street walls# facing the Western Open Space beyond 60 feet of its intersection with the West 32nd Street Extension. The #street wall# of the #building# may rise without setback to a maximum base height of 90 feet before a setback is required. However, no setbacks shall be required within 150 feet of Twelfth Avenue.

(b) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (a) of this Section shall be set back in accordance within the provisions of this paragraph, (b), except that where towers are provided directly above a portion of the transition height, such a portion of transition height located directly below a tower shall provide setbacks in accordance with the tower provisions of paragraph (c) of this Section.

Portions of a transition height facing West 33rd Street shall be set back from the West 33rd Street #street line# a minimum of 20 feet. Portions of a transition height facing the Western Open Space that exceed the maximum base height shall be set back from the #street wall# of a #building# facing the Western Open Space a minimum of 30 feet. However, in both cases, no such setback shall be required within 150 feet of Twelfth Avenue.

Above the maximum base height, a #street wall# may rise to a maximum transition height equal to one-half the height of the #street wall# of the #building# base facing the Western Open Space. Such a transition height shall not exceed a maximum height of 135 feet.

All portions of a #building# that exceed the maximum transition height shall comply with the tower provisions of paragraph (c) of this Section.

(c) Towers

All #stories# of a #building# located partially or wholly above the maximum transition height shall be considered a "tower" and shall comply with the provisions of this paragraph, (c).

(1) Required setbacks

All towers, or portions of a transition height located beneath a tower, shall be set back at least 15 feet from the #street line# of West 33rd Street and from the #street walls# of the #building# facing the West 32nd Street Extension, except that the depth of such setback distance may include the depth of any permitted recesses. However, no setbacks shall be required within 150 feet of Twelfth Avenue, along the Western Open Space or along the Midblock Connection to allow portions of towers that comply with the provisions of paragraphs (c)(2) and (c)(3) of this Section to rise without setback.

(2) Maximum floor plate

If more than one tower is provided on Site 1, the aggregate gross area of any such tower #stories#, measured at any height, shall not exceed 25,000 square feet.

(3) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 110 feet and the north-south dimension shall not exceed a length of 160 feet. Where more than one tower is located on Site 1, each tower shall comply independently with such maximum dimensions.

If more than one tower is located on Site 1, the height of the easternmost tower shall be a minimum of 100 feet greater than the height of the westernmost tower.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

(2/2/11)

93-564
Site 2

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 2.

(a) #Building# base

(1) Facing Eleventh Avenue

The provisions of this paragraph, (a)(1), shall apply to #street walls# facing Eleventh Avenue (exclusive of #street walls# facing the Northeast Plaza, which need not set back), and the West 32nd Street Extension within 60 feet of Eleventh Avenue. Such #street walls# shall rise without setback to a minimum height of 120 feet and a maximum height of 150 feet. Above a height of 150 feet, all portions of such #building# shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. These #building# base provisions may apply along the West 32nd Street Extension #street line# beyond 60 feet of Eleventh Avenue, up to a maximum distance of 100 feet from Eleventh Avenue.

(2) Facing the West 32nd Street Extension

The provisions of this paragraph, (a)(2), shall apply to #street walls# facing the West 32nd Street Extension beyond 60 feet of Eleventh Avenue (or beyond 100 feet if the optional #building# base provisions of paragraph (a)(1) of this Section are applied along the West 32nd Street Extension), and the Midblock Connection within 60 feet of the West 32nd Street Extension. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, all portions of such #buildings# facing the West 32nd Street Extension shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the Midblock Connection within 60 feet of the West 32nd Street Extension need not set back above the maximum base height to allow tower portions that comply with the provisions of paragraph (b) of this Section to rise without setback.

(3) Facing West 33rd Street

#Street walls# facing West 33rd Street (exclusive of the Northeast Plaza) may rise without setback to a maximum base height of 150 feet. Above a height of 150 feet, setbacks shall be required as follows:

- (i) portions of a #building# facing West 33rd Street within 150 feet of the Eleventh Avenue #street line# shall provide a 15 foot setback from the #street line# of West 33rd Street;
- (ii) portions of a #building# beyond 150 feet of Eleventh Avenue that do not exceed an #aggregate width of street wall# of 150 feet, as measured along the West 33rd Street #street line#, shall be permitted to rise without setback; and
- (iii) portions of a #building# located beyond 150 feet of Eleventh Avenue that exceed the #aggregate width of street wall# of 150 feet, as measured along the West 33rd Street #street line#, shall be set back a minimum of 15 feet from the #street line# of West 33rd Street.

All portions of a #building# that exceed a height of 150 feet shall comply with the tower provisions of paragraph (b) of this Section.

(b) Towers

All #stories# of a #building# located partially or wholly above a height of 150 feet shall be considered a tower and shall comply with the provisions of this paragraph, (b). Not more than one tower shall be allowed on Site 2.

(1) Maximum floor plate

The gross area of any tower #story# shall not exceed 40,000 square feet.

(2) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 250 feet.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

(4/29/14)

93-565

Site 3

The regulations of this Section shall apply to all #buildings# within Site 3.

All #stories# of a #building# located wholly or partially above the highest level of the adjoining public sidewalk or finished grade on Site 3 shall be considered a tower and shall comply with the provisions of this Section. Not more than one tower shall be permitted on Site 3.

(a) Ground floor

A maximum of 6,000 square feet of the ground floor shall be permitted to provide #residential uses#. The remaining portion of the ground floor shall provide an area that is accessible to the surrounding publicly accessible open spaces listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict

F). Such space may provide ground floor #uses# pursuant to Section 93-14 (Ground Floor Level Requirements), or may be considered part of the Central Open Space and comply with the regulations set forth in Section 93-75.

If such remaining ground floor level space provides ground floor #uses# pursuant to the requirements of paragraph (b)(2) of Section 93-14, such #uses# shall adjoin a minimum of 70 percent of the perimeter of the outermost walls of the ground floor of the #building# to a minimum depth of 30 feet. In addition, such outermost wall shall be at least 70 percent glazed with transparent material to a height of 40 feet.

If such remaining ground floor level space is considered part of the Central Open Space, such space may be open or enclosed. An open space provided pursuant to this paragraph, (a), shall have a clear height of at least 40 feet measured from the level of an adjoining finished grade or sidewalk. An enclosed publicly accessible space provided pursuant to this paragraph, (a), shall adjoin a minimum of 70 percent of the perimeter of the outermost walls of the ground floor of the #building# to a minimum depth of 30 feet. In addition, such outermost wall shall be at least 70 percent glazed with transparent material to a height of 40 feet.

(b) Maximum floor plate

The gross area of any #story# of a tower on Site 3 shall not exceed 12,000 square feet.

(c) Maximum length and height

The maximum horizontal dimension of a tower, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 3 rectangle in plan, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower within Site 3 shall be a minimum of 100 feet taller than the tower height of Site 5.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

(4/29/14)

93-566

Site 4

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 4.

(a) Street wall location along West 31st and West 32nd Street Extensions

Any portion of a #street wall# facing the West 32nd Street Extension within 100 feet of Eleventh Avenue shall be set back at least 15 feet from the West 32nd Street Extension #street line#, which shall coincide with the northern edge of the Site 4 boundary. Any portion of a #street wall# facing the West 32nd Street Extension that extends beyond 100 feet of Eleventh Avenue, as measured along the West 32nd Street Extension #street line#, shall be set back at least 30 feet from the West 32nd Street Extension #street line#. Any portion of a #street wall# facing the West 31st Street Extension that extends beyond 100 feet of Eleventh Avenue, as measured along the West 31st Street Extension #street line#, shall be set back at least 15 feet from the West 31st Street Extension #street line#.

(b) #Building# base facing Eleventh Avenue

The provisions of this paragraph, (b), shall apply to #street walls# below a height of 120 feet facing Eleventh Avenue and the West 31st and West 32nd Street Extensions within 50 feet of Eleventh Avenue. Such #street walls# shall rise without setback to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, all portions of a #building# facing Eleventh Avenue shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the West 31st and West 32nd Street Extensions within 50 of Eleventh Avenue need not set back above the maximum base height to allow tower portions that comply with the

provisions of paragraph (c) of this Section to rise without setback.

All portions of a #building# that exceed the maximum base height of 120 feet shall comply with the tower provisions of paragraph (c) of this Section.

(c) Towers

All #stories# of a #building# located partially or wholly above the maximum base height of 120 feet shall be considered a tower and shall comply with the provisions of this paragraph, (c). Not more than one tower shall be permitted on Site 4.

(1) Maximum floor plate

The gross area of any such #story# shall not exceed 12,000 square feet.

(2) Maximum length and height

For any portion of a tower above 120 feet, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 4 rectangle, in plan, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased dimension does not exceed a length of 120 feet.

The maximum height of a tower on Site 4 shall be a minimum of 100 feet taller than any tower located on Site 3.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

(4/29/14)

All #stories# of a #building# located wholly or partially above finished grade on Site 5 shall be considered a tower and shall comply with the provisions of this Section.

On Site 5, a #building# may be located adjacent to and above the #High Line#, provided no portion of such #building# or an associated structural column is located within five feet of the edge of the #High Line# from the level of finished grade to a level of 50 feet above the level of the #High Line bed#, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

(a) Maximum floor plate

The gross area of any #story# within that portion of a #building or other structure# located east of the #High Line# and wholly or partially above the finished grade to a height of 50 feet above the #High Line bed# shall not exceed 5,000 square feet.

The aggregate gross area of any portion of a #building or other structure# located west of the #High Line# and wholly or partially above the finished grade to a height of 50 feet above the #High Line bed# shall not exceed 700 square feet, and the maximum aggregate horizontal dimension of such portions, individually measured in their longest dimension, shall not exceed 30 feet.

The gross area of any #story# within that portion of a tower located above a height of 50 feet above the #High Line bed# shall not exceed 12,000 square feet.

(b) Maximum length and height

At or below a height of 50 feet above the #High Line bed#, if a #building# is located so that it has portions on both sides of the #High Line#, the minimum horizontal dimension, measured in any direction between such portions shall be 60 feet.

For that portion of a tower located above a height of 50 feet above the #High Line bed#, the maximum horizontal dimension, measured in any direction, shall not exceed 145 feet. However, if the angle of the tower's maximum horizontal dimension is aligned within 15 degrees of a 45 degree line constructed from either the southwest or northeast corner of the Site 5 rectangle, in plan, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, then such maximum horizontal dimension measured in this direction may be increased to 160 feet, provided that the maximum dimension measured perpendicular to such increased

dimension does not exceed a length of 120 feet. Furthermore, the maximum horizontal dimension for that portion of a tower that spans the #High Line#, measured in any direction, shall not exceed 120 feet.

The maximum height of a tower on Site 5 shall be 350 feet.

(4/29/14)

93-568
Site 6

In addition to the applicable requirements set forth in Section 93-562 (Street wall regulations for certain streets), the provisions of this Section shall apply to #buildings# on Site 6.

(a) Height and setback regulations

(1) #Street wall# beneath the #High Line#

The provisions of this paragraph, (a), shall apply to #street walls# on Site 6 beneath the #High Line# that face West 30th Street, Eleventh Avenue and the Southwest Open Space.

All such #street walls# shall extend along the entire #street# frontage of the site, except that along West 30th Street, the #street wall# shall be no closer to the northerly #street line# of West 30th Street than the northerly edge of the southern row of structural columns of the #High Line#, and along the Southwest Open Space and Eleventh Avenue, the #street wall# shall extend to a point five feet north of the #High Line#. Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances.

All such #street walls# shall rise without setback to a maximum height of the underside of the #High Line bed#.

(2) #Building# base

- (i) Facing Eleventh Avenue and the West 31st Street Extension, north of the #High Line#

The provisions of this paragraph, (a)(2)(i), shall apply north of the #High Line# to #street walls# facing Eleventh Avenue, the West 31st Street Extension, portions of #street walls# facing the #High Line# within 60 feet of Eleventh Avenue, and portions of #street walls# facing the Southwest Open Space within 60 feet of the West 31st Street Extension. Such #street walls# shall rise without setback to a minimum height of 60 feet and a maximum height of 90 feet. Above a height of 90 feet, all portions of a tower, or portions of a transition height located beneath a tower facing Eleventh Avenue, the #High Line# and the West 31st Street Extension, shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the Southwest Open Space within 60 feet of the West 31st Street Extension need not set back above the maximum base height to allow portions of towers, or portions of a transition height located beneath a tower that comply with the provisions of paragraphs (a)(3) and (a)(4) of this Section, respectively, to rise without setback. These #building# base provisions may apply along the #High Line# beyond 60 feet of Eleventh Avenue, up to a maximum distance of 100 feet from Eleventh Avenue.

(ii) Facing West 30th Street, north of the #High Line#

The provisions of this paragraph, (a)(2)(ii), shall apply to #street walls# above the #High Line bed#, facing the #High Line# beyond 60 feet of Eleventh Avenue, and to those portions of #street walls# facing the Southwest Open Space that are within 60 feet of the #High Line#. Such #street walls# shall rise without setback to a minimum height of 50 feet as measured above the level of the #High Line bed#, and a maximum height of 60 feet as measured above the level of the #High Line bed#. Above a height of 60 feet, all portions of a tower, or portions of a transition height located beneath a tower facing the #High Line#, shall be set back from the #street wall# of the #building# at least 15 feet, except such setback distance may include the depth of any permitted recesses. Portions of #street walls# along the Southwest Open Space within 60 feet of the #High Line#

need not set back above the maximum base height to allow portions of a tower, or portions of a transition height located beneath a tower that comply with the provisions of paragraphs (a)(3) and (a)(4), respectively, to rise without setback.

All portions of a #building# that exceed the maximum base height of 90 feet shall comply with the tower provisions of paragraph (a)(4), with the exception of a #building# which provides a transition height in accordance with the provisions of paragraph (a)(3).

(3) Transition height

If the outermost walls of all #stories# of any tower provided in accordance with the tower provisions of paragraph (a)(4) are individually inscribed within a rectangle where the east-west dimension does not exceed a length of 110 feet, a transition height may be provided above the #building# base in accordance with the provisions of this paragraph, (a)(3).

Above the maximum base height, a #street wall# may rise to a maximum transition height equal to two-thirds of the height of the #street wall# of the #building# base facing the West 31st Street Extension. Such a transition height shall not exceed a maximum height of 150 feet, as measured above the West 31st Street Extension #street line#.

All portions of a transition height shall be set back 30 feet from the #street wall# of the #building# base along the West 31st Street Extension and the #High Line#, except that where towers are provided directly above a portion of the transition height, such a portion of transition height located directly below a tower shall provide setbacks in accordance with the #building# base provisions of paragraph (a)(2) of this Section.

All portions of a #building# that exceed the maximum transition height shall comply with the tower provisions of paragraph (a)(4).

(4) Towers

All #stories# of a #building# located partially or wholly above a height of 90 feet, or 150 feet if a transition height is provided in accordance with the provisions of

paragraph (a)(3), shall be considered a tower and shall comply with the provisions of this paragraph, (a)(4).

(i) Maximum floorplate

If more than one tower is provided on Site 6, the aggregate gross area of any such tower #stories#, measured at any height, shall not exceed 25,000 square feet.

(ii) Maximum length and height

The outermost walls of all #stories# of a tower, when viewed from above, shall be inscribed within a rectangle where the east-west dimension shall not exceed a length of 160 feet and the north-south dimension shall not exceed a length of 110 feet. Where more than one tower is located on Site 6, each tower shall comply independently with such maximum dimensions.

The #aggregate width of street walls# of all #stories# of a tower facing the West 31st Street Extension or the #High Line# shall not exceed 220 feet within 40 feet of the #street wall# of the #building# base.

If more than one tower is provided on Site 6, such towers shall either be equal in height, or the easternmost tower shall have a height greater than the height of the westernmost tower.

All towers that exceed a height of 350 feet shall provide articulation in accordance with Section 93-569 (Tower top articulation).

(b) Certification to expand Site 6

The area of Site 6, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, may be extended westward by up to 40 feet in order to accommodate a public #school# upon certification of the Chairperson of the City Planning Commission, that:

- (1) the Chairperson of the City Planning Commission is in receipt of a letter from the School Construction Authority that describes the need for the additional area;

- (2) the site and landscape plans for the Southwest Open Space have been approved by the Chairperson of the City Planning Commission, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F);
- (3) no portion of a tower located on Site 6 extends beyond 395 feet west of the Eleventh Avenue #street line#; and
- (4) any portion of a #building# located beyond 395 feet from the Eleventh Avenue #street line# shall affect southwesterly view corridors from the Central Open Space towards the Hudson River to the minimum extent necessary to accommodate a public #school#.

(12/21/09)

93-569

Tower top articulation

All towers that exceed a height of 350 feet shall provide articulation in accordance with this Section.

For the purposes of this Section, a minimum of the uppermost 15 percent of the height of a #building or other structure#, including all rooftop mechanical structures and their required enclosures pursuant to the regulations of paragraph (b) of Section 93-41 (Rooftop Regulations), shall henceforth be referred to as the 'Tower Top Zone.' However, chimneys, antennae or decorative spires shall not be considered part of the Tower Top Zone, provided no such structures contain #floor area#.

The height of such #building or other structure# shall be measured from the highest level of the public sidewalk or finished grade located nearest such #building or other structure#.

The Tower Top Zone shall contain an "Upper Zone" and a "Lower Zone". The Lower Zone shall be a minimum of 50 percent of the height of the Tower Top Zone and shall contain tower #stories#. The Upper Zone shall contain the highest tower #story# where #floor area# occupies more than 75 percent of the gross area of such #story#, and any enclosed rooftop mechanical equipment.

For the purposes of this Section, each tower of a #building or other structure# shall be comprised of four separate tower top elevation views that shall be used to measure compliance with the regulations

of this Section. Each elevation view shall have an angle of 90 degrees from another such view.

Each tower top shall provide the following forms of articulation:

(a) Change in the #building or other structure# profile

(1) Constructing the profile change boundary

To comply with the provisions of this paragraph, (a)(1), a rectilinear boundary within the Tower Top Zone shall be created in each elevation view to determine the required amount of profile change. In order to construct such boundary, two datum lines shall first be drawn in each elevation view. Such datum lines shall begin at the average outermost edges of those portions of tower floor plates above a height of 350 feet containing #floor area# below the Tower Top Zone, and shall extend upward for the entirety of the height of the #building or other structure#. The rectilinear profile change boundary shall include the portion of these two datum lines within the Tower Top Zone, as well as their intersection with two datum lines indicating the uppermost elevation and the lowermost elevation of the Tower Top Zone. In addition, a datum line shall indicate the boundary between the Upper and Lower Zone, creating a boundary for both the Upper Zone and Lower Zone.

(2) Required profile change

A minimum of 10 percent of the area of the profile change boundary within the Lower Zone shall remain open to the sky in each required elevation view. Such profile change shall begin upward at the lowermost datum line of the Tower Top Zone. In addition, a minimum of 20 percent of the area of the profile change boundary within the Upper Zone shall remain open to the sky in each required elevation view.

However, for portions of a #building or other structure# providing enclosed rooftop mechanical equipment within the Upper Zone, the width (as viewed in elevation) of the lowermost portion of enclosed rooftop mechanical space at that point in elevation which coincides with the uppermost portion of the highest tower #story# shall in no event be reduced beyond 50 percent of the width of such highest tower #story#. Upwards of such a point in elevation, no

restriction on maximum width reduction for enclosed rooftop mechanical spaces shall apply.

(b) Change in the #building or other structure lot coverage#

For portions of a #building or other structure# within the Lower Zone, the average #lot coverage # for all tower #stories# within such zone shall not exceed 80 percent of the #lot coverage# of the tower #story# with the largest #lot coverage# below the Tower Top Zone and above a height of 350 feet.

(c) Material continuity

A minimum of ten percent of the surface area of the exterior portion of the facade of the #building or other structure# within the Tower Top Zone, as viewed in elevation, shall be composed of a single material. Such material shall be continuously visible (in each elevation view) from the lowermost datum line of the Tower Top Zone to the uppermost datum line of the Tower Top Zone. However, within each #story# of the Lower Zone, a break in the vertical continuity of the material shall be permitted, provided that the vertical break does not exceed twelve inches.

(2/2/11)

93-57

Special Permit for Modification of Height and Setback Regulations

Within the #Special Hudson Yards District#, except within C1-7A Districts or C2-5 Districts mapped within R8A Districts, for #developments# or #enlargements# on #zoning lots# with at least 20,000 square feet of #lot area# or #developments# or #enlargements# on any size #zoning lot# that occupy the entire #block# front along a #wide street#, the City Planning Commission may modify the regulations set forth in Sections 93-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, and 93-50 (SPECIAL HEIGHT AND SETBACK REGULATIONS), inclusive, provided the Commission finds that:

- (a) such modifications will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets# and properties;

- (b) where the #development# or #enlargement# is subject to the requirements of Sections 93-60 (MANDATORY IMPROVEMENTS), inclusive, or 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES), inclusive, such modifications will not impair the quality of such public access areas on the #zoning lot#;
- (c) such modifications are consistent with the goal of the special district to provide flexibility of architectural design and encourage more attractive building forms; and
- (d) such modifications will result in a #development# or #enlargement# that enhances the streetscape and will be compatible with development in the surrounding area.

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

(1/19/05)

93-60

MANDATORY IMPROVEMENTS

(1/19/05)

93-61

Sidewalk Widenings

Map 4 (Mandatory Sidewalk Widenings) in Appendix A of this Chapter specifies locations of mandatory sidewalk widenings. The depth of such sidewalk widenings shall be as indicated on Map 4 in Appendix A and shall be measured perpendicular to the #street line#. All sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

(1/19/05)

93-62

Street Tree Planting

In addition to the applicable underlying #street# tree planting requirements, in the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, trees shall also be provided along the #street# edge of the mandatory sidewalk widening. All such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#, at maximum intervals of 25 feet. Trees shall be planted in gratings flush to grade in at least 200 cubic feet of soil per tree with a depth of soil at least three feet, six inches. Species shall be selected and installed in accordance with specifications established by the Department of Parks and Recreation. The provisions of this Section shall not apply where the Department of Parks and Recreation determines that such tree planting would be infeasible.

(2/2/11)

93-63

Pedestrian Circulation Space

In C2-8 and C6-4 Districts, all #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 37-50. 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.

Pedestrian circulation space shall not be required if any of the following conditions exist:

- (a) The #zoning lot# is entirely occupied by a #building# of no more than one #story# in height.
- (b) The #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street# frontage.
- (c) The #zoning lot# is a #through lot# and both #street# frontages are less than 25 feet in length.
- (d) The #zoning lot# is required to provide public access pursuant to Section 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES).

(2/2/11)

93-64

Major Building Entrances

Any #development# or #enlargement# with a #commercial floor area ratio# of 5.0 or greater and located on a #zoning lot# with frontage upon Hudson Boulevard shall provide a major entranceway to the #commercial# portion of the #building# on Hudson Boulevard.

Any #development# or #enlargement# containing #residences# located on #zoning lots# with frontage upon Tenth Avenue north of West 33rd Street shall provide a major entrance to the #residential# portion of the #building# on or within 100 feet of Tenth Avenue.

The #street wall# of any #building# facing east towards Ninth Avenue south of West 33rd Street shall contain either a major #building# entrance or have at least 70 percent of its ground floor frontage occupied by retail #uses#.

(10/27/10)

93-65

Transit Facilities

- (a) Any #development# or #enlargement# on a #zoning lot# that includes the southwest corner of West 40th Street and Eighth Avenue shall provide an easement for public access to the subway mezzanine or station as illustrated on Map 5 (Transit Facilities) in Appendix A of this Chapter. The easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.

The Chairperson of the City Planning Commission shall certify that a plan has been submitted indicating the volume of the easement necessary for future construction of a subway entrance. Such plan shall be developed in consultation with and the approval of the Transit Authority. The Chairperson may alternately certify that a plan has been submitted whereby the applicant agrees to provide the required easement, at the applicant's expense, within two years of request by the Transit Authority or by its designee.

An instrument establishing such transit easement, or agreement to provide one within two years of request by the Transit Authority, 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 such certification. 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.

Floor space within any required transit easement shall be excluded from the definition of #floor area#, and 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. 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#.

- (b) For the locations listed in this paragraph, (b), floor space devoted to subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station, which are established pursuant to an easement or other agreement, shall be excluded from the definition of #floor area# in Section 12-10:
- (1) The volume bounded by Eleventh Avenue, a line 52 feet north of and parallel to West 33rd Street, the western boundary of the #public park#, and West 33rd Street, up to a height of 82 feet, as illustrated on Map 5.
 - (2) The volume bounded by Eleventh Avenue, West 36th Street, a line 95 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 36th Street, up to a height of 129 feet, as illustrated on Map 5.
 - (3) The tax lot located at Block 1051, Lot 2, existing on October 27, 2010, up to a height of 73 feet, as illustrated

on the District Map in Appendix A of the #Special Clinton District#.

- (4) The volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of the #Special West Chelsea District#.

Any transit easement or other agreement for such subway-related #use# shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.

(10/17/07)

93-66

Open Area Requirements in the Large-Scale Plan Subdistrict A

In Subareas A2 through A5 of the Large-Scale Plan Subdistrict A, the provisions of this Section shall apply to all open areas between the #street wall# of any #development# or #enlargement# and the #street line#.

- (a) Where such open areas are sidewalk widenings required pursuant to Section 93-61, or where a sidewalk widening is not required but an open area extends along the entire #street line# of the #zoning lot#, no obstructions shall be permitted within such open areas within five feet of the #street line#. Beyond five feet of the #street line#, up to a distance of ten feet from the #street line#, obstructions shall be limited to seating, tables, and trees planted flush to grade. Any open area provided beyond ten feet of the #street line# shall comply with the provisions of paragraphs (b) through (d) of this Section, as applicable.
- (b) All open areas less than 1,200 square feet in area, or open areas of any size but with a width or depth of less than 30 feet, shall be paved or contain landscaping. Paved areas shall be at the same elevation as the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.
- (c) All open areas at least 1,200 square feet in area, and with a width and depth of at least 30 feet, shall be paved and contain landscaping. Paved areas shall not be more than 2 feet, 6 inches

above or below the level of the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.

- (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 Section 37-726 (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 porte-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.

(4/29/14)

93-70

PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites other than for an #ERY Culture, Festival and Exhibit Facility# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

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 all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this

Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, the requirements set forth in paragraph (h) of Section 93-71, shall apply. For certifications relating to 450 West 33rd Street, the requirements set forth in Section 93-722 shall apply. For certifications relating to the Ninth Avenue Rail Yard, the requirements set forth in Section 93-732 shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. 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 Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. The completion of the Cultural Facility Plaza shall be deemed integral only to an #ERY Culture, Festival and Exhibit Facility# and to no other #use# or #development# in the Eastern Rail Yard Subarea A1. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#. For the Eastern Rail Yard Subarea A1, such phased development plan may provide for the outdoor plaza described in paragraph (b) of Section 93-71 to be constructed in phases. For 450 West 33rd Street and the Ninth Avenue Rail Yard, such phased development plan shall comply with additional provisions set forth in Sections 93-722 and 93-732, respectively.

For any portion of any #development# or #enlargement# other than an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such

#development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in paragraph (h) of Section 93-71, and Section 93-732. Issuance of a temporary or permanent certificate of occupancy for any #building#, or portion of a #building#, not occupied by an #ERY Culture, Festival and Exhibit facility# shall not be conditioned upon the completion, substantial completion or improvement of the Culture Facility Plaza.

For an #ERY Culture, Festival and Exhibit Facility#, no temporary certificate of occupancy from the Department of Buildings may be issued for such #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza described in paragraph (j) of Section 93-71 is substantially complete and open to and useable by the public and no permanent certificate of occupancy from the Department of Buildings may be issued for the #ERY Culture, Festival and Exhibit Facility# until the Chairperson certifies to the Department of Buildings that the Culture Facility Plaza is complete. If a moveable portion of the #ERY Culture, Festival and Exhibit Facility# is not initially constructed as part of the #ERY Culture, Festival and Exhibit Facility# but is constructed at a later date, any closure of the Culture Facility Plaza necessary for such construction shall not affect the validity of any certificate of occupancy previously issued for the #ERY Culture, Festival and Exhibit Facility#. No temporary certificate of occupancy for the moveable portion that is thereafter constructed, or an amended temporary certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is substantially complete and open to and useable by the public and no permanent certificate of occupancy for the moveable portion that is thereafter constructed, or an amended permanent certificate of occupancy for the #ERY Culture, Festival and Exhibit Facility# that includes the moveable portion, may be issued by the Department of Buildings until the Chairperson

certifies to the Department of Buildings that the reconstructed Culture Facility Plaza is complete.

(7/24/13)

93-71

Public Access Areas in the Eastern Rail Yard Subarea A1

Any #development# in the Eastern Rail Yard Subarea A1 shall provide public access areas in accordance with the following requirements:

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f), and paragraphs (h) and (j), of this Section. For purposes of determining compliance with such 55 percent and 40 percent requirements, the Culture Facility Plaza, any portion of the connection to the High Line allowed to be covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility# pursuant to paragraph (f), and any portion of the connection to the High Line that is not required to have a clear height of 60 feet pursuant to paragraph (f) shall be deemed publicly accessible and open to the sky at all times, including any time when a moveable portion of an #ERY Culture, Festival and Exhibit Facility# extends over the Culture Facility Plaza or the connection to the High Line. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61 and, at the option of the owner, the #Tenth Avenue Spur#. If the Cultural Facility Plaza is closed during the construction of the moveable portion of the #ERY Culture, Festival and Exhibit Facility#, the amount of publicly accessible open space shall not be considered reduced during such period.

All public access areas listed in this Section, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall be accessible to the public, as follows:

- (1) unenclosed public access areas shall be accessible between the hours of 6:00 am and 1:00 am, except that any portions of the outdoor plaza, as described in paragraph (b) of this Section, designed and constructed for purposes of vehicular use, shall be accessible at all times, except as necessary to perform maintenance and repairs or address hazardous or emergency conditions;
- (2) enclosed portions of the through block connection and connection to the public plaza, described in paragraphs (d) and (e) of this Section, shall be accessible to the public between the hours of 8:00 am and 10:00 pm; and
- (3) upon completion of the Tenth Avenue bridge, described in paragraph (g) of this Section, access between the bridge and the outdoor plaza shall be provided by means of the through block connection between the hours of 6:00 am and 1:00 am.

All public access areas, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall include public space signage erected at conspicuous locations. Such signs shall include the statement "Open to the Public," followed by the hours of operation specified in this paragraph, (a). The public space signage for the Culture Facility Plaza may include additional information, consistent with the provisions of paragraph (j) of this Section.

(b) Outdoor plaza

A publicly accessible space, open to the sky (hereinafter referred to as the "outdoor plaza"), shall be located within the area bounded by West 33rd Street, the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East, a line 250 feet north of and parallel to West 30th Street, Eleventh Avenue, a line 220 feet south of and parallel to West 33rd Street, and the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West. Such open area may extend beyond such boundaries and have necessary grade changes, and up to ten percent of the area of such outdoor plaza may be covered by a #building or other structure#.

In addition, a #building# containing eating or drinking places and #uses# listed in Use Groups 6A and 6C may be located within the outdoor plaza (but shall not be included as public access area pursuant to paragraph (a) of Section 93-71), provided that any such #building#:

- (1) is located within the area west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 400 feet of West 30th Street;
- (2) covers no more than 3,600 square feet of the #zoning lot# at the level of the outdoor plaza and above;
- (3) contains no more than 7,200 square feet of #floor area# at the level of the outdoor plaza and above, and no more than 3,600 square feet of #floor area# below the level of the outdoor plaza;
- (4) has a maximum north-south dimension of 85 feet at the level of the outdoor plaza and above;
- (5) is located such that the maximum east-west dimension measured along a line 355 feet from West 30th Street is 40 feet at the level of the outdoor plaza and above. For portions of the #building# located north or south of such line, the maximum east-west dimension shall increase at a rate of one foot in the east-west dimension for every four feet in the north-south dimension from such line, up to a maximum east-west dimension of 60 feet; and
- (6) has a maximum perimeter wall height of 24 feet, and a maximum #building# height of 30 feet. Above a height of 24 feet, no portion of a #building# may penetrate a #sky exposure plane# that begins at a height of 24 feet above the perimeter walls and rises over the #building# at a slope of 2.5 feet of horizontal distance for each foot of vertical distance. Such heights shall be measured from the highest level of the adjoining portions of the outdoor plaza.

No #building# location or setback requirements shall apply to any #building# walls facing the northern, eastern or southern boundaries of the outdoor plaza.

#Building# walls fronting upon the western boundary of the outdoor plaza shall extend along at least 70 percent of the length of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and shall rise to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, a setback at least 20 feet in depth is required from such prolongation line. However, such #building# wall may rise without setback at such prolongation

line, provided the aggregate width of such #building# wall does not exceed 50 percent of the width of such line and provided all other portions of the #building# that exceed a height of 120 feet are set back at least 20 feet from such prolongation line at a height not lower than 90 feet.

The retail and glazing requirements of Section 93-14 (Ground Floor Level Requirements) shall apply to at least 70 percent of the length of all #building# walls facing each side of the outdoor plaza, except that such retail requirements shall not apply to any #building#, or portion of a #building#, located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street containing #uses# in Use Group 3 or 4 or an #ERY Culture, Festival and Exhibit Facility#.

(c) Public plaza

A publicly accessible space, (hereinafter referred to as a "public plaza"), shall be provided at the intersection of Tenth Avenue and West 30th Street. Such public plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 180 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street. Such public plaza shall be open to the sky except that such space may be covered by the #ERY High Line# structure, including any connections to the #ERY High Line# or other design features, as well as a #building# or portion of a #building# as allowed pursuant to Section 93-514, paragraph (a)(4), except that no #building# or portion of a #building# may encroach within the area that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street. In addition, no more than 50 percent of the public plaza shall be covered by the permitted obstructions described in Section 37-726, paragraph (a), as well as any vents or shafts that are placed by the Department of Environmental Protection within the portion of the public plaza that is subject to an access easement.

Such public plaza shall contain the following amenities:

- (1) no less than 120 linear feet of fixed seating;
- (2) no less than 12 moveable tables and 48 moveable chairs; and
- (3) no less than four trees or multi-stemmed equivalents measuring at least four inches in caliper at the time of planting, which trees or multi-stemmed equivalents may be planted in a planting bed. In addition, such public plaza

shall contain at least two of the following additional amenities:

- (i) artwork;
- (ii) water features; or
- (iii) food service located in a retail space directly accessible from the public plaza.

The glazing requirements of Section 93-14, paragraph (c), shall apply to at least 70 percent of the length of all #building# walls, other than the #building# walls of any facility operated by the Long Island Rail Road, or its successor, facing each side of the public plaza. In addition, at least 25 percent of the frontage of all #building# walls facing the portion of the public plaza that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street shall be occupied by #uses# listed in Use Groups 6A and 6C or the connection to the public plaza described in paragraph (e) of this Section.

(d) Through block connection

A publicly accessible through block connection shall be provided connecting the outdoor plaza with the Tenth Avenue sidewalk within 50 feet or anywhere north of the center line of West 32nd Street. Public access shall also be provided between such through block connection and the Tenth Avenue bridge at the time such bridge is constructed pursuant to paragraph (g) of this Section, and may connect to other public access areas or sidewalks. Such through block connection may be open to the sky or enclosed, need not be linear and may have necessary grade changes.

Such through block connection shall have a minimum width of 30 feet and any enclosed portion shall have a minimum height of 30 feet. As an alternative, if an enclosed atrium space adjacent to the outdoor plaza is provided as part of the through block connection that meets all the following dimensional requirements: (1) comprises no less than 4,000 square feet with a minimum height of 60 feet and a minimum depth of 50 feet as measured by a line parallel from the #building# wall facing the outdoor plaza; (2) is free of #building# structural obstructions other than vertical circulation and other elements occupying no more than 500 square feet in the aggregate; and (3) contains interior walls facing such area that comply with the ground floor retail #use# requirements of Section 93-14, paragraph (a),

then such through block connection may: (i) have a minimum width of 24 feet; and (ii) have a minimum height of 34 feet for at least 70 percent of the aggregate enclosed area of the through block connection (including the atrium), provided that no portion of the through block connection shall have a minimum height less than 17 feet.

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 the through block connection (or, if enclosed, the interior walls facing the through block connection). The through block connection may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that such permitted obstructions shall not occupy more than 20 percent of the through block connection, and a single path of travel no less than 24 feet in width is maintained. Vertical circulation elements traversing the grade changes of the through block connection shall be considered a part of the through block connection and not an obstruction.

(e) Connection to public plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the public plaza. Such connection need not be linear and may have necessary grade changes. 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 (or, if enclosed, the interior walls facing the connection). The minimum clear width of such public way shall be 20 feet. For any portions that are enclosed, the minimum clear height shall be 34 feet within at least 50 percent of the enclosed area of the connection to the public plaza, provided that no portion of the connection to the public plaza shall have a minimum height less than 17 feet. The connection to the public plaza may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that such permitted obstructions shall not occupy more than 20 percent of the connection to the public plaza and a single path of travel no less than 20 feet in width is maintained. Vertical circulation elements traversing the grade changes of the connection to the public plaza shall be considered a part of the connection to the public plaza and not an obstruction.

(f) Connection to High Line

A publicly accessible connection between the High Line and the outdoor plaza (hereinafter referred to as the "connection") shall be provided that has a minimum width, measured parallel to the High Line, of 60 feet and is located east of the Culture Facility Plaza. For a width of 60 feet measured parallel to the High Line, the clear height of the connection shall be at least 60 feet. Above such height, overhangs of the 60 foot width dimension of the connection shall be permitted by the movable portion of the #ERY Culture, Festival and Exhibit Facility#, provided that the angle of such overhang is a maximum of 14 degrees east of the vertical extension of the western edge of such 60 foot width, as measured from the intersection of such vertical extension with the 60 foot clear height of the connection. Additionally, such overhang shall project over no more than 16 feet of the 60 foot width dimension. Any portion of the connection east of the minimum 60 foot width shall, if covered, have a minimum clear height of 60 feet. The movable portion of the #ERY Culture, Festival and Exhibit Facility# shall be permitted to overhang any portion of the connection west of such minimum 60 foot width, provided that the angle of such overhanging portion is a maximum of 14 degrees measured at the western edge of the connection at its ground level. The glazing requirements of Section 93-14, paragraph (c), shall apply to at least 50 percent of the length of all #building# walls facing the connection.

(g) Tenth Avenue bridge

A publicly-accessible pedestrian bridge shall be provided over Tenth Avenue linking the through block connections required pursuant to paragraph (d) of this Section and paragraph (a) of Section 93-72 (Public Access Areas at 450 West 33rd Street). Such bridge need not be constructed until the 450 West 33rd Street through block connection has been completed. Such bridge may be open or enclosed, have a minimum clear width of 30 feet and, if enclosed, have a minimum clear height of 15 feet. Such bridge shall be located within 10 feet of the center line of West 32nd Street and be at the same elevation as the through block connection required pursuant to paragraph (a) of Section 93-72.

(h) #ERY High Line# and #Tenth Avenue Spur#

The #ERY High Line# shall be provided as a publicly accessible open area. The #Tenth Avenue Spur# may, at the option of the owner, also be provided as a publicly accessible open area.

- (1) In order to meet the public access area requirements of Section 93-71, paragraph (a), and this paragraph, (h), the following shall be provided for the #ERY High Line#, and shall, if the owner has elected to include the #Tenth Avenue Spur# as a public access area, be further provided for the #Tenth Avenue Spur#:
- (i) Payment of the #High Line Rehabilitation Deposit#; or subject to entry into construction-related agreements with the City or its designee, completion of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, not later than March 31, 2013, subject to a determination of force majeure by the City in accordance with the terms thereof. If the owner has elected to perform the rehabilitation work, then all such work shall be completed in accordance with plans and specifications prepared by or on behalf of the City;
 - (ii) Payment of the #High Line Landscape Improvement Deposit#;
 - (iii) Provision of #High Line Maintenance Funding#;
 - (iv) An easement agreement allowing use of the #ERY High Line# for public space in accordance with the requirements of this paragraph, (h), as well as for use and access for rehabilitation, improvement, maintenance and repair purposes, acceptable to the City.

Such requirements shall be set forth in agreements or instruments in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. The execution of such agreements by the owner, and mortgagees and parties in interest of the owner, and, where appropriate, the filing and recordation of such instruments in the Borough Office of the City Register of the City of New York, indexed against the property, shall be a precondition to the Chairperson's certification to the Department of Buildings for a building permit under Section 93-70. 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.

- (2) No certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 shall be permitted unless the #ERY High Line# is included as a public access area for the initial phase in accordance with the provisions of this paragraph, (h).
- (3) No crane permit shall be granted for construction of a #development# or #enlargement# in such initial phase until the Chairperson certifies to the Department of Buildings that: (i) either the #High Line Rehabilitation Deposit# has been made or all construction documents and instruments necessary for accomplishment of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, in accordance with paragraph (h)(1)(i) of this Section, have been executed and delivered; and (ii) the #High Line Landscape Improvement Deposit# has been made.
- (4) No temporary or permanent certificate of occupancy for a #development# or #enlargement# in such initial phase shall be granted unless the Chairperson certifies to the Department of Buildings that (i) either the #High Line Rehabilitation Deposit# has been previously furnished or the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been completed in accordance with the construction documents and instruments; (ii) the initial installment of #High Line Maintenance Funding# has been delivered, provided and to the extent that the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed and are open for use by the public; and (iii) the easement agreement described in paragraph (h)(1)(iv) of this Section, is in effect for the #ERY High Line#. The requirement for a certification of substantial completion of public access areas before the granting of a temporary certificate of occupancy for the #development# or #enlargement# within such phase pursuant to Section 93-70 shall not apply with respect to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.
- (5) Nothing herein shall be construed to affect any obligation of the owner to make the #High Line Rehabilitation Deposit# at an earlier date, in accordance with the terms of agreements or instruments entered into by the parties, or to complete rehabilitation work for the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, by March 31, 2013, subject to a determination of force majeure by the City in accordance with the terms of such agreements.

(6) Use by the City of the #High Line Landscape Improvement Deposit# for improvement of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, shall be subject to approval by the Chairperson, based upon a determination that the design and location of access points to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been arranged such that public use thereof will not result in any significant adverse impacts with respect to transit or pedestrians.

(i) Certifications for phased development pursuant to Section 93-70 granted before May 31, 2012

If a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before May 31, 2012, such certification shall expire 45 days following such date and shall thereupon no longer be in force and effect. Within said 45 day period, a new application for certification pursuant to Section 93-70 and Section 93-71, paragraph (h), shall be filed by the owner which shall include the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, as public access areas associated with the initial phase, in addition to any other public access areas previously so certified. The expiration of any certification under Section 93-70 granted before May 31, 2012, shall not affect the validity of any permit issued by the Department of Buildings prior to the expiration of such 45 day period, provided the new application under Section 93-70 and Section 93-71, paragraph (h), is made within such 45 day period.

In the event that a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before May 31, 2012, and a crane permit for the construction of a #development# or #enlargement# within such initial phase was granted prior to 45 days after May 31, 2012, the preconditions to issuance of a crane permit set forth in Section 93-71, paragraph (h), shall be prerequisites for the grant of any new certification for phased development made under this paragraph, (i).

(j) Culture Facility Plaza

A publicly accessible space located east of and #abutting# the non-moveable portion of an #ERY Culture, Festival and Exhibit Facility#, and bounded to the north by the outdoor plaza and to the south by the #ERY High Line# shall be provided. During times

when the Culture Facility Plaza is not covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza may be used for purposes of outdoor events related to an #ERY Culture, Festival and Exhibit Facility#. Outdoor installations for such events, including seating, shall be restricted to the Culture Facility Plaza. All such events shall be open and accessible to the general public free of admission charge, provided that ticketed events with tickets available on a first come, first served, or timed basis, shall be permitted. During all times when the Culture Facility Plaza is not used for an #ERY Culture, Festival and Exhibit Facility# event or covered by the moveable portion of an #ERY Culture, Festival and Exhibit Facility#, the Culture Facility Plaza shall be open and accessible to the public between the hours of 6:00 am and 1:00 am. Notwithstanding any other provision, the Culture Facility Plaza may be closed to the public not more than 12 days each calendar year for an event related to the #ERY Culture, Festival and Exhibit Facility#, provided that not less than five days prior to any such closing, notice is given to the applicable community board and is posted at conspicuous locations at such plaza. No #building# or portion of a #building# that is not used for an #ERY Culture, Festival and Exhibit Facility# shall have any obligation to comply with the requirements of paragraph (a), or this paragraph, (j), of this Section related to the Culture Facility Plaza.

(4/29/14)

93-72

Public Access Areas at 450 West 33rd Street

For the purposes of this Section 93-72, inclusive, 450 West 33rd Street shall be considered the area bounded by the eastern #street line# of Tenth Avenue, the northern #street line# of West 31st Street, a line 302 feet east of the eastern #street line# of Tenth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 1 and 15, existing on April 29, 2014. Any #development# or #enlargement# in such area shall provide public access areas in accordance with the provisions of this Section. However, if a special permit has been granted for the #development# of an arena pursuant to Section 74-41 in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street, the provisions of this Section may be

waived or modified in conjunction with such special permit. All public access areas listed in this Section shall be accessible to the public between the hours of 6:00 am and 1:00 am.

(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 Dyer Avenue platform required pursuant to paragraph (b) of this Section and paragraph (e) of Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard). 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 #public plazas# set forth in Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743, 37-744, 37-75, 37-76 and 36-77.

An #enlargement# that does not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, shall not be considered an #enlargement# for purposes of this paragraph (a).

(b) Dyer Avenue platform

A permanent easement shall be provided along the eastern edge of 450 West 33rd Street, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter, for the purposes of constructing the Dyer Avenue platform required pursuant to paragraph (d) of Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard). Such easement shall have a minimum width of 33 feet. Any amenities required by paragraph (d) of Section 93-73 may be located within such easement.

(c) West 31st Street Passageway

A publicly accessible passageway space, (hereinafter referred to as the "West 31st Street passageway") shall be provided connecting the Tenth Avenue podium required pursuant to paragraph (d) of this Section to the Dyer Avenue platform required pursuant to paragraph (d) of Section 93-73, as shown on Map 1 in Appendix B. The West 31st Street passageway shall be located at the same elevation as the Dyer Avenue platform. Such space shall be located within 35 feet of West 31st Street, have a minimum clear path of ten feet and be visually open to West 31st Street except for structural elements of the #building# at 450 West 33rd Street.

(d) Tenth Avenue podium

(1) Location and minimum dimensions

A publicly accessible area (hereinafter referred to as the "Tenth Avenue podium") shall be provided at the corner of Tenth Avenue and West 31st Street, as shown on Map 1 in Appendix B. The Tenth Avenue podium shall have a minimum area of 1,800 square feet, be located at the same elevation as the Dyer Avenue platform required pursuant to paragraph (d) of Section 93-73, and shall connect to the West 31st Street passageway required pursuant to paragraph (c) of this Section.

(2) Required amenities

The Tenth Avenue podium shall contain a minimum of four trees and be directly accessible from West 31st Street by a staircase and elevator. The stair and the adjoining area shall be open to West 31st Street except for columns and structural elements of the 450 West 33rd Street #building#.

(4/29/14)

93-721

Design and maintenance requirements for public access areas at 450 West 33rd Street

Public access areas at 450 West 33rd Street provided pursuant to the requirements of Section 93-72 shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

The public access areas required by paragraphs (c) and (d) of Section 93-72 shall comply with the following applicable design standards:

- (1) at least two litter receptacles in such public access areas shall be provided;
- (2) all open spaces within the public access areas shall provide open space signage pursuant to the standards set forth in Section 37-751 (Public space signage systems). In addition, a minimum of two wayfinding #signs# shall be provided;
- (3) the minimum level of illumination shall be 1.5 horizontal foot candles (lumens per foot);
- (4) no gates, fences or other barriers shall be permitted within such public access areas; and
- (5) for the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner(s) shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

(4/29/14)

93-722

Certification for public access areas at 450 West 33rd Street

For #enlargements# that do not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, in accordance with the provisions of Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard), no temporary or permanent certificate of occupancy shall be issued by the Department of Buildings for more than 3,204,000 square feet of #floor area developed# or #enlarged# on the Ninth Avenue Rail Yard until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a phasing plan has been submitted requiring the West 31st Street Passageway and the Tenth Avenue Podium, required pursuant to paragraphs (c) and (d) of Section 93-72 (Public Access Areas at 450 West 33rd Street), respectively, to be substantially complete and open to and useable by the public.

(4/29/14)

93-73

Public Access Areas on the Ninth Avenue Rail Yard

For the purposes of this Section 93-73, inclusive, the Ninth Avenue Rail Yard shall be considered the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line located 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 50 and 60, existing on April 29, 2014. Any #development# in such area shall provide public access areas in accordance with the provisions of this Section 93-73, inclusive.

Public access areas on the Ninth Avenue Rail Yard shall be comprised of the types of public access areas listed in this Section. Public

access areas shall also include the area of the sidewalk widenings along Ninth Avenue and West 33rd Street required pursuant to Section 93-61 (Pedestrian Circulation Space). The entry plaza and the art plaza, as set forth in paragraphs (a) and (c) of this Section, respectively, shall be subject to the hours of access provisions set forth in Section 37-727. All other public access areas listed in this Section shall be accessible to the public between the hours of 6:00 am and 1:00 am.

(a) Entry Plaza

(1) Location and minimum dimensions

A publicly accessible space, open to the sky (hereinafter referred to as the "entry plaza"), shall be located within the area bounded by the western #street line# of Ninth Avenue, the southern #street line# of West 33rd Street, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street and a line 60 feet west of and parallel to the western #street line# of Ninth Avenue, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter. The entry plaza shall have a minimum area of 10,080 square feet, shall have a minimum frontage along Ninth Avenue of 168 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section. No more than 50 percent of the entry plaza area shall be covered by the permitted obstructions described in paragraph (a) of Section 37-726.

(2) Required amenities

The entry plaza shall have the following amenities:

- (i) a minimum of eight trees (or other amounts equivalent to a minimum of 32 caliper inches);
- (ii) at least 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables. At least 50 percent of the seating, including movable seats, shall have backs and no more than 50 percent of the seating with backs shall be movable seating;
- (iii) two or more planting beds which, in the aggregate, occupy an area of at least 800 square feet. No more than 35 percent of the linear feet of the planting

beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;

- (iv) ground floor transparency, in accordance with the provisions of paragraph (c) of Section 93-14 (Ground Floor Level Requirements), shall apply to at least 70 percent of the length of all #building# walls facing the entry plaza; and
- (v) one clear pedestrian circulation path with a minimum width of 12 feet shall be provided adjacent to the #building# facing the entry plaza and shall extend for the full length of the #building# frontage.

(b) Central Plaza

(1) Location and minimum dimensions

A publicly accessible space (hereinafter referred to as the "central plaza"), shall be located within an area bounded by the western #street line# of Ninth Avenue, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street, a line 187 feet north of and parallel to the northern #street line# of West 31st Street and a line 478 west of and parallel to the western #street line# of Ninth Avenue, as shown on Map 1 in Appendix B. Except as provided in paragraph (b)(3) of this Section, the central plaza shall have a minimum area of 47,800 square feet, and shall have a minimum north-south dimension as measured from the #building# walls of the #buildings# facing onto the central plaza of 100 feet. The central plaza shall be open to the sky, except for the area occupied by the pavilion permitted by paragraph (b)(2)(vii) of this Section.

(2) Required amenities

The central plaza shall contain the following features and amenities:

(i) Landscaped area

A landscaped area shall be provided and shall contain a minimum of 44 trees (or other amounts equivalent to a minimum of 176 caliper inches), and planting beds which, in the aggregate, occupy an area of at least 7,500 square feet.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 1,000 square feet of such total requirement shall be occupied by planting beds.

(ii) Seating

A minimum of 725 linear feet of seating shall be provided, with 120 moveable chairs and 30 moveable tables. At least 50 percent of the required seating shall have backs.

Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 50 linear feet of seating of such total requirement shall be provided of which 50 percent shall have backs.

(iii) Event space

The portion of the central plaza located beyond a line drawn 295 feet west and parallel to the western #street line# of Ninth Avenue may be used for events (hereinafter referred to as the "event space"). Such event space shall have a maximum area of 4,500 square feet and may contain a temporary stage or platform and temporary seating associated with events. When such event space is not being used for an event, it shall contain a minimum of 192 linear feet of seating, with 96 moveable chairs and 24 moveable tables, and during the period April 1 to November 15, two moveable food carts within the event space or on the periphery thereof. Such tables and chairs shall be in addition to the amount required for the landscaped area in paragraph (b)(2)(ii) of this Section.

(iv) Circulation paths

Circulation paths in the central plaza shall meet the following minimum requirements:

- (aa) pedestrian circulation paths extending the full length of the central plaza with an aggregate width of not less than 30 feet shall be provided;

- (bb) at least two of the required circulation paths with a minimum clear width of twelve feet shall be located within 20 feet of the facade of each #building# facing the central plaza;
- (cc) in addition to the circulation paths required by paragraph (b)(2)(iv)(aa) of this Section, at least two circulation paths shall be provided through the landscaped area required by paragraph (b)(2)(i) of this Section, which connect with the circulation paths required by paragraph (b)(2)(iv)(bb) of this Section;
- (dd) all circulation paths shall be unobstructed during events held in the event space permitted by paragraph (b)(2)(iii) of this Section; and
- (ee) a clear path with a minimum aggregate width of at least 20 feet shall be maintained where the entry plaza required pursuant to paragraph (a) of this Section and the central plaza required by paragraph (b) of this Section intersect and where the art plaza required pursuant to paragraph (c) of this Section and the central plaza required by paragraph (a) of this Section intersect, provided that up to eight feet of such required clear path may be located within the entry plaza and within the art plaza respectively.

(v) Transparency

The transparency requirements of paragraph (c) of Section 93-14 (Ground Floor Level Requirements) shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing each side of the central plaza.

(vi) Retail continuity

At least 40 percent of the frontage of any #building# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14 (Ground Floor Level Requirements) and at least 50 percent of the aggregate frontage of all #buildings# fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14 (Ground Floor Level

Requirements). Such retail space shall have a minimum depth of 30 feet measured perpendicular to the wall adjoining the central plaza.

(vii) Pavilion

A #building# (hereinafter referred to as a "pavilion") containing #uses# listed in Use Groups 6A and 6C may be located within the central plaza, provided that such pavilion, and any seating associated with a use in the pavilion, shall be located at least ten feet west of the prolongation of the east face of the #building# fronting on the north side of the central plaza. The pavilion shall have a minimum #lot coverage# of 1,000 square feet and a maximum #lot coverage# of 3,000 square feet, with a maximum width of 40 feet parallel to Ninth Avenue. Such pavilion shall be no more than one #story# in height, except such one #story# limitation may be exceeded by portions of the pavilion allocated to mechanical equipment as well as restrooms and a food preparation kitchen occupying, in the aggregate, no more than 200 square feet area. Such pavilion shall not exceed a height limit of 25 feet, except that the permitted obstructions set forth in Section 33-42, as well as restrooms and a food preparation kitchen located above the level of the first #story# may be permitted to exceed such height limit provided that the height of such restroom and food preparation kitchen do not exceed ten feet. Seating may be provided for the #uses# in the pavilion provided that the total area occupied by the pavilion and such associated seating does not exceed a maximum #lot coverage# of 3,600 square feet and that such seating shall not count towards meeting the seating requirements set forth in paragraphs (b)(2)(ii) and (iii) of this Section. Floor space within the pavilion shall not be considered #floor area#. At least 60 percent of the exterior walls of the pavilion shall be transparent except for structural supports, provided that 100 percent of the east facing wall of the pavilion shall be transparent except for structural supports.

(3) Alternative design option

Notwithstanding the provisions of paragraph (b)(1) of this Section, the minimum north-south width of the central plaza

may be reduced to no less than 80 feet for at least 50 percent of the aggregate frontage of the #buildings# fronting on the central plaza, provided that such narrowed portion begins no further than 150 feet from the western #street line# of Ninth Avenue, and further provided that the minimum size of the central plaza is not less than 41,382 square feet. The minimum height of a #building# wall fronting upon such narrowed portion shall be 45 feet, and the maximum height of such #building# wall shall not exceed 85 feet. Above a height of 85 feet, the minimum setback distance shall be 10 feet and the minimum distance between #buildings# fronting on the central plaza shall be 100 feet.

(4) Closing of event space

The City Planning Commission may allow the closing of the event space for up to 12 events per year pursuant to a restrictive declaration acceptable to the City and recorded in the office of the City Register for New York County and indexed against the property.

(c) Art Plaza

(1) Location and minimum dimensions

A publicly accessible space open to the sky (hereinafter referred to as the "art plaza") shall be located in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 40 feet west of and parallel to the western #street line# of Ninth Avenue and a line 187 feet north of and parallel to the northern #street line# of West 31st Street, as shown on Map 1 in Appendix B. The art plaza shall have a minimum area of 7,480 square feet, a minimum east-west dimension of 40 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section.

(2) Required amenities

The art plaza shall contain the following features and amenities:

- (i) a minimum of four trees (or other amounts equivalent to a minimum of 16 caliper inches);

- (ii) planting beds which, in the aggregate, occupy an area of at least 410 square feet;
- (iii) a minimum of 45 linear feet of seating;
- (iv) one or more pieces of artwork. Such artwork may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#; and
- (v) the transparency requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing the art plaza.

(d) Dyer Avenue Platform

(1) Location and minimum dimensions

A publicly accessible platform shall be constructed over Dyer Avenue connecting West 33rd Street and West 31st Street (hereinafter referred to as the "Dyer Avenue Platform"), as shown on Map 1 in Appendix B. The Dyer Avenue platform shall include the easement area described in paragraph (b) of Section 93-72 and shall directly connect with the central plaza and the West 31st Street connector required by paragraphs (b) and (e) of this Section, respectively. The Dyer Avenue platform shall have a minimum east-west dimension of 53 feet and a minimum north-south dimension of 455 feet. However, such minimum east-west dimension may be reduced to accommodate an extension of such existing egress stair in order to adjoin the level of the platform, or to accommodate up to 15 inches of additional exterior wall thickness added to the eastern face of the existing #building# at 450 West 33rd Street. Except for any portion of the Dyer Avenue platform which on April 29, 2014, was covered by the #building# located at 450 West 33rd Street and the existing egress stairs on the eastern face on such #building#, or the permitted additions thereto, respectively, the Dyer Avenue platform shall be open to the sky.

(2) Required amenities

The Dyer Avenue platform shall contain the following features and amenities which may be located on the portion of the Dyer Avenue platform located within the easement

provided pursuant to paragraph (b) of Section 93-72 (Public Access Areas at 450 West 33rd Street):

- (i) a minimum of sixteen trees (or other amounts equivalent to a minimum of 64 caliper inches), of which a minimum of twelve trees (or other amounts equivalent to a minimum of 48 caliper inches) shall be located south of the center line of the prolongation of West 32nd Street;
- (ii) planting beds, which in the aggregate, occupy an area of at least 1500 square feet, of which a minimum of 450 square feet of planting beds shall be located south of the center line of the prolongation of West 32nd Street and a minimum of 250 square feet of planting beds shall be located within 30 feet of the southern street line of 33rd Street. No more than 25 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;
- (iii) a minimum of 350 linear feet of seating shall be provided, of which 50 percent shall consist of seats with backs and with at least 210 linear feet of seating located south of the center line of the prolongation of West 32nd Street and a minimum of 50 linear feet of seating located within 30 feet of the southern street line of West 33rd Street;
- (iv) the glazing requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls fronting on the eastern edge of the Dyer Avenue platform; and
- (v) at least two pedestrian circulation paths with a minimum clear path of 8 feet or one circulation path with a minimum clear path of 12 feet shall be provided along the full length of the Dyer Avenue platform, from West 31st Street to West 33rd Street.

Vertical circulation elements, including stairs and ramps traversing the grade changes of the Dyer Avenue platform shall be considered a part of the Dyer Avenue platform and not an obstruction.

(e) West 31st Street Connector

(1) Location and minimum dimensions

A publicly accessible connection (hereinafter referred to as the "West 31st Street connector") shall be provided between the Dyer Avenue platform required pursuant to paragraph (e) of this Section and West 31st Street, as shown on Map 1 in Appendix B. The West 31st Street connector shall be located on West 31st Street adjoining the eastern boundary of the Dyer Avenue platform and shall have a minimum area of 450 square feet.

(2) Required amenities

The West 31st connector shall be directly accessible from West 31st Street by a staircase with a minimum width of 8 feet and by an elevator.

(f) Connection to below-grade passage

Where a pedestrian passage extending from the Eighth Avenue Subway beneath West 33rd Street to the west side of Ninth Avenue has been constructed, an entrance within the #development# shall be constructed that connects with such passage.

(4/29/14)

93-731

Design and maintenance requirements for public access areas on the Ninth Avenue Rail Yard

Public access areas on the Ninth Avenue Rail Yard provided pursuant to the requirements of Section 93-73, shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

- (1) seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating), inclusive;
- (2) where planting areas are provided, they shall meet the soil depth, continuous area, permeable surface and irrigation

requirements of Section 37-742 (Planting and trees). Where trees are provided, they shall meet the planting standards, soil requirements and irrigation standards set forth in Section 37-742;

- (3) steps shall meet the minimum dimensional standards set forth in Section 37-725 (Steps);
- (4) kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes) and shall not occupy in the aggregate more than 20 percent of the public access areas required by Section 93-73. Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section 93-73;
- (5) all open spaces within the public access areas shall provide open space signage pursuant to the standards set forth in Section 37-751 (Public space signage system). In addition, a minimum of two wayfinding #signs# shall be provided;
- (6) where #buildings# front on to public access areas, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions);
- (7) the aggregate number of litter receptacles in such public access areas shall be 21;
- (8) no gates, fences or other barriers shall be permitted within such public access areas; and
- (9) for the purposes of applying the #sign# regulations to #building# walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner or owners shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

(4/29/14)

93-732

Certification for public access areas on the Ninth Avenue Rail Yard

No certification for the phased development of public access areas on the Ninth Avenue Rail Yard shall be permitted until a plan has been submitted that provides for the completion of public access areas in accordance with the provisions of this Section. Such plan shall provide, at a minimum, that the entry plaza, required pursuant to paragraph (a) of Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard) will be provided in connection with the construction of a #building# located on the northeast corner of the Ninth Avenue Rail Yard, that the art plaza, required pursuant to paragraph (c) of Section 93-73, will be provided in connection with the construction of a #building# located on the southeast corner of the Ninth Avenue Rail Yard and that in connection with the construction of a #building# on the southwest corner of the Ninth Avenue Rail Yard, the West 31st Street connector required by paragraph (e) of Section 93-73, and a 20-foot wide paved area along the eastern edge of Dyer Avenue and extending for the north-south dimension of such #building# will be provided.

An application for certification under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include a site plan indicating the area and dimensions of the public access area, or portions thereof, and a detailed plan or plans demonstrating compliance with the requirements of Section 93-73.

Plans for the public access areas shall be set forth in an instrument in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Office of the City Register of the City of New York for New York County and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification to the Department of Buildings under this Section. 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 certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area, or

portions thereof associated with such phase, is substantially complete and that such public access area, or portions thereof, are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public access areas, or portions thereof, are fully complete, and that all requirements of this Section have been met in accordance with the plans for public access area, or portions thereof associated with such phase.

No temporary certificate of occupancy from the Department of Buildings may be issued for a #building#, or portion thereof, where the total amount of #floor area# that has been #developed# or #enlarged# on the Ninth Avenue Rail Yard exceeds 3,204,000 square feet until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access areas at 450 West 33rd Street required by paragraphs (c) and (d) of Section 93-72 and that all public access areas on the Ninth Avenue Rail Yard required by Section 93-73 have been substantially completed and are open and usable by the public. Notwithstanding the foregoing, the Chairperson may, with respect to the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 at 450 West 33rd Street, certify to the Commissioner of Buildings that such temporary certificate of occupancy may be issued absent their substantial completion provided that:

- (a) the owner of 450 West 33rd Street has submitted proof that all or portions of the area of the West 31st Street passageway required by paragraph (c) of Section 93-72 was at any time subject to a lease with an expiration date of December 31, 2019 and was not able to obtain control of the areas subject to such lease on or before December 31, 2017;
- (b) a letter of credit has been posted in accordance with City requirements, and such letter of credit:
 - (1) is in an amount equal to 200 percent of the estimated cost to construct the public access area and the elevator at 450 West 33rd Street, required by paragraphs (c) and (d) of Section 93-72, respectively, as set forth in a cost estimate prepared by a professional engineer. Such cost estimate shall be based upon construction documents prepared by a registered architect and submitted with the application for certification pursuant to this Section, and shall be subject to review and acceptance by the City; and

- (2) authorizes the City to draw upon the letter of credit if such public access area and elevator have not been substantially completed and are not open and usable by the public by December 31, 2022;
- (c) that an easement agreement has been recorded granting the City access to 450 West 33rd Street and the Ninth Avenue Rail Yard, as may be necessary for purposes of constructing the public access area and elevator required by paragraphs (c) and (d) of Section 93-72, respectively, if they are not completed by the owner by December 31, 2022; and
- (d) in addition to the foregoing, such letter of credit shall be maintained from the date of certification for temporary certificates of occupancy, pursuant to this Section, until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that the public access area required by paragraph (c) and the elevator required by paragraph (d) of Section 93-72 have been substantially completed and are open and usable by the public, or until same have been substantially completed by the City. The Chairperson may, no more frequently than annually, require the submission of an updated or new letter of credit in an amount that reflects changes in costs over time, and such updated or new letter of credit shall be subject to the requirements and procedures of paragraph (b) of this Section, until such letter of credit is released based upon substantial completion.

Notwithstanding the foregoing, in the event that a temporary public access area plan is approved pursuant to Section 93-734

(Certification to temporarily modify public access areas for construction staging), no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with a phase of #development#, is substantially complete and in accordance with such temporary public access area plan, and the public access area, or portions thereof, are open and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, has been fully completed in accordance with the plan therefor, and that such public access area, or portions thereof, are open and useable by the public.

(4/29/14)

93-733

Certification to modify general requirements of public access areas for ventilation demands

The Chairperson of the City Planning Commission may modify the general requirements of the public access areas listed in Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the Ninth Avenue Rail Yard. In addition to the site plan required pursuant to Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard), a mechanical plan shall be provided demonstrating the need to modify such general requirements.

(4/29/14)

93-734

Certification to temporarily modify public access areas for construction staging

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that the area designated for public access will be required for construction staging or similar activities in a future phase of #development#, the application for the site plan approval may be accompanied by a request for approval of a temporary public area which may include fewer amenities and other features required pursuant to Section 93-73 (Public Access Areas on the Ninth Avenue Rail Yard), as necessary to accommodate such future construction staging or similar activities.

Such temporary public access area plan shall be subject to review and approval in the same manner as site plan approval pursuant to Section 93-732 (Certification for public access areas on the Ninth Avenue Rail Yard) and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of development. Following the expiration of such period, the site plan shall be implemented.

(2/2/11)

93-74

Public Access Areas in Pennsylvania Station Subarea B4

The provisions of this Section shall apply to any #development# in the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B.

(a) Public space

A publicly accessible enclosed space with a minimum area of 32,500 square feet shall be provided. Such space shall have at least 100 feet of frontage along the Eighth Avenue #street line#, and have a minimum clear height of 60 feet. The length of such space shall not exceed four times its narrowest width. Up to one-half of such space may be below-grade but shall be visually connected to the at-grade space. Furthermore, such below-grade space shall be connected to the at-grade space by escalators on at least two sides. The retail and glazing requirements of Section 93-14 shall apply to least 70 percent of the length of all #building# walls facing each side of such space. Such space shall provide direct access to the through block connection required pursuant to paragraph (b) of this Section, adjacent #building# lobbies and transit facilities.

(b) Through block connection

A through block connection shall be provided linking West 31st Street and West 33rd Street, at least 300 feet from Eighth Avenue and with direct access to the public space required pursuant to paragraph (a) of this Section. Such through block connection shall have a minimum clear width of 20 feet and may be open or enclosed. If enclosed, such through block connection shall have a minimum clear height of 30 feet.

(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 provided in accordance with the standards for #public plazas# set forth in Section 37-70, inclusive.

(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 37-53. 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 a plaza is provided at such corner in accordance with paragraph (c) of this Section.

(4/29/14)

93-75

Publicly Accessible Open Spaces in Subdistrict F

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible open spaces are listed in this Section, inclusive. Such publicly accessible open spaces shall be comprised of the Western Open Space, the Central Open Space, the Southwest Open Space, the Northeast Plaza, the Midblock Connection, and the #High Line# as described within this Section, inclusive. Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B identifies the location of publicly accessible open spaces.

General requirements for each publicly accessible open space are set forth within this Section. Design requirements for each publicly accessible open space are set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F). The phasing and approval process for each publicly accessible open space is set forth in Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

All publicly accessible open spaces listed in this Section shall be accessible to the public from the hours of 6:00 am to 1:00 am with the exception of the #High Line# and the Northeast Plaza. The Northeast Plaza shall provide hours of access pursuant to Section 37-727.

(4/29/14)

93-751

General requirements for the Western Open Space

A publicly accessible open space, (henceforth referred to as the "Western Open Space"), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that amenities that are provided in accordance with this Section and Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Western Open Space.

(a) General purpose

The Western Open Space is intended to serve the following purposes:

- (1) to provide a major open space that joins the northern portion of the #High Line# open space network on its west to the open space networks leading to the Hudson Park and Boulevard on its east;
- (2) to provide a large open lawn area overlooking the Hudson River for public use and enjoyment; and
- (3) to provide transition areas that offer shade, supplemental space between the open lawn and surrounding #buildings#, and connections between surrounding publicly accessible open spaces.

(b) Location and minimum dimensions

The Western Open Space shall be located east of the #High Line#, and encompass the area between Sites 1 and 5 as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B. The Western Open Space shall have a minimum easterly boundary of 225 feet, as measured from the easterly #street line# of Twelfth Avenue.

(c) Core elements

The Western Open Space shall provide the following core elements:

(1) Lawn area

An accessible lawn area shall be provided with a minimum area of one acre. Any lawn area located within 40 feet of a #building# wall on Sites 1 or 5 shall not contribute towards this one acre requirement. The required lawn area shall be comprised of the following amenities:

- (i) a continuous lawn area shall be provided over a minimum of 75 percent of the required one acre. Such area shall have a maximum slope of three degrees and unobstructed visual access toward the Hudson River; and
- (ii) a transitional lawn area may be provided for a maximum of 25 percent of the required one acre of lawn area. Such area need not be continuous, and shall have a maximum slope of 15 degrees. Trees and other plantings shall be permitted in such area.

(2) #High Line# connection

Access to the #High Line# shall be provided along a minimum of 75 feet and a maximum of 150 feet of #High Line# frontage length. Such frontage need not be continuous, however, in order to qualify as unobstructed access that contributes to the minimum 75 foot requirement set forth in this paragraph, (c)(2), a minimum frontage width of five feet is required. Such access need not be opened to the public until the #High Line# is reconstructed as public open space in accordance with the provisions of Section 93-756 (General requirements for the High Line).

(3) Supplemental area

Any space provided in the Western Open Space which does not meet the criteria for lawn area set forth in paragraph (c)(1) of this Section or the criteria for the #High Line# connection set forth in paragraph (c)(2) shall be designated as supplemental area and shall comply with the requirements set forth in this paragraph, (c)(3).

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 2,000 square feet of supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. One such pedestrian access shall link the West 32nd Street Extension's Allee, as defined in paragraph (c)(2) of Section 93-761 and shown on Map 3 in Appendix B, to the #High Line#, and the second such

pedestrian access shall link the West 31st Street Extension to the #High Line#.

A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area. At least 50 percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area.

Permanent structures such as food or information kiosks, pavilions or public restrooms may be placed within the supplemental area, provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet, and such structures shall be exempt from the definition of #floor area#.

(d) Transparency

For portions of #buildings# on Site 1 and Site 5 fronting upon the Western Open Space, a minimum of 50 percent of the surface area of the ground floor #street wall# fronting upon the open space shall be treated with clear, untinted transparent material.

(e) Permitted encroachments from private streets and pedestrian ways

The Connector and the terminus of the West 32nd Street Extension shall be permitted to encroach upon the supplemental area of the Western Open Space, provided that the site and landscape plans incorporating the private street or pedestrian way are approved in conjunction with the Western Open Space, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

(4/29/14)

93-752

General requirements for the Central Open Space

A publicly accessible open space, (henceforth referred to as the "Central Open Space"), shall be provided in Subdistrict F. Such a space shall be open to the sky, except that portions of a #building# on Site 3 and amenities that are provided in accordance with Sections

93-75 and 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Central Open Space.

(a) General purpose

The Central Open Space is intended to serve the following purposes:

- (1) to serve as a neighborhood open space;
- (2) to provide amenities for area residents, workers, and the general public; and
- (3) to provide areas that offer varied programs, supplemental spaces between amenities and surrounding #buildings# and connections between surrounding publicly accessible open spaces.

(b) Location and dimensions

The Central Open Space shall be located within the area bounded by the West 32nd Street Extension, the West 31st Street Extension, the Connector and Eleventh Avenue, and shall also be comprised of any portion of Sites 3 and 4 that are not covered by #buildings# at the ground level as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

The Central Open Space shall have a minimum dimension in the north-south direction as measured from the southerly #street line# of the West 32nd Street Extension to the northerly #street line# of the West 31st Street Extension of 175 feet. In addition, the minimum dimension of the Central Open Space in the north-south direction between the northern boundary of Site 3 and the southerly #street line# of the West 32nd Street Extension shall be 55 feet.

The Central Open Space shall have a minimum dimension in the east-west direction as measured from the easterly #street line# of the Connector to the westerly #street line# of Eleventh Avenue of 545 feet. In addition, the minimum dimension of the open space in the east-west direction between the eastern boundary of Site 3 and the western boundary of Site 4 shall be 265 feet.

Within 350 feet of the Eleventh Avenue #street line#, the maximum height of the finished grade of the Central Open Space

shall be 45 feet above the Manhattan Datum, which is 2.75 feet above sea level. Beyond 350 feet of Eleventh Avenue, the maximum height of the finished grade shall be 47 feet above the Manhattan Datum.

(c) Core elements

The Central Open Space shall provide the following core elements:

(1) Lawn area

An accessible lawn area shall be provided with a minimum aggregate area of 10,000 square feet and a maximum slope of three degrees. Such area need not be continuous. Any lawn area located within 12 feet of a #building# wall on Sites 3 or 4 shall not contribute towards such minimum gross area.

(2) Playground

A playground shall be provided with a minimum area of 10,000 square feet.

(3) Supplemental area

Any space in the Central Open Space other than the required lawn area set forth in paragraph (c)(1) of this Section or the required playground space set forth in paragraph (c)(2) of this Section, shall be designated as supplemental area and shall comply with the requirements set forth in this Section.

A minimum of 50 percent of the supplemental area shall be landscaped with soft ground cover, and the remaining 50 percent may be paved. At least one tree shall be provided for every 1,500 square feet of the supplemental area. Such trees may be distributed anywhere within the supplemental area.

A minimum of two unimpeded paved pedestrian accesses, each with a minimum width of 12 feet, shall be provided in the supplemental area. Such pedestrian access shall link the West 31st and West 32nd Street Extensions and be no closer than 150 feet to one another at any point.

A minimum of one linear foot of seating shall be provided for every 75 square feet of supplemental area. At least 50

percent of such required seating shall provide seatbacks. Such seating may be distributed anywhere within the supplemental area.

Within 15 feet of a required sidewalk or pedestrian access, the slope of the supplemental area shall not exceed 7.5 degrees, or a maximum height of two feet. Beyond 15 feet of a required sidewalk or pedestrian access, the slope of the supplemental area shall not exceed 15 degrees.

(d) Permanent structures

Permanent structures, such as food or information kiosks, pavilions or public restrooms may be placed within the Central Open Space, provided the height of such structures does not exceed 20 feet. The maximum #lot coverage# that all such permanent structures may occupy shall be 400 square feet and such structures shall be exempt from the definition of #floor area#.

(e) Transparency

For portions of #buildings# in Site 4 fronting upon the Central Open Space, a minimum of 50 percent of the surface area of the ground floor #street wall# fronting upon the open space shall be treated with clear, untinted transparent material.

(f) Permitted encroachments from private streets and pedestrian ways

The Connector and the terminus of the West 31st Street Extension shall be permitted to encroach upon the supplemental area of the Central Open Space, provided that the site and landscape plans incorporating the private street or pedestrian way are approved in conjunction with the Central Open Space, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

(4/29/14)

93-753

General requirements for the Southwest Open Space

A publicly accessible open space, (henceforth referred to as the "Southwest Open Space"), shall be provided in Subdistrict F. Such accessible open space shall be open to the sky, except that portions

of a #building or other structure# on Site 5, the #High Line# and amenities that are provided in accordance with Sections 93-75 and 93-77 (Design Criteria for Public Access Areas in Subdistrict F) shall be permitted to cover a portion of the Southwest Open Space.

(a) General purpose

The Southwest Open Space is intended to serve the following purposes:

- (1) to serve as an inviting pedestrian gateway to the Western Rail Yard from open space networks along the Hudson River;
- (2) to provide pedestrian amenities and connections between surrounding public spaces both on and adjacent to the Western Rail Yard; and
- (3) to offer a unique open space experience for pedestrians through the negotiation of the area's grade changes.

(b) Location and minimum dimensions

The Southwest Open Space shall be located within the area bounded by Twelfth Avenue, the Western Open Space, the West 31st Street Extension, Site 6 and West 30th Street, and shall also be comprised of any portion of Site 5 which is not covered by a #building or other structure# at the ground level as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

The Southwest Open Space shall have a minimum dimension in the east-west direction as measured from the easterly #street line# of Twelfth Avenue to the western boundary of Site 6 of 400 feet. However, if the length of Site 6 is extended to accommodate a public #school# in accordance with the provisions of paragraph (b) of Section 93-568 (Site 6), the minimum dimension of the Southwest Open Space shall be 360 feet.

The Southwest Open Space shall have a minimum dimension in the north-south direction as measured from the northerly #street line# of West 30th Street to the southern boundary of the Western Open Space of 180 feet and a maximum dimension of 200 feet.

(c) Core elements

The Southwest Open Space shall have the following core elements. For the purpose of determining the amount of an amenity to

provide in relation to the area of the Southwest Open Space, the area of the Southwest Open Space shall exclude the area occupied by a #building or other structure# on Site 5 and the #High Line#.

A minimum of 50 percent of the area of the Southwest Open Space shall be landscaped with soft ground cover, and the remaining 50 percent of the Southwest Open Space may be paved. At least one tree shall be provided for every 1,500 square feet of Southwest Open Space.

An unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the West 31st Street Extension. If such pedestrian access contains 'switchbacks,' comprised of a series of ascending pedestrian ways, the minimum distance between midpoints of each way, as measured, in plan, from the northerly edge of one way to the southerly edge of the next ascending way shall be 15 feet.

A second unimpeded paved pedestrian access with a minimum width of 12 feet shall link either Twelfth Avenue or West 30th Street and the #High Line bed# or with an elevator located adjacent to the #High Line# that provides public access to the #High Line bed#. Such access need not be opened to the public until the #High Line# is reconstructed as public open space in accordance with the provisions of Section 93-756.

A minimum of one linear foot of seating shall be provided for every 75 square feet of soft ground cover provided within the Southwest Open Space. At least 50 percent of such required seating shall provide seatbacks.

Permanent structures, such as food or information kiosks, pavilions or public restrooms shall be permitted within the Southwest Open Space, provided the height of such structures does not exceed 20 feet. The maximum area #lot coverage# that all such permanent structures may occupy shall be 1,000 square feet, provided that such structures are located entirely west of the #High Line#. Such permanent structures shall be exempt from the definition of #floor area#.

(d) Permitted encroachments from private streets

The terminus of the West 31st Street Extension shall be permitted to encroach upon the Southwest Open Space, provided that the site and landscape plans for the West 31st Street Extension are approved in conjunction with the Southwest Open

Space, pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

(4/29/14)

93-754

General requirements for the Northeast Plaza

A publicly accessible open space, (henceforth referred to as the "Northeast Plaza"), shall be provided at the intersection of West 33rd Street and Eleventh Avenue, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B. The area of such space shall be at least 2,600 square feet, and shall have a minimum #street# frontage of 40 feet along each #street#. The Northeast Plaza shall be provided in accordance with the standards for #public plazas#, as set forth in Section 37-70 (PUBLIC PLAZAS), exclusive of the area dimensions set forth in Section 37-712.

(4/29/14)

93-755

General requirements for the Midblock Connection

A pedestrian way, (henceforth referred to as the "Midblock Connection"), shall be provided between West 33rd Street and the West 32nd Street Extension, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

(a) General purpose

The Midblock Connection is intended to serve the following purposes:

- (1) to provide pedestrian access between West 33rd Street and the Western Rail Yard Subdistrict F; and
- (2) to provide amenities similar to a through block public plaza.

(b) Location and dimensions

The entirety of the Midblock Connection shall be located between 335 feet and 455 feet west of the westerly Eleventh Avenue #street line#.

The minimum width of the Midblock Connection, measured in the east-west direction, shall be 60 feet.

(c) Core elements

The Midblock Connection shall provide the following core elements:

- (1) A minimum of one unimpeded pedestrian access, with a minimum width of 12 feet, shall be provided to connect the West 32nd Street Extension with West 33rd Street;
- (2) A minimum of one linear foot of seating shall be provided for every 75 square feet of the Midblock Connection. A minimum of 50 percent of the required seating shall provide seatbacks; and
- (3) A minimum of 20 percent of the gross area of the Midblock Connection shall be landscaped with soft ground cover, and shall provide a minimum of one tree per every 1,500 square feet.

(2/2/11)

93-756

General requirements for the High Line

For the portion of the #High Line# that is located within the boundary of Subdistrict F, the following provisions shall apply.

(a) General purpose

The #High Line# is intended to serve the following purposes:

- (1) to serve as a continuation of the #High Line# public open space to the east and to the south of West 30th Street;
- (2) to offer a pedestrian and passive open space experience similar to the #High Line# open space south of West 30th Street, through planting, materials and amenities, while

taking into account the nature and character of the Western Rail Yard Subdistrict F; and

- (3) to allow for connections to other public areas on the Western Rail Yard Subdistrict F.

(b) Permitted #uses#

Any permitted change of #use# for the #High Line# shall be made pursuant to the provisions of Section 93-10 (USE REGULATIONS).

(c) Core elements

The #High Line# open space shall provide amenities including, but not limited to, planting, seating and lighting designed so as to complement and be integrated with portions of the #High Line# south of West 30th Street in a manner that provides both visual and pedestrian continuity along the #High Line# open space network. The #High Line# open space shall not be subject to the design criteria for public access areas in Subdistrict F set forth in Section 93-77.

The site and landscape plans for the #High Line# approved pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F) shall make provision for access points to and from the High Line Open Space, including the public access provided in the Southwest Open Space pursuant to Section 93-753 (General requirements for the Southwest Open Space) and, subject to agreement, shall include support facilities necessary for the operation, maintenance and public enjoyment of the #High Line# open space located in Subdistrict F, or at other locations north of West 30th Street.

(d) Certification to modify requirements adjacent to the #High Line#

The Chairperson of the City Planning Commission may modify certain regulations on adjacent development sites 1 through 6, provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary in order to provide access to the #High Line# open space or to accommodate facilities for the #High Line# open space, and that such change is compatible with the character of developed portions of the #High Line# south of West 30th Street.

The following regulations may be modified:

- (1) The ground floor level requirements set forth in Section 93-14 (Ground Floor Level Requirements), where applicable;
- (2) The unobstructed five foot separation between the #High Line# and a #street wall# on Sites 1, 5 and 6 required pursuant to paragraph (a) of Section 93-561 (General rules for Subdistrict F) in order to accommodate a pedestrian access way, open to the sky, between the #High Line# and such development sites. However, the required five foot #street wall# separation from the edge of the #High Line# shall not be modified;
- (3) The #street wall# requirements for Site 6 set forth in Section 93-562 (Street wall regulations for certain streets), only as necessary to accommodate pedestrian access onto the #High Line#;
- (4) The general requirements for the Western Open Space and the Southwest Open Space set forth in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F); and
- (5) The general requirements for the 30th Street Corridor set forth in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F).

Any application for such change shall be included in the application for the site and landscape plans submitted pursuant to the provisions of Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F) for the #High Line# open space.

(4/29/14)

93-76

Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

Publicly accessible private streets and pedestrian ways shall be provided in Subdistrict F in addition to the publicly accessible open spaces required in Section 93-75. Such private streets and pedestrian ways shall be comprised of the West 31st and West 32nd Street Extensions, the West 30th Street Corridor and the Connector. Map 3

(Subdistrict F: Public Access Area Plan) in Appendix B of this Chapter identifies the location of these publicly accessible private streets and pedestrian ways.

General requirements for each publicly accessible private street and pedestrian way are set forth within this Section. Design requirements for each publicly accessible private street and pedestrian way are set forth in Section 93-77 (Design Criteria for Public Access Areas in Subdistrict F). The phasing and approval process for each publicly accessible private street and pedestrian way are set forth in Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

Publicly accessible private streets and pedestrian ways listed in this Section shall be accessible to the public at all times.

(4/29/14)

93-761

General requirements for the West 32nd Street Extension

A private street, (henceforth referred to as the "West 32nd Street Extension"), shall be provided south of and parallel to West 33rd Street.

(a) General purpose

The West 32nd Street Extension is intended to serve the following purposes:

- (1) to serve as the primary publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;
- (2) to provide an experience substantially similar to active public #streets# in other high-density, mixed use districts;
- (3) to provide a unique urban park-like experience for an active public #street# by connecting the Western Open Space and the Eastern Rail Yard plaza with a pedestrian Allee, as defined in paragraph (c)(2) of this Section and shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B; and

- (4) to provide a private street with core elements that are substantially similar to the surrounding public #streets#.

(b) Location and dimensions

The West 32nd Street Extension shall have its northerly edge located a minimum of 180 feet and a maximum of 200 feet south of the West 33rd Street #street line#, as shown on Map 3 in Appendix B, except that a terminus to the West 32nd Street Extension, located west of the Connector shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a #building# entrance drive along Site 1, and complies with the provisions set forth in paragraph (e) of Section 93-751 (General requirements for the Western Open Space).

(c) Core elements

The West 32nd Street Extension shall provide the following core elements:

(1) Streets and sidewalk requirements

The West 32nd Street Extension shall be a private street constructed to minimum Department of Transportation and Fire Department standards for public #streets#.

Such private street shall consist of:

- (i) a road bed, paved with asphalt, with a minimum width pursuant to the requirements set forth by the Fire Department;
 - (ii) a 20 foot minimum sidewalk along its entire northern curb; and
 - (iii) a 25 foot minimum sidewalk along its entire southern curb.
- (2) Planting and seating requirements for the southern sidewalk and the Allee

Two trees shall be planted for every 20 feet of southern curb length of the West 32nd Street Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted

at approximately equal intervals along the entire curb length of the West 32nd Street Extension.

Along the southern sidewalk, trees shall be planted within five feet of the curb and the southern edge of the sidewalk. One row of trees shall be planted within five feet of the curb and a second row of trees shall be planted within five feet of the southern edge of the sidewalk. This double row of tree planting along the southern sidewalk of the West 32nd Street Extension between Eleventh Avenue and the Connector shall henceforth be referred to as the Allee, as shown on Map 3 in Appendix B. No building or other structure shall be permitted within 15 feet of the southern edge of the Allee.

The Allee shall provide a minimum of one linear foot of seating for every 75 square feet of the Allee. A minimum of 50 percent of the required seating shall provide seatbacks.

(3) Planting requirements for the northern sidewalk

One tree shall be planted for every 25 feet of curb length of the West 32nd Street Extension along its northern curb between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of the West 32nd Street Extension between Eleventh Avenue and the Connector. Along the northern sidewalk, trees shall be planted within five feet of the curb.

(4) Curb cuts

No curb cuts shall be permitted along the West 32nd Street Extension, except for access to the Connector if required by the Fire Department.

(4/29/14)

93-762

General requirements for the West 31st Street Extension

A private street, (henceforth referred to as the "West 31st Street Extension"), shall be provided north of and parallel to West 30th Street.

(a) General purpose

The West 31st Street Extension is intended to serve the following purposes:

- (1) to serve as a publicly accessible pedestrian and vehicular connection to the Western Rail Yard from Eleventh Avenue;
- (2) to provide an experience substantially similar to active public #streets# in other high-density, mixed use districts; and
- (3) to provide a private street with core elements that are substantially similar to the surrounding public #streets#.

(b) Location and dimensions

The West 31st Street Extension shall have its southerly edge located a minimum of 180 feet and a maximum of 200 feet north of the West 30th Street #street line#, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B, except that a terminus to the West 31st Street Extension, located west of the Connector, shall be permitted to expand beyond the maximum dimensions, provided that such terminus extends to provide a #building# entrance drive along Site 5, and complies with the provisions set forth in paragraph (d) of Section 93-753 (General requirements for the Southwest Open Space), and/or paragraph (f) of Section 93-752 (General requirements for the Central Open Space), as applicable.

(c) Core Elements

The West 31st Street Extension shall provide the following core elements:

(1) Street and sidewalk requirements

The West 31st Street Extension shall be a private street constructed to minimum Department of Transportation and Fire Department standards for public #streets#.

Such private street shall consist of:

- (i) a road bed, paved with asphalt, with a minimum width pursuant to requirements set forth by the Fire Department;
 - (ii) a 15 foot minimum sidewalk along its entire northern curb; and
 - (iii) a 20 foot minimum sidewalk along its entire southern curb.
- (2) Planting requirements for sidewalks

One tree shall be planted for every 25 feet of curb length of the West 31st Street Extension between Eleventh Avenue and the Connector. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street between Eleventh Avenue and the Connector.
- (3) Curb cuts

One curb cut shall be permitted along each side of the West 31st Street Extension. The maximum width of such curb cut shall be 30 feet. A third curb cut accessing the Connector shall be permitted if required by the Fire Department.

(4/29/14)

93-763

General requirements for the West 30th Street Corridor

A pedestrian way (henceforth referred to as the "West 30th Street Corridor"), shall be provided along the northerly sidewalk of West 30th Street adjacent to the area below the #High Line#.

(a) General purpose

The West 30th Street Corridor is intended to serve the following purposes:

- (1) to serve as a transition space between the #High Line# and the West 30th Street sidewalk;

- (2) to allow for active frontages with publicly accessible spaces for establishments below the #High Line#; and
- (3) to provide an overall streetscape design that compliments and provides views of the #High Line# along West 30th Street.

(b) Location and dimensions

The West 30th Street Corridor shall be located in the area bounded by the #High Line#, Eleventh Avenue, West 30th Street and the eastern edge of the Southwest Open Space, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

In the north-south direction, the West 30th Street Corridor shall extend from the #street wall# of #buildings# beneath the #High Line# facing West 30th Street (which shall coincide with the northerly edge of the southern row of structural columns of the #High Line#) to the northerly #street line# of West 30th Street.

(c) Core elements

The West 30th Street Corridor shall have the following provisions for its core elements:

- (1) a pedestrian access area at least 10 feet in width shall be provided along the entire length of the West 30th Street Corridor, linking Eleventh Avenue with the sidewalk adjacent to the Southwest Open Space. Such area shall be located a minimum of five feet beyond the northerly curb line of West 30th Street, and shall be free of obstructions;
- (2) portions between the required pedestrian access area and the #High Line# may be paved or landscaped; and
- (3) street trees shall be planted within five feet of the northern curb of West 30th Street. One tree shall be planted for every 25 feet of curb length. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire curb length of West 30th Street.

(4/29/14)

93-764

General requirements for the Connector

A publicly accessible connection (henceforth referred to as the "Connector"), shall be provided between the West 32nd Street Extension and the West 31st Street Extension.

(a) General purpose

The Connector is intended to serve the following purposes:

- (1) to serve as a connection between the West 32nd Street Extension and the West 31st Street Extension;
- (2) to provide a space that compliments the surrounding publicly accessible open spaces; and
- (3) to provide an emergency egress connector pursuant to Fire Department standards.

(b) Location and dimensions

The western #street line# of the Connector shall be located a minimum of 225 feet east of the easterly #street line# of Twelfth Avenue, as shown on Map 3 (Subdistrict F: Public Access Area Plan) in Appendix B.

(c) Core elements

The Connector shall provide the following core elements:

- (1) the Connector shall be constructed to minimum Fire Department standards for an emergency egress connection between the West 32nd Street Extension and the West 31st Street Extension, including, but not limited to, the width and materials of paved area, and permitted obstructions within such area; and
- (2) the Connector shall not be located within 15 feet of a #building#.

(4/30/12)

93-77

Design Criteria for Public Access Areas in Subdistrict F

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

(a) Design criteria

Where private streets, pedestrian ways and publicly accessible open spaces, with the exception of the #High Line#, provide elements listed in this Section, such elements shall comply with the applicable minimum design standards, set forth in paragraph (a) of this Section, as a minimum design standard.

(1) Seating

Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741, inclusive.

(2) Planting and trees

Where planting areas are provided, they shall meet the planting bed requirements and irrigation requirements of Section 37-742 (Planting and trees).

Where trees are provided, they shall meet the applicable minimum tree caliper standards, soil requirements and irrigation standards set forth in Section 37-742, except that within the Western Open Space, the Central Open Space and the Southwest Open Space, the soil requirements for tree planting shall not apply. In lieu thereof, all trees in the Central and Western Open Spaces shall be planted in areas with soil depth of at least five feet. In the Southwest Open Space, all trees shall be planted in continuous planted areas that have a minimum depth of five feet and a minimum area of 500 square feet of soil.

(3) Paving

Paving, exclusive of the required asphalt paving of the West 31st and West 32nd Street Extension roadbeds, shall meet the minimum standards set forth in Section 37-718.

(4) Steps

Steps shall meet the minimum dimensional standards set forth in Section 37-725.

(5) Kiosks and open air cafes

Kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes). Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

(6) Standards of accessibility for persons with disabilities

All publicly accessible open spaces, private streets and pedestrian ways shall be designed pursuant to the standards of accessibility for persons with disabilities set forth in Section 37-728.

(7) Lighting and electrical power

All publicly accessible open spaces, private streets and pedestrian ways shall provide lighting and electrical power pursuant to the standards set forth in Section 37-743.

(8) Litter receptacles

All publicly accessible open spaces, private streets and pedestrian ways shall provide litter receptacles pursuant to the standards set forth in Section 37-744.

(9) Bicycle parking

Bicycle racks sufficient to accommodate at least 25 bicycle parking spaces shall be provided in the Southwest Open Space, bicycle racks sufficient to accommodate at least 30 bicycle parking spaces shall be provided in the Central Open Space and bicycle racks sufficient to accommodate at least 33 bicycle parking spaces shall be provided in the Western Open Space. Such racks shall be located adjacent to a paved circulation path within the open space or in public sidewalks adjacent to the open space.

(10) Playgrounds and additional amenities

Where playgrounds and additional amenities are provided in publicly accessible open spaces, such amenities shall be designed pursuant to the standards set forth in Section 37-748.

(11) Signs

All open spaces within the publicly accessible open spaces shall provide open space signage pursuant to the standards set forth in Section 37-751.

(12) Canopies, awnings, marquees and sun control devices

Where #buildings# front onto publicly accessible open spaces, private streets and pedestrian ways, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions).

(13) Gates and fences

Gates, fences or other barriers shall be permitted at the perimeter of any playgrounds, tot lots or dog runs provided as part of a publicly accessible open space or pedestrian way. Additional gates, fences or other barriers shall be permitted in the Midblock Connection, the Southwest Open Space and the #High Line# only as approved as part of the site and landscape plans submitted pursuant to Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F).

Such gates, fences or other barriers shall have a maximum height of 48 inches, as measured from the adjoining grade level, and shall be at least 70 percent open. However, where gates, fences or other barriers are mounted on a solid curb, such minimum transparency shall not include the surface area of the curb, provided that the height of such curb does not exceed six inches.

Chain link fencing or barbed or razor wire shall not be permitted.

(14) Public restrooms

At least one public restroom shall be provided to serve either the Central Open Space or the Western Open Space, whichever is developed first pursuant to the provisions of

Section 93-78. Such public restroom shall provide separate restroom spaces for each gender, and may be located in either the publicly accessible open space or within the ground floor of any adjacent #building#.

(b) Maintenance

The owner of each of Sites 1 through 6 in Subdistrict F shall be responsible for the maintenance of all publicly accessible open spaces, private streets and pedestrian ways, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the portion of the Subdistrict associated with such site in the phased development provided in the site and landscape plans required pursuant to Section 93-78. Notwithstanding the foregoing, maintenance of the #High Line# shall be governed by such agreements as are entered into with respect thereto.

(c) Interim #use#

Open #uses# listed in Use Group 4B, with the exception of cemeteries and golf courses, shall be permitted as interim #uses# within the designated boundary of any public access area described in Sections 93-75 or 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F) with the exception of the #High Line# open space, or within the designated boundary of any development site described in Section 93-56 (Special Height and Setback Regulations for Subdistrict F). Such interim #uses# may be #developed# prior to the approval of the site and landscape plans for the public access area in which it is located, and may continue until such time as development commences on such public access area pursuant to the approved site and landscape plans. Any such interim #uses# shall be open to and usable by the public, and may include temporary structures, provided that all associated #floor area# is appurtenant to the interim #use#.

(4/29/14)

93-78

Site and Landscape Plans for Public Access Areas in Subdistrict F

Public access areas in Subdistrict F shall be comprised of publicly accessible open spaces, private streets and pedestrian ways.

All publicly accessible open spaces, or portions thereof, listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F), and private streets and pedestrian ways, or portions thereof, listed in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), shall comply with the following provisions:

- (a) No building permit shall be issued for any #development# or #enlargement# within Subdistrict F unless the Chairperson of the City Planning Commission has certified to the Commissioner of Buildings that the site and landscape plans for the Subdistrict F public access area have been approved by the Chairperson pursuant to the provisions of this Section. Notwithstanding the foregoing, the Chairperson shall allow for the phased development of public access areas, or portions thereof, upon certification to the Commissioner of Buildings that site and landscape plans have been submitted that provide for the completion of public access areas in association with the #development# or #enlargement# of a #building# or #buildings# within each phase.
- (b) An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include:
 - (1) a site plan indicating the area and dimensions of the public access area, or portions thereof, and the location of all proposed #buildings# in the phase subject to the application;
 - (2) a landscape plan, prepared by a registered landscape architect, for the public access area, or portions thereof, in the phase subject to the application; and
 - (3) a report to the Chairperson demonstrating:
 - (i) that the site and landscape plans have been presented by the applicant to the affected Community Board, City Council Member and Borough President and the Community Board, City Council Member and Borough President have had at least 60 days to review; and
 - (ii) that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered by the applicant, as set forth in a written response to such comments or recommendations. Where design modifications have been

made in response to such recommendations, the report shall identify how the design has been modified.

- (c) The Chairperson of the City Planning Commission shall approve the site and landscape plans within 45 days following filing, provided that the following provisions are met:
- (1) the site and landscape plans provide for the improvement of the public access area, or portions thereof, which, taking into account relevant considerations relating to platform construction and engineering, are:
 - (i) of sufficient size to provide a valuable public amenity and promote site access for the benefit of residents and workers in the #buildings# in the phase to which they relate, as well as for the general public; and
 - (ii) appropriately sited and located in suitable proximity to the #building# locations in the phase to which they relate.
 - (2) the site and landscape plans are consistent with the general purposes and contain the core elements listed in Sections 93-75 and 93-76, inclusive;
 - (3) all elements in the site and landscape plans comply with the design criteria as set forth in Section 93-77 (Design Criteria for Open Spaces in Subdistrict F), or, in the case of the #High Line#, that the elements in the landscape plan comply with the criteria set forth in paragraph (c) of Section 93-756 (General requirements for the #High Line#);
 - (4) the site and landscape plans are consistent and appropriate in relation to any previously approved landscape plan for other phases and in relation to conceptual plans for future phases, as applicable;
 - (5) the level of public amenity provided in the landscape plan is equal to or better than the level of public amenity required in #public plazas# that are provided in accordance with the standards of Section 37-70 or, in the case of the #High Line#, than the level of public amenity provided on developed portions of the #High Line# south of West 30th Street. All public amenities that are provided in the landscape plan shall take into account the nature and character of the Subdistrict F public access areas; and

- (6) a maintenance plan, including any necessary maintenance facilities for the public access area, or portions thereof, in the phase, has been established that will ensure compliance with the provisions of paragraph (b) of Section 93-77.

Approved site and landscape plans shall be set forth in an instrument in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification to the Department of Buildings under this Section. 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.

- (d) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and in accordance with the site and landscape plans, and that such public access area, or portions thereof, are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson certifies to the Department of Buildings that the public access areas, or portions thereof, are fully complete, and that all requirements of this Section have been met in accordance with the site and landscape plans for the public access area, or portions thereof associated with such phase. Notwithstanding the foregoing, in the event that a temporary public access area plan is approved pursuant to Section 93-782 (Certification to temporarily modify public access areas for construction staging), no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within the phase until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and in accordance with such temporary public access area plan, and the public access area, or portions thereof, are open and useable by the public. No permanent certificate of occupancy from the Department of

Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with the phase previously improved pursuant to the temporary public access area plan, has been fully completed in accordance with the site and landscape plans therefor, and that the public access area, or portions thereof, are open to and useable by the public.

- (e) Where a phase of development results in all development sites in Subdistrict F, as shown on Map 2 (Subdistrict F: Site Plan) in Appendix B, having been #developed# in whole or in part pursuant to the provisions of Section 93-56 (Special Height and Setback Regulations in Subdistrict F), the Department of Buildings shall not issue a certificate of occupancy for the last #building# of such phase unless and until the Chairperson certifies to the Commissioner of Buildings that all public access areas within Subdistrict F are substantially complete, and are open to and useable by the public. However, in the event that the site and landscape plans for the #High Line# open space have not been approved, pursuant to paragraph (c) of this Section, at the time such last #building# is eligible for a certificate of occupancy, the Department of Buildings shall issue such certificate of occupancy upon certification of the Chairperson that all public access areas other than the #High Line# open space are substantially complete.

(12/21/09)

93-781

Certification to modify general requirements of public access areas for ventilation demands

The Chairperson of the City Planning Commission may modify the general requirements of the publicly accessible open spaces listed in Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F), and private streets and pedestrian ways listed in Section 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the Western Rail Yard. In addition to the site and landscape plans required pursuant to Section 93-78, a mechanical plan shall be provided demonstrating the need to modify such general requirements.

(2/2/11)

93-782

Certification to temporarily modify public access areas for construction staging

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that a public access area will be required for construction staging or similar activities in a future phase of #development# or #enlargement#, the application for the site and landscape plans may be accompanied by a request for approval of a temporary public access area plan for the public access area which may include fewer than all core elements required as part of a phase of #development# or #enlargement# of such public access area pursuant to paragraph (c)(2) of Section 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), as necessary to accommodate such future construction staging or similar activities. Such temporary public access area plan shall be subject to review and approval in the same manner as the site and landscape plans, pursuant to Section 93-78 and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of development. Following the expiration of such period, the site and landscape plans, including all core elements for such public access area, shall be implemented.

(5/8/13)

93-80

OFF-STREET PARKING REGULATIONS

In Subdistricts A, B, C, D and E, the regulations governing permitted #accessory# off-street parking spaces of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core), and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall not apply, except as set forth in this Section. In lieu thereof, the provisions of this Section, inclusive, shall apply.

In Subdistrict F, the regulations of Article I, Chapter 3, shall apply.

(4/14/10)

93-81

Definitions

Hudson Yards parking regulations applicability area

The "Hudson Yards parking regulations applicability area" is comprised of Subdistricts A, B, C, D and E of the #Special Hudson Yards District#, the 42nd Street Perimeter Area of the #Special Clinton District# and Area P2 of the #Special Garment Center District#.

Hudson Yards development parking supply

The "Hudson Yards development parking supply" shall be the aggregate number of off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking lots# and #public parking garages# in the #Hudson Yards parking regulations applicability area#:

- (a) that have been constructed, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before April 14, 2010, to the extent that such spaces satisfy the ratios of Section 93-821;
- (b) that have been constructed, pursuant to a City Planning Commission special permit approved subsequent to January 19, 2005, and before April 14, 2010;
- (c) for which the Chairperson has issued a certification, pursuant to Section 93-821, paragraph (e); and
- (d) that have been approved by Board of Standards and Appeals variance, pursuant to Section 72-21 , to the extent that such spaces satisfy the ratios of Section 93-821.

However, all off-street parking on Site 1, as shown on the map of the Special 42nd Street Perimeter Area in Appendix A of the #Special Clinton District# (Article IX, Chapter 6), shall be counted towards the #Hudson Yards development parking supply#.

For purposes of this definition, "constructed" shall include any off-street parking spaces in #accessory# or #group parking facilities#,

#public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were completed on April 14, 2010, under construction on such date with the right to continue construction pursuant to Section 11-331 or granted a City Planning Commission special permit after January 19, 2005, where such permit had not lapsed as of April 14, 2010.

Public parking

"Public parking" shall be off-street parking that is open to the public during the business day for hourly, daily or other time-defined rental of parking spaces, for which a fee is charged.

Reservoir deficit

The "reservoir deficit" shall be the amount by which the #reservoir surplus# is less than zero.

Reservoir parking supply

The "reservoir parking supply" shall be the sum of:

- (a) all off-street parking spaces lawfully operating as of May 27, 2009, in the #Hudson Yards parking regulations applicability area# as #public parking#; and
- (b) any off-street parking spaces for which a valid building permit had been issued, as of May 27, 2009, and which have been constructed before April 14, 2010.

However, any off-street parking space that satisfies the definition of the #Hudson Yards development parking supply# in this Section shall not be counted as part of the #reservoir parking supply#.

For purposes of this definition, "constructed" shall include any off-street parking spaces in #accessory# individual or #group parking facilities#, #public parking garages# or #public parking lots#, where such #accessory# or #group parking facilities#, #public parking garages# or #public parking lots# were either completed on April 14, 2010, or under construction on such date with the right to continue construction pursuant to Section 11-331.

Reservoir surplus

The initial #reservoir surplus# shall be 3,600 off-street parking spaces. The "reservoir surplus" shall be increased by:

- (a) the aggregate number of off-street parking spaces in the #reservoir parking supply# for which a building permit has been issued, pursuant to the as-of-right regulations in effect subsequent to January 19, 2005, and before April 14, 2010;
- (b) the number of off-street parking spaces in the #Hudson Yards parking regulations applicability area# above the ratios permitted in Section 93-821, either certified by the Chairperson pursuant to Sections 93-822, paragraph (c), or by City Planning Commission special permit, pursuant to Section 93-823; and
- (c) the number of off-street parking spaces lawfully added in the #Hudson Yards parking regulations applicability area#, other than those permitted pursuant to Section 93-80, inclusive, except for any increase by Board of Standards and Appeals variance that is counted as part of the #Hudson Yards development parking supply#;

The #reservoir surplus# shall be decreased by:

- (a) the aggregate number of parking spaces counted at any time in the #reservoir parking supply#, that subsequently are:
 - (1) reduced through modification or discontinuance of the applicable Department of Consumer Affairs license or certificate of occupancy or otherwise cease operation permanently; or
 - (2) not constructed in accordance with the applicable building permit, as reflected in a modification of such building permit or the issuance of a certificate of occupancy for a reduced number of spaces; or
- (b) the issuance of a certificate of occupancy for a #development# or #enlargement# providing a smaller number of spaces than allowed, pursuant to Section 93-821, to the extent of the difference between the number of #accessory# off-street parking spaces allowed, and the number provided. However, this paragraph shall not apply to Sites 2, 3, 4 and 5, as shown on Map 6 of Appendix A, and shall apply to no more than 200 #accessory# off-street parking spaces on Site 6 as shown on Map 6.

Substantial construction

"Substantial construction" shall mean the substantial enclosing and glazing of a new #building# or of the #enlarged# portion of an existing #building#.

(4/14/10)

93-82

Permitted Parking

#Developments# or #enlargements# in the #Hudson Yards parking regulations applicability area# may provide #accessory# parking spaces in accordance with the provisions of this Section. The provisions of Sections 36-52 (Size and Location of Spaces) and 36-53 (Width of Curb Cuts and Location of Access to the Street) shall apply to all permitted #accessory# off-street parking spaces.

(4/29/14)

93-821

Permitted parking when the reservoir surplus is greater than or equal to zero

When the #reservoir surplus# is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

- (a) For #residences#, #accessory# off-street parking spaces may be provided for not more than 30 percent of the total number of #dwelling units#, except that where such #dwelling units# are comprised of #low income floor area#, #moderate income floor area# or #middle income floor area#, as defined in Section 23-911, #accessory# off-street parking spaces may be provided for not more than eight percent of the total number of such #dwelling units#.
- (b) For Use Group 5 #transient hotels#, the applicable provisions of Section 13-12 (Permitted Parking for Non-Residential Uses) shall apply with respect to the number of permitted #accessory# off-street parking spaces, provided that the number of such spaces

does not exceed 0.16 for every 1,000 square feet of #floor area#.

- (c) For Use Group 6B offices, not more than 0.16 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#.
- (d) In the Eastern Rail Yard Subarea A1, paragraphs (a) through (c) of this Section shall not apply, and any #accessory# off-street parking shall comply with the provisions of this paragraph, (d):
 - (1) for #residences#, #accessory# off-street parking spaces may be provided for not more than 40 percent of the total number of #dwelling units#;
 - (2) for #commercial# and #community facility uses#, not more than 0.325 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#, provided that in no event shall the number of off-street parking spaces #accessory# to #commercial# or #community facility uses# exceed 350 spaces; and
 - (3) in no event shall the total number of #accessory #off-street parking spaces for all #uses# exceed 1,000.
- (e) The Department of Buildings shall not issue a building permit for any #accessory# off-street parking pursuant to paragraphs (a) through (c) of this Section, unless the Chairperson has certified that:
 - (1) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(1)(i), (e)(1)(ii) and (e)(1)(iii), is less than or equal to 5,084 spaces:
 - (i) the #reservoir surplus# or zero;
 - (ii) the #Hudson Yards development parking supply#; and
 - (iii) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought; and
 - (2) the sum of the permitted parking spaces set forth in the following paragraphs, (e)(2)(i), (e)(2)(ii), (e)(2)(iii) and (e)(2)(iv), is less than or equal to 5,905 spaces:

- (i) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized, in accordance with the definition in Section 93-81, as part of the #reservoir parking supply#, less any such off-street parking spaces that have been categorized as decreasing the #reservoir surplus# in accordance with paragraph (a) of the second part of the definition of #reservoir surplus# in Section 93-81;
 - (ii) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized as increasing the #reservoir surplus# in accordance with paragraphs (b) and (c) of the first part of the definition of #reservoir surplus# in Section 93-81;
 - (iii) the #Hudson Yards development parking supply#; and
 - (iv) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought.
- (3) Notwithstanding paragraphs (e)(1) and (2) of this Section, if the Chairperson determines that final certificates of occupancy have been issued by the Department of Buildings for all #buildings# shown in the site plan for the Eastern Rail Yard Subarea A1 as required by the provisions of Section 93-70, and that upon the completion of all such #buildings#, fewer than 1,000 #accessory# off-street parking spaces have been provided in such subarea, any difference between the number of #accessory# off-street parking spaces provided in the Eastern Rail Yard Subarea A1, and 1,000, may be added to the limits of 5,084 and 5,905 spaces set forth in paragraphs (e)(1) and (e)(2), respectively.
- (4) Any certification granted by the Chairperson, pursuant to this Section, shall lapse after two years if #substantial construction# of the #development# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse after six years

if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

(4/29/14)

93-822

Permitted parking when a reservoir deficit exists

When a #reservoir deficit# exists, additional off-street parking spaces may be provided in accordance with the provisions of this Section. However, this Section shall not apply in the Eastern Rail Yard Subarea A1.

- (a) The number of permitted #accessory# off-street parking spaces for Use Group 5 hotels may exceed 0.16 for every 1,000 square feet of #floor area#, up to the number permitted by the applicable provisions of Section 13-12 (Permitted Parking for Non-Residential Uses).
- (b) The number of permitted #accessory# off-street parking spaces for Use Group 6B offices may be increased by up to 33 percent of the number permitted pursuant to Section 93-821, paragraph (b).
- (c) The Department of Buildings shall not issue a building permit for any additional #accessory# off-street parking spaces permitted pursuant to this Section unless the Chairperson has certified that:
 - (1) a #reservoir deficit# exists;
 - (2) the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# for which certification is sought, does not exceed such #reservoir deficit#; and
 - (3) such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section 93-821.

- (d) Any certification granted by the Chairperson pursuant to this Section shall lapse after two years if #substantial construction# of the new #building# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6, as shown on Map 6 in Appendix A of this Chapter, any such certification shall lapse after six years if #substantial construction# of the new #building# that includes the subject #accessory# off-street parking spaces, has not occurred.

(5/8/13)

93-823

Parking permitted by special permit

When a #reservoir deficit# exists, the City Planning Commission may allow, by special permit, Use Group 6B offices to exceed the number of #accessory# off-street parking spaces permitted by Section 93-822, provided that:

- (a) within the vicinity of the site, there are insufficient parking spaces available;
- (b) the facility will not create or contribute to serious traffic congestion nor unduly inhibit vehicular and pedestrian movement;
- (c) the facility is so located as to draw a minimum of vehicular traffic to and through local #residential streets#; and
- (d) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this condition.

In addition, the Commission shall find that the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# that is the subject of the application under review,

does not exceed the #reservoir deficit#; and that such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section 93-821. In making such finding, the Commission shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution.

(4/14/10)

93-824

Publication of data

The Department of City Planning shall make available, in a form easily accessed by the public, regularly updated calculations of the current #Hudson Yards development parking supply#, #reservoir parking supply#, spaces described in paragraphs (e)(2)(i) and (e)(2)(ii) of Section 93-821, and #reservoir surplus# or #reservoir deficit#, as applicable.

(5/8/13)

93-83

Use and Location of Parking Facilities

The provisions of this Section shall apply to all off-street parking spaces within the #Special Hudson Yards District#.

- (a) All off-street parking spaces #accessory# to #residences# shall be used exclusively by the occupants of such #residences#. Except in the Eastern Rail Yard Subarea A1, all off-street parking spaces #accessory# to Use Group 5 #transient hotels# and Use Group 6B offices may be made available for public use. No #accessory# off-street parking spaces shall be located on a #zoning lot# other than the same #zoning lot# as the #use# to which they are #accessory#.
- (b) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:

- (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts; or
- (2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area#, so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas.

(2/2/11)

93-831

Authorization for above-grade parking

The City Planning Commission may authorize parking facilities that do not comply with the provisions of paragraph (b) of Section 93-83 (Use and Location of Parking Facilities) and may authorize floor space used for parking and located above a height of 23 feet to be exempt from the definition of #floor area#, provided that:

- (a) below-grade parking has been provided to the fullest extent feasible, and such above-grade facility is necessary due to subsurface conditions such as the presence of bedrock, railroad rights-of-way or other conditions that impose practical difficulties for the construction of below-grade parking facilities;
- (b) the scale of the parking facility is compatible with the scale of #buildings# in the surrounding area;
- (c) the materials and articulation of the #street wall# of the parking facility is compatible with #buildings# in the surrounding area;
- (d) the ground floor level of such parking facilities that front upon #streets# is occupied by #commercial#, #community facility# or #residential uses# that activate all such adjoining #streets#, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from adjoining #streets# or public access areas with a densely planted buffer strip at least 10 feet deep. Where such screening is not desirable, such ground floor wall of the parking facility shall be articulated in a manner that provides visual interest;

- (e) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential floor area#, so as to minimize the visibility of the parking facility from adjoining #streets# or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;
- (f) for portions of parking facilities that are visible from #streets#, publicly accessible open areas or nearby properties, interior lighting and vehicular headlights are shielded to minimize glare on such #streets#, public access areas or properties; and
- (g) the location of vehicular entrances and exits will not unduly inhibit surface traffic and pedestrian flow.

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

(4/14/10)

93-84

Curb Cut Restrictions

Along all avenues in the #Special Hudson Yards District#, and along Hudson Boulevard and West 34th Street, and along the north side of West 35th, West 36th, West 37th and West 38th Streets between Tenth and Eleventh Avenues, no driveway curb cuts for parking facilities or loading berths shall be permitted, except:

- (a) for entrances or exits to a public parking garage located beneath Hudson Boulevard and the adjacent #public parks#; or
- (b) where the Commissioner of Buildings determines there is no alternative means of access to required off-street parking spaces or required loading berths from other #streets# bounding the #zoning lot#. However, in no event shall curb cuts be permitted on or within 40 feet of Hudson Boulevard.

(4/14/10)

93-841

Curb cut restrictions in the Large-Scale Plan Subdistrict A

In Subarea A2 of the Large-Scale Plan Subdistrict A, curb cuts for parking and loading facilities shall be prohibited on West 34th Street, Tenth Avenue, Hudson Boulevard and Eleventh Avenue except where the City Planning Commission certifies there is no frontage available on West 33rd Street or West 35th Street to access a required parking or loading facility.

(4/14/10)

93-842

Curb cut restrictions in the Farley Corridor Subdistrict B

No curb cuts shall be permitted on Eighth or Ninth Avenues between West 31st and West 33rd Streets. In the Pennsylvania Station Subarea B4, the maximum aggregate width of curb cuts on West 33rd Street shall be 90 feet. On the south side of West 33rd Street between the Lincoln Tunnel Approach and Ninth Avenue, the maximum aggregate width of curb cuts shall be 90 feet.

(4/14/10)

93-85

Authorization for Additional Curb Cuts

Along the north side of West 35th, West 36th, West 37th and West 38th Streets between Tenth and Eleventh Avenues, for #zoning lots# greater than 20,000 square feet, the City Planning Commission may authorize curb cuts, provided the Commission finds that such curb cuts are needed for required loading berths, do not unduly inhibit surface traffic or pedestrian flow and do not impair the essential character of the surrounding area. Loading berths shall be arranged so as to permit head-in and head-out truck movements to and from the #zoning lot# and thereby permit a more efficient loading operation.

(2/2/11)

93-90

HARASSMENT

(a) Definitions

(1) Anti-harassment area

"Anti-harassment area" shall mean the #Special Hudson Yards District# and Preservation Area P-2 of the #Special Garment Center District#.

(2) Application date

"Application date" shall mean the date that the Department of Housing Preservation and Development accepts a completed application for a #certification of no harassment# for processing.

(3) Certification of no harassment

"Certification of no harassment" shall mean a certification by the Department of Housing Preservation and Development pursuant to this Section that there has not been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

(4) Cure compliance lot

"Cure compliance lot" shall mean a #zoning lot# on which #low income housing# is provided pursuant to a #restrictive declaration# in accordance with the cure provisions of paragraph (d) of this Section. A #cure compliance lot# may be a #cure requirement lot#.

(5) Cure requirement

Except as otherwise provided in paragraph (e) of this Section with respect to Subareas 4 and 5 of the #Hell's Kitchen Subdistrict# of the #Special Hudson Yards District#, "cure requirement" shall mean #floor area# in an amount not less than the greater of:

- (i) 28 percent of the total #residential# and #hotel floor area# of any #multiple dwelling# to be altered or demolished in which #harassment# has occurred; or
- (ii) 20 percent of the total #floor area# of any new or altered #building# on the #cure requirement lot#.

(6) Cure requirement lot

"Cure requirement lot" shall mean:

- (i) a #zoning lot# containing a #multiple dwelling# with respect to which the Department of Housing Preservation and Development has denied a #certification of no harassment#; or
- (ii) a #zoning lot# with respect to which an applicant, in lieu of seeking a #certification of no harassment# which would otherwise be required for the full or partial demolition or #material alteration# of a #multiple dwelling# located in the #anti-harassment area#, elects to seek a certification of compliance with the cure provisions of paragraph (d) of this Section and enters into a #restrictive declaration#.

(7) Dwelling unit

"Dwelling unit" shall have the meaning set forth in the Multiple Dwelling Law.

(8) Exempt hotel

"Exempt hotel" shall mean any #multiple dwelling#:

- (i) which is a #transient hotel# and was a #transient hotel# on the #referral date#;
- (ii) in which no #residential# occupant is, or was on the #referral date#, entitled to a renewal lease or otherwise entitled to continued occupancy pursuant to the Local Housing Emergency Rent Control Act, as amended, the City Rent and Rehabilitation Law, as amended, the Rent Stabilization Law of 1969, as amended, or the Emergency Tenant Protection Act of 1974, as amended; and
- (iii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(9) Exempt institutional residence

"Exempt institutional residence" shall mean any #multiple dwelling#:

- (i) the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit institutional use on the #referral date#, and
- (ii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(10) Harassment

"Harassment" shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

- (i) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive any rights in relation to such occupancy;
- (ii) the interruption or discontinuance of essential services which
 - (a) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in the use or occupancy of such #dwelling unit# or #rooming unit# and
 - (b) causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy;
- (iii) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to waive any rights in relation to such occupancy; or
- (iv) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such

#dwelling unit# or #rooming unit# or causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the #dwelling unit# or #rooming unit#; removing the door at the entrance to the #dwelling unit# or #rooming unit#; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

(11) Inquiry period

"Inquiry period" shall mean a period which:

- (i) commences upon the later of the #referral date# or a date which is fifteen years prior to the #application date#, and
- (ii) terminates upon the #application date#;

provided, however, that the Department of Housing Preservation and Development may:

- (a) set such commencement date upon any date which is on or after the #referral date# and is more than fifteen years prior to the #application date# where it determines that such extension of the duration of the inquiry period would further the purposes of this Section, and
- (b) extend such termination date up to and including the date upon which the Department of Housing Preservation and Development determines to grant or deny a #certification of no harassment#.

(12) Low income housing

"Low income housing" shall mean #dwelling units# or #rooming units# occupied or to be occupied by persons or families having an annual household income at the time of initial occupancy equal to or less than eighty percent of the median income for the primary metropolitan statistical area, as determined by the United States Department of

Housing and Urban Development or its successors from time to time for a family of four, as adjusted for family size.

(13) Material alteration

"Material alteration" shall mean any alteration to a #multiple dwelling# or other #building#, including, but not limited to, an alteration which reduces or increases the #floor area# of the #multiple dwelling# or other #building#, #converts floor area# from #residential# to non-#residential use#, changes the number or layout of #dwelling units# or #rooming units#, or adds or removes kitchens or bathrooms; provided, however, that #material alteration# shall not include:

- (i) an #incidental alteration# which does not change the layout of #dwelling units# or #rooming units#, or
- (ii) a repair or replacement of existing elements of such #multiple dwelling# or other #building# without materially modifying such elements.

(14) Multiple dwelling

"Multiple dwelling" shall have the meaning set forth in the Multiple Dwelling Law.

(15) Referral date

"Referral date" shall mean June 21, 2004.

(16) Restrictive declaration

"Restrictive declaration" shall mean a legal instrument which:

- (i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# located in the #anti-harassment area#,
- (ii) provides that the #low income housing# must comply with the requirements of Section 23-90 for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development,

- (iii) contains such other terms as the Department of Housing Preservation and Development shall determine,
- (iv) has been approved by the Department of Housing Preservation and Development,
- (v) runs with the land and binds all parties in interest to the #cure requirement lot# and their successors,
- (vi) runs with the land and binds all parties in interest to the #cure compliance lot# and their successors, and
- (vii) is perpetual in duration.

(17) Rooming unit

"Rooming unit" shall have the meaning set forth in the Housing Maintenance Code.

(b) Permit Process

- (1) Unless the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to paragraph (c) of this Section or has certified compliance with the cure provisions of paragraph (d) of this Section, the Department of Buildings shall not issue a permit for:
 - (i) the full or partial demolition of a #multiple dwelling# located in the #anti-harassment area#; or
 - (ii) the #material alteration# of a #multiple dwelling# located in the #anti-harassment area#.
- (2) Any permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:
 - (i) making the public areas of a #multiple dwelling# accessible to persons with disabilities without altering the configuration of any #dwelling unit# or #rooming unit#; or

(ii) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities.

(3) The following structures shall be exempt from the provisions of this Section:

(i) any city-owned #multiple dwelling#;

(ii) any #multiple dwelling# which is the subject of a program approved by Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;

(iii) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings# pursuant to Article 7C of the Multiple Dwelling Law;

(iv) any #exempt hotel#;

(v) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on the #referral date#; and

(vi) any #exempt institutional residence#.

(4) Where the Department of Housing Preservation and Development has denied a #certification of no harassment# with respect to a #multiple dwelling#, the Department of Buildings shall not issue any permit with respect to any #multiple dwelling# or other #building# located on, or to be located on, the #cure requirement lot# except in accordance with paragraph (d) of this Section.

(c) Certification of No Harassment

(1) The Department of Housing Preservation and Development shall determine and certify whether there has been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.

- (2) There shall be a rebuttable presumption that any of the acts or omissions described in paragraph (a)(10) of this Section occurring within the #inquiry period# were committed by or on behalf of the owner of such #multiple dwelling# and that such acts or omissions:
 - (i) were committed with the intent to cause a person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive a right in relation to such occupancy, and
 - (ii) materially advanced the demolition or alteration in furtherance of which the permit and #certification of no harassment# are sought.
- (3) The Department of Housing Preservation and Development may promulgate rules regarding the implementation of this Section. Such rules may include, but shall not be limited to, provisions which:
 - (i) establish the information to be required in an application for #certification of no harassment#, the form of such application, and the manner of filing of such application,
 - (ii) establish reasonable fees and charges to be collected from applicants for the administrative expenses incurred by the Department of Housing Preservation and Development, including, but not limited to, costs for publication of any notices, and
 - (iii) establish the duration for which a #certification of no harassment# will remain effective, and
 - (iv) authorize the rescission of a #certification of no harassment# if the Department of Housing Preservation and Development finds either that #harassment# has occurred after the #inquiry period# or that the application for such #certification of no harassment# contained a material misstatement of fact. Following such rescission, the Department of Buildings may revoke any permit for which such #certification of no harassment# was required.
- (4) The Department of Housing Preservation and Development may refuse to accept, or to act upon, an application for a

#certification of no harassment# where the Department of Housing Preservation and Development finds that:

- (i) taxes, water and sewer charges, emergency repair program charges, or other municipal charges remain unpaid with respect to such #multiple dwelling#,
 - (ii) such #multiple dwelling# has been altered either without proper permits from the Department of Buildings or in a way that conflicts with the certificate of occupancy for such #multiple dwelling# (or, where there is no certificate of occupancy, any record of the Department of Housing Preservation and Development indicating the lawful configuration of such #multiple dwelling#) and such unlawful alteration remains uncorrected; or
 - (iii) the Department of Housing Preservation and Development has previously denied an application for a #certification of no harassment# pursuant to this Section.
- (5) If the Department of Housing Preservation and Development determines that an application for a #certification of no harassment# contains a material misstatement of fact, the Department of Housing Preservation and Development may reject such application and bar the submission of a new application with respect to such #multiple dwelling# for a period not to exceed three years.
- (6) Before determining whether there is reasonable cause to believe that #harassment# has occurred with respect to any #multiple dwelling#, the Department of Housing Preservation and Development shall publish a notice in such form and manner as shall be specified in the rules promulgated pursuant to paragraph (c)(3) of this Section. Such notice shall seek public comment regarding whether there has been #harassment# of the lawful occupants of such #multiple dwelling# from the #referral date# to the date of submission of comments. If the Department of Housing Preservation and Development receives comments containing material evidence that #harassment# occurred on or after the #referral date# and more than fifteen years prior to the #application date#, the Department of Housing Preservation and Development shall, in accordance with paragraph (a)(11) of this Section, set the commencement of

the #inquiry period# on a date prior to the date of such alleged harassment.

- (7) The Department of Housing Preservation and Development shall determine whether there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#.
 - (i) If there is no reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall issue a #certification of no harassment#.
 - (ii) If there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall cause a hearing to be held in such manner and upon such notice as shall be determined by the Department of Housing Preservation and Development, unless the applicant waives the right to a hearing. Following receipt of the report and recommendation of the hearing officer, or receipt of a waiver of the right to such a hearing from the applicant, the Department of Housing Preservation and Development shall either grant or deny a #certification of no harassment#.
- (8) The Department of Housing Preservation and Development may deny a #certification of no harassment# without a prior hearing if there has been a finding by the Division of Housing and Community Renewal or any court having jurisdiction that there has been harassment, unlawful eviction or arson at the #multiple dwelling# during the #inquiry period#.

(d) Certification of Cure for Harassment

- (1) The Department of Housing Preservation and Development shall not certify compliance with the cure provisions of this paragraph to the Department of Buildings unless all parties in interest to the #cure requirement lot# and all parties in interest to the #cure compliance lot# have entered into a #restrictive declaration#.
- (2) Any permit or certificate of occupancy issued by the Department of Buildings with respect to any structure

located on a #cure requirement lot# or a #cure compliance lot# shall be subject to the following conditions:

- (i) The Department of Buildings shall not issue any permit, except a permit for an alteration which is not a #material alteration#, with respect to any structure located on the #cure requirement lot# unless the #restrictive declaration# has been recorded in the Office of the City Register and indexed against each tax lot within the #cure requirement lot# and each tax lot within the #cure compliance lot#.
- (ii) The Department of Buildings shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, other than any #low income housing# located on the #cure requirement lot#, until:
 - (a) the Department of Housing Preservation and Development certifies that the #low income housing# required by the #restrictive declaration# has been completed in compliance with the #restrictive declaration#; and
 - (b) the Department of Buildings has issued a temporary or permanent certificate of occupancy for each unit of such #low income housing#.
- (iii) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure compliance lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.
- (iv) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, except where:
 - (a) the #cure requirement lot# is not the #cure compliance lot#; and

- (b) the management and operation of the #cure compliance lot# is wholly controlled by, and the #restrictive declaration# requires that management and operation of the #cure compliance lot# remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the #cure requirement lot#.

Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.

- (3) No portion of the #low income housing# required under this Section shall qualify to:

- (i) increase the #floor area ratio# pursuant to the provisions of Section 23-90, as modified by the provisions of the #Special Hudson Yards District# and the #Special Garment Center District#; or

- (ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

- (e) Demolition in Subareas 4 and 5 of the #Hell's Kitchen Subdistrict#

Notwithstanding any provision of paragraph (a)(5) of this Section or paragraph (d) of this Section to the contrary, with regard to any #multiple dwelling# to be demolished in Subareas 4 and 5 of the #Hell's Kitchen Subdistrict# of the #Special Hudson Yards District#, #cure requirement# shall mean #floor area# in an amount not less than the greater of:

- (i) 40 percent of the total #residential# or #hotel floor area# of any #multiple dwelling# to be demolished in which #harassment# has occurred; or
- (ii) 30 percent of the total #floor area# of any new #building# on the same #zoning lot# as the #multiple dwelling# to be demolished.

(10/27/10)

93-91

Demolition

The Department of Buildings shall not issue a permit for the demolition of a #multiple dwelling#, as defined in Section 93-90 (HARASSMENT), paragraph (a)(14), located within Subareas D4 or D5 in the Hell's Kitchen Subdistrict D or within Preservation Area P-2 of the #Special Garment Center District#, or an alteration permit for the partial demolition of a #multiple dwelling# located within Subareas D4 and D5 or within Preservation Area P-2 of the #Special Garment Center District#, where such partial demolition would decrease the amount of #residential floor area# in such #multiple dwelling# by 20 percent or more, unless:

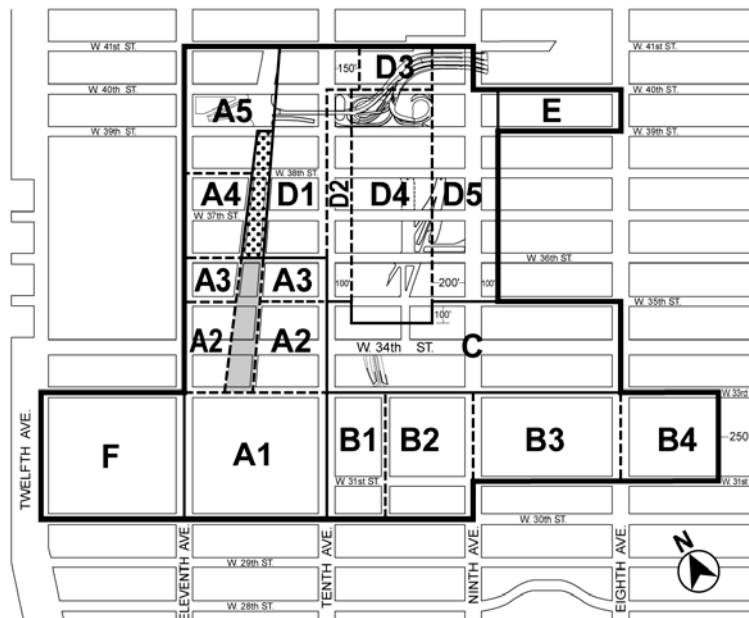
- (a) such #multiple dwelling# is an unsafe #building# or an emergency exists such that demolition is required pursuant to the provisions of Title 28, Chapter 2, Articles 215 or 216 of the New York City Administrative Code; or
- (b) the Commissioner of the Department of Housing Preservation and Development, after providing sixty days notice and opportunity to comment to the local Community Board, has certified:
 - (1) if such #multiple dwelling# is to be substantially preserved, that an alteration permit is required to allow the removal and replacement of 20 percent or more of the #floor area#;
 - (2) if such #multiple dwelling# is not to be substantially preserved, that the Department of Housing Preservation and Development has determined that the rehabilitation of such #multiple dwelling# is not feasible under any active governmentally-funded program; and
 - (3) that the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to Section 93-90, paragraph (c), or has certified compliance with the cure provisions of Section 93-90, paragraph (d).
- (c) the following structures shall be exempt from the provisions of this Section:
 - (1) any city-owned #multiple dwellings#;

- (2) any #multiple dwelling# which is the subject of a program approved by the Department of Housing Preservation and Development for the provision of housing for persons of low- or moderate-income and has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development;
- (3) any #multiple dwelling# initially occupied for #residential# purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings#, pursuant to Article 7C of the Multiple Dwelling Law;
- (4) any #exempt hotel#, as defined in Section 93-90;
- (5) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory #use# and occupancy was restricted to clubhouse or school dormitory #use# on June 21, 2004; or
- (6) any #exempt institutional residence#, as defined in Section 93-90.

Appendix A Special Hudson Yards District

(12/21/09)

Map 1 - Special Hudson Yards District, Subdistricts
and Subareas (93-A1)



- Special Hudson Yards District
- Subdistricts
- Subareas within subdistricts
- Phase 1 Hudson Boulevard and Park
- ▨ Phase 2 Hudson Boulevard and Park

Large-Scale Plan Subdistrict A

Eastern Rail Yards Subarea A1
Four Corners Subarea A2
Subareas A3 through A5

Farley Corridor Subdistrict B

Western Blocks Subarea B1
Central Blocks Subarea B2
Farley Post Office Subarea B3
Pennsylvania Station Subarea B4

34th Street Corridor Subdistrict C

Hell's Kitchen Subdistrict D

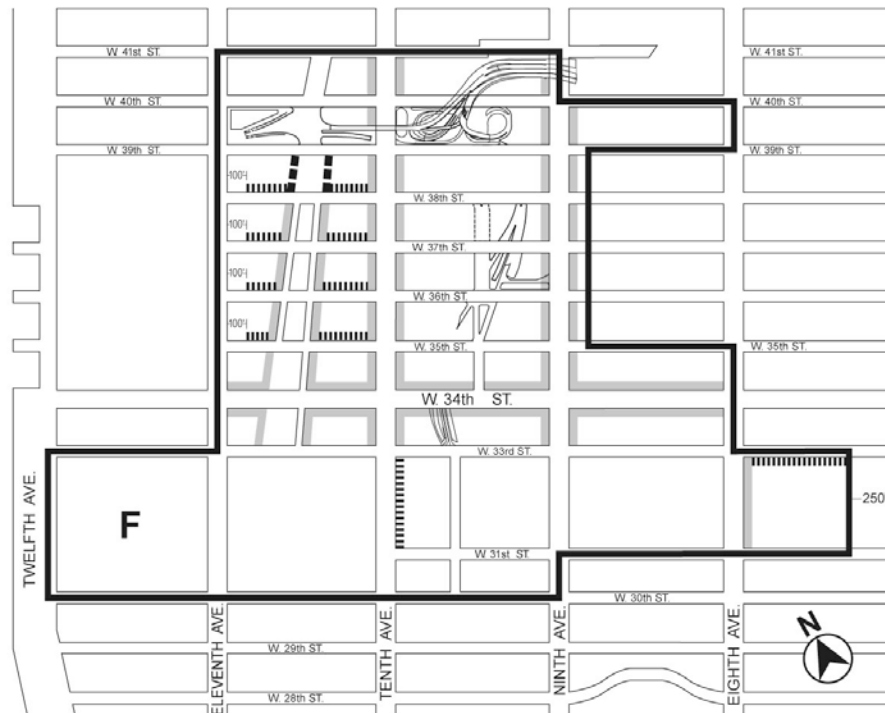
Subareas D1 through D5

South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F

(12/21/09)

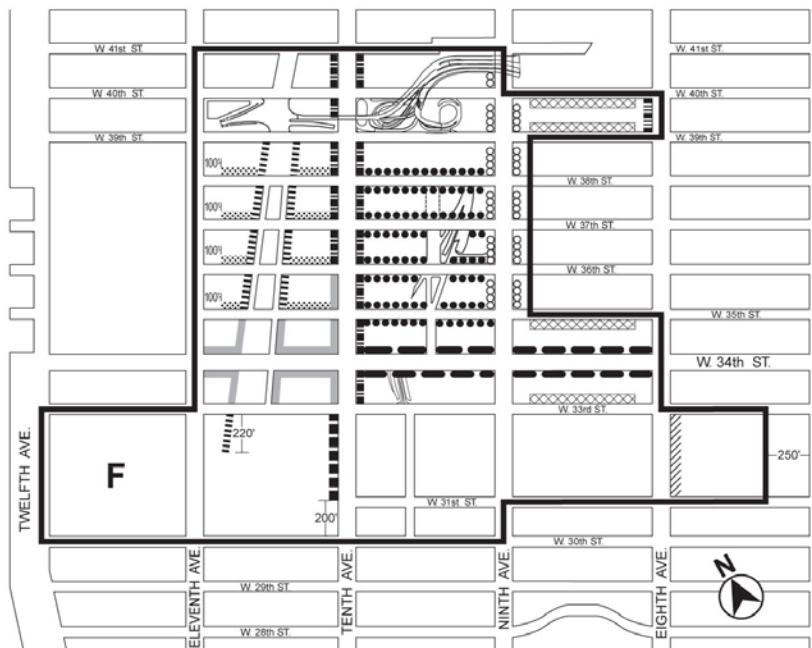
Map 2 - Mandatory Ground Floor Retail (93-A2)



- *Special Hudson Yards District*
- 100% Retail and Glazing Requirement
- 50% Retail and Glazing Requirement
- Glazing Requirement Only
- F** Subdistrict F (See Map 9 for Mandatory Ground Floor requirements)

(6/29/10)

Map 3 - Mandatory Street Wall Requirements (93-A3)



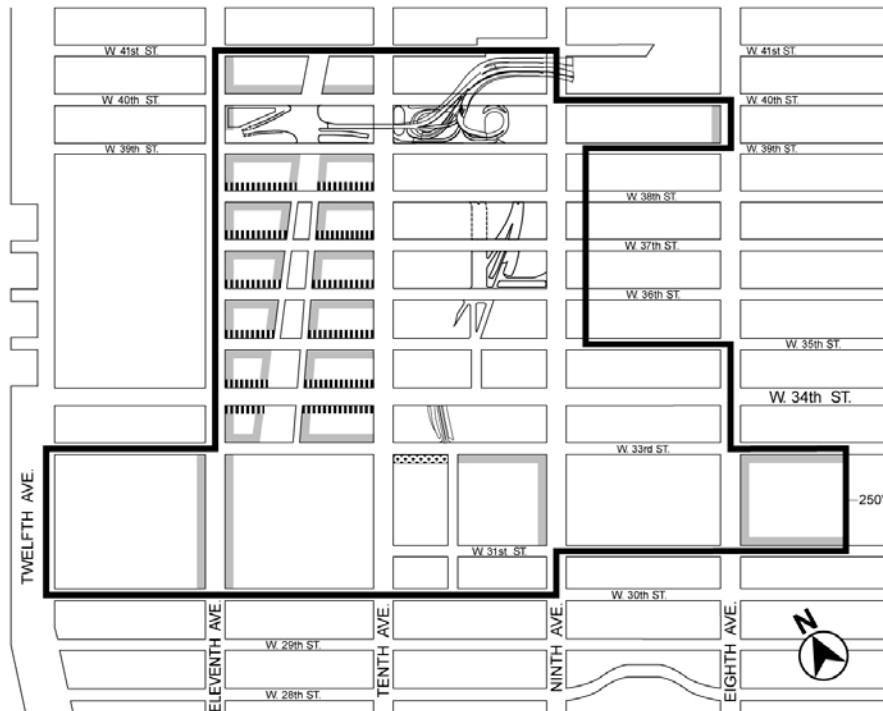
Special Hudson Yards District

	Minimum Base Height	Maximum Base Height	Percentage of zoning lot street frontage that must be occupied by a street wall
○○○○○○○○○○○○○○○○○○	60'	85'	100%
●●●●●●●●●●●●●●●●	60'	85'	None
▤▤▤▤▤▤▤▤▤▤▤▤▤▤	60'	120'	50%
▦▦▦▦▦▦▦▦▦▦▦▦▦▦	80'	90'	100%
▧▧▧▧▧▧▧▧▧▧▧▧▧▧	90'	120'	70%
▨▨▨▨▨▨▨▨▨▨▨▨▨▨	60'	150'	70%
▩▩▩▩▩▩▩▩▩▩▩▩▩▩	90'	120'	100%
▪▪▪▪▪▪▪▪▪▪▪▪▪▪	90'	150'	100%
▫▫▫▫▫▫▫▫▫▫▫▫▫▫	90'	150'	70%
▬▬▬▬▬▬▬▬▬▬▬▬▬▬	90'	150'	35%
▯▯▯▯▯▯▯▯▯▯▯▯▯▯	120'	150'	100%

F Subdistrict F (See Map 10 for Street Wall requirements)

(12/21/09)

Map 4 - Mandatory Sidewalk Widening (93-A4)



— Special Hudson Yards District

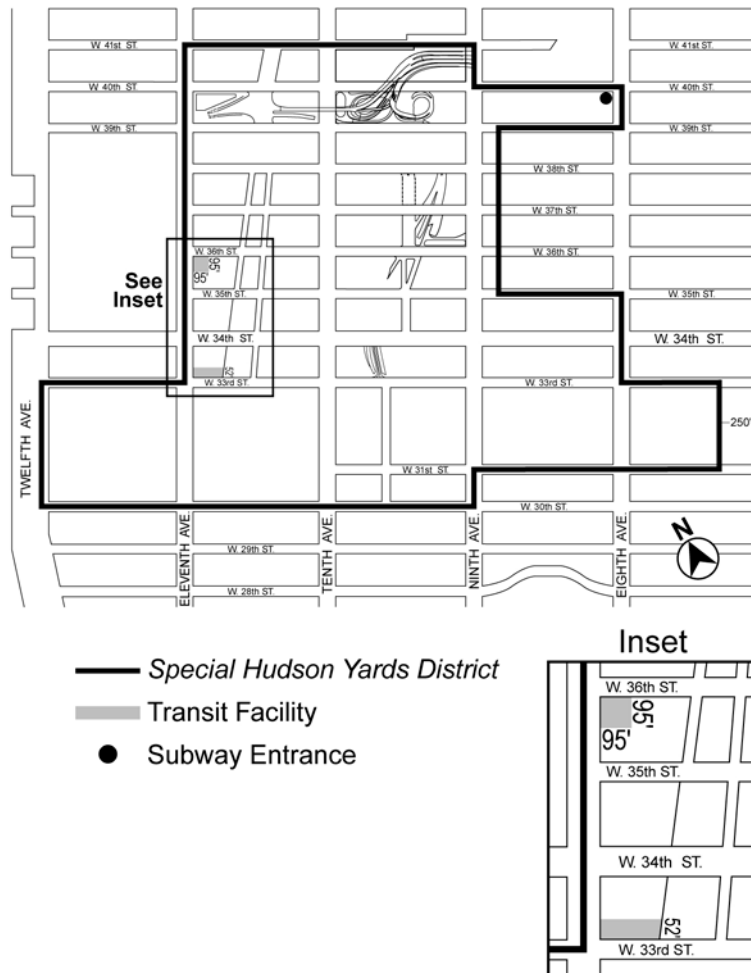
----- 10' Sidewalk widening

— 5' Sidewalk widening

▨ 5' Sidewalk widening required if more than 75% of the total floor area existing on the zoning lot on January 19, 2005 is demolished

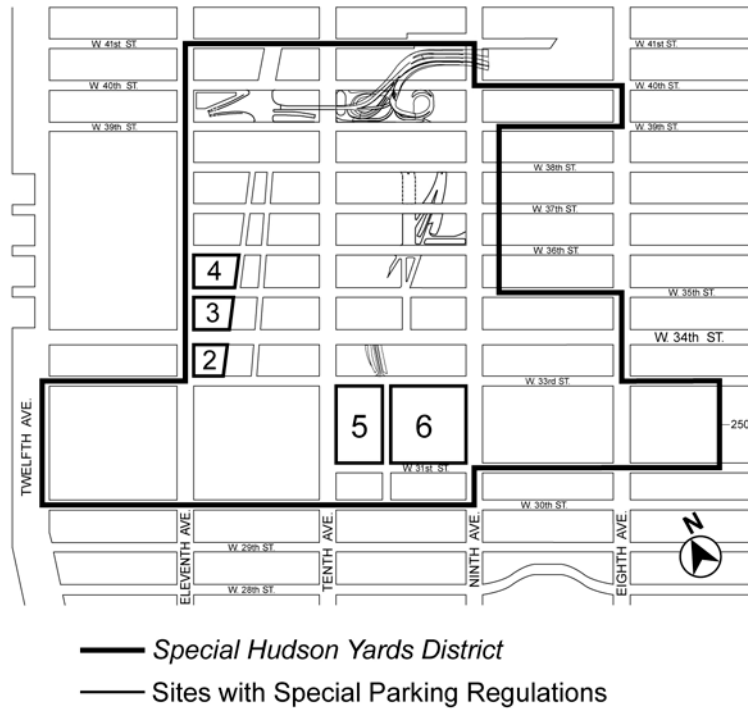
(10/27/10)

Map 5 - Transit Facilities (93-A5)



(4/14/10)

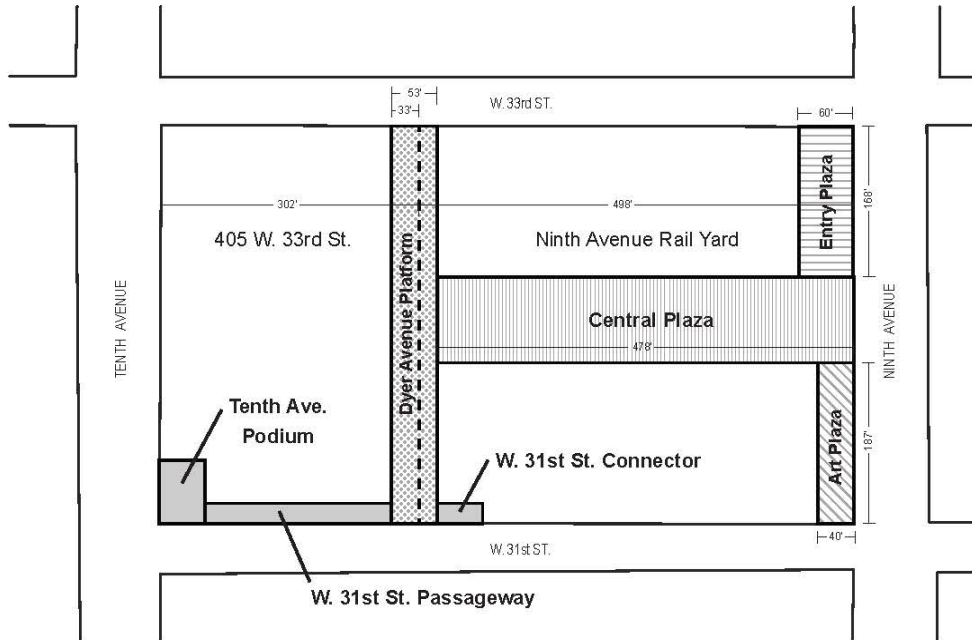
Map 6 - Sites Where Special Parking Regulations Apply (93-A6)



Appendix B
Special Hudson Yards Subdistricts Maps

(4/29/14)

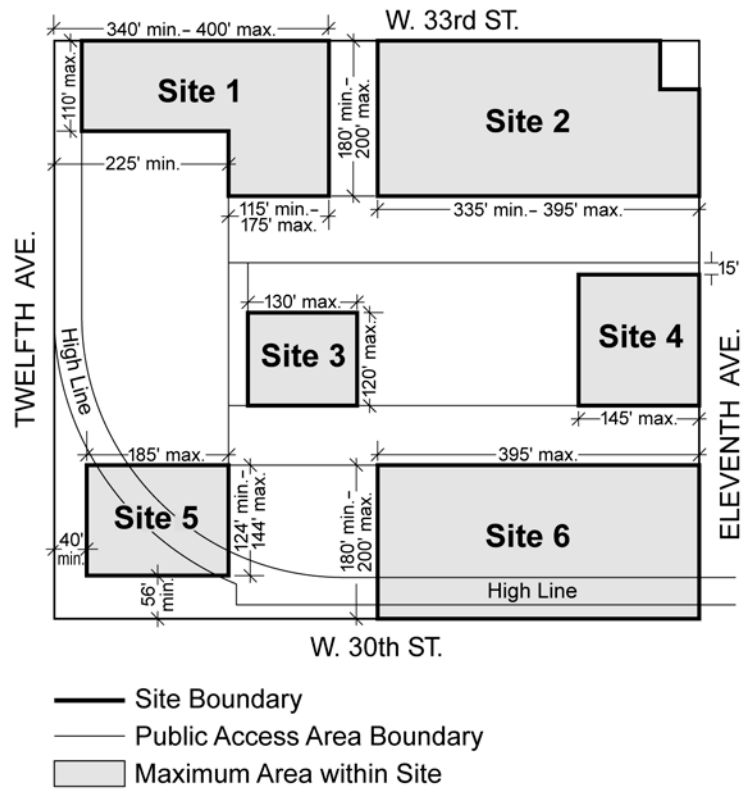
Map 1 - Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard
Public Access area (93-B1)



- Open Space Boundaries
- ▨ Central Plaza
- ▨ Entry Plaza
- ▨ Art Plaza
- ▨ Dyer Avenue Platform
- ▨ Tenth Ave. Podium, W. 31st St. Connector, W. 31st St. Passageway

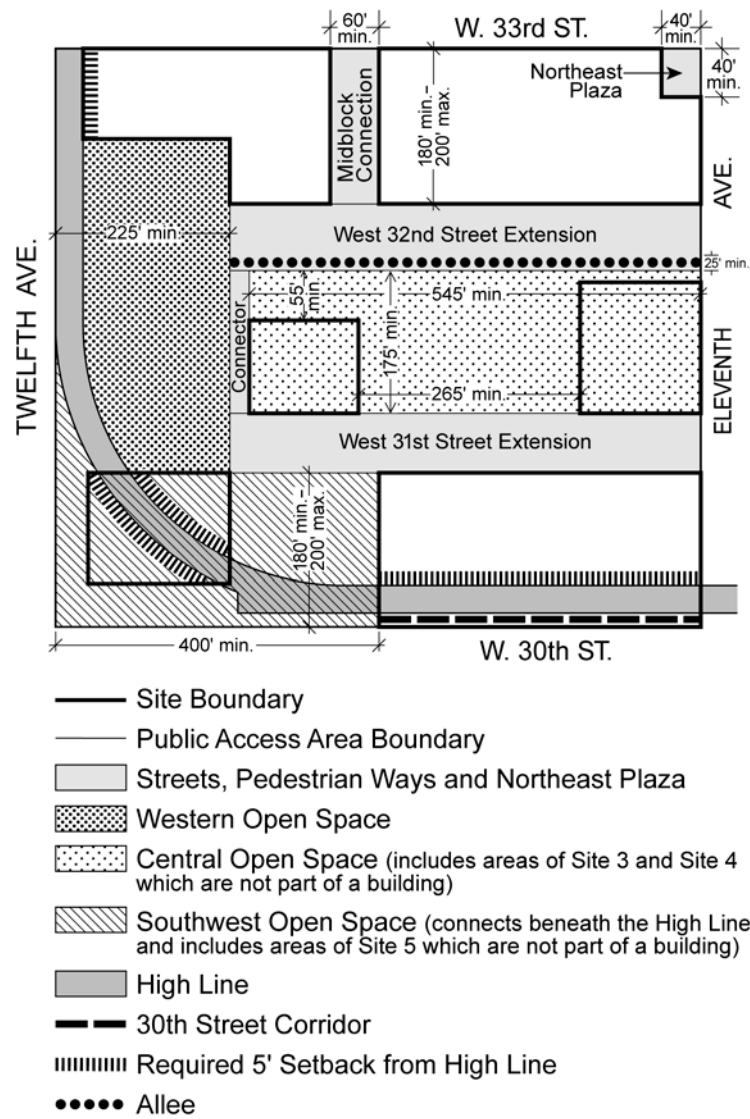
(4/29/14)

Map 2 - Subdistrict F: Site Plan (93-B2)



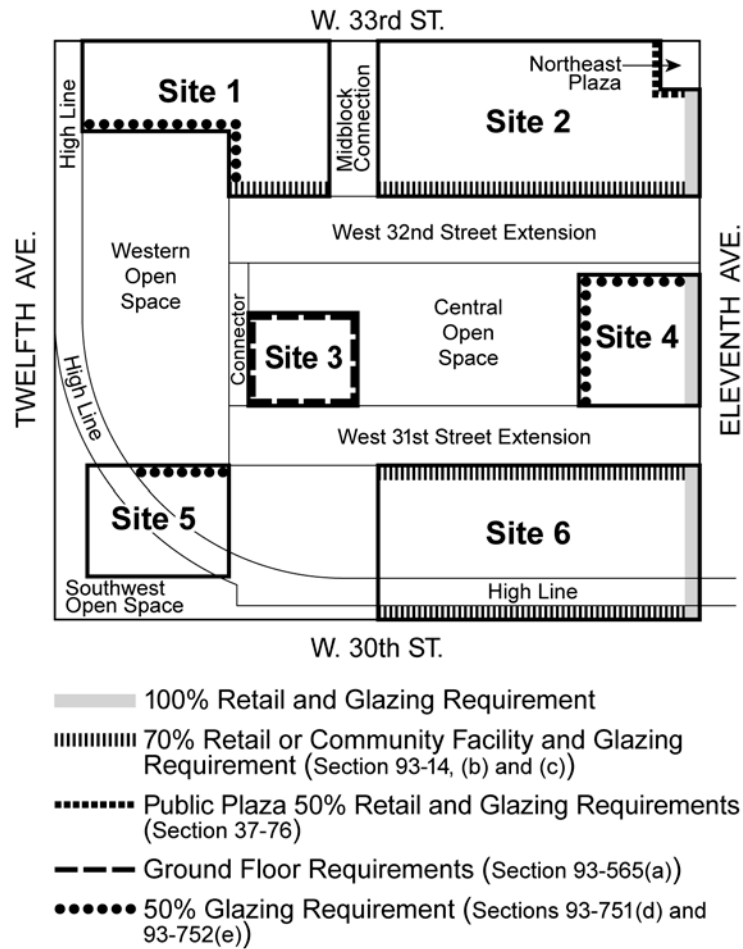
(4/29/14)

Map 3 - Subdistrict F: Public Access Area Plan (93-B3)



(4/29/14)

Map 4 - Subdistrict F: Mandatory Ground Floor Requirements (93-B4)



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article IX: Special Purpose Districts Chapter 4: Special Sheepshead Bay District

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(10/4/73)

Article IX - Special Purpose Districts

Chapter 4

Special Sheepshead Bay District

(10/4/73)

94-00

GENERAL PURPOSES

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

- (a) to promote and strengthen the unique character of the "Special Sheepshead Bay District" area as a prime location for waterfront-related commercial and recreational development and to help attract a useful cluster of shops, restaurants and related activities, which will complement and enhance the area as presently existing;
- (b) to encourage the provision of housing with appropriate amenities in areas suitable for residential development;
- (c) to improve vehicular and pedestrian circulation patterns by requiring limited curb cuts and uniform sidewalk widening, and encouraging the provision of public open space and other amenities as a related part of new development;
- (d) to provide an incentive for redevelopment of the area in a manner consistent with the foregoing objectives which are integral elements of the Comprehensive Plan of the City of New York; and
- (e) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenues.

(2/2/11)

94-01

Definitions

Development

For the purposes of this Chapter, a "development" includes #development#, as defined in Section 12-10, or an #enlargement#.

Development rights

For the purposes of this Chapter, the "development rights" of a #granting lot# shall consist of the unused bonus #floor area# allowed by Section 94-08 (Special Floor Area Bonus Provisions). Any unused bonus #floor area# transferred from a #granting lot# may be used on a #receiving lot# either for #residential# or #commercial uses# as set forth in Section 94-094 (Authorization provisions for transfer of development rights to receiving lots).

Granting lot

For the purposes of this Chapter, a "granting lot" is a #zoning lot#, with a minimum area of 20,000 square feet, which is located in Areas A, C, D or E, as indicated in Appendix A (District Map), and is #developed# pursuant to Sections 94-07 (Mandatory Provisions) and 94-08 (Special Floor Area Bonus Provisions).

Person

For the purposes of this Chapter, a "person" is an individual, corporation (whether incorporated for business, public benefit, or non-profit purposes or otherwise), partnership, trust, firm, organization, other association or any combination thereof.

Receiving lot

For the purposes of this Chapter, a "receiving lot" is a #zoning lot#, with a minimum area of 20,000 square feet, which is located in Areas A, C, E or F, as indicated in Appendix A (District Map), and on which #development rights# are transferred from a #granting lot# pursuant to Section 94-094.

(10/9/13)

94-02

General Provisions

In harmony with the general purposes of the #Special Sheepshead Bay District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Sheepshead Bay District# is superimposed are made inapplicable and special regulations are substituted therefor. The City Planning Commission, by special permit, may grant certain #uses# and may authorize #bulk# modifications within the Special District as set forth in this Chapter. Except as modified by the express provisions of this Special District, the regulations of the underlying zoning districts remain in effect.

In the #waterfront area#, the provisions of the #Special Sheepshead Bay District# are modified in accordance with the provisions of Section 62-13 (Applicability of District Regulations).

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

(10/4/73)

94-04

Requirements for Applications

An application to the City Planning Commission for the grant of a special permit or authorization respecting any #development# under the provisions of this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on both the #granting# and #receiving lots#; the location of all special amenities that are to be provided under the mandatory and bonus provisions; the location of all vehicular entrances and exits and off-street parking and loading spaces; and such other information as may be required by the City Planning Commission for its determination as to whether or not a special permit or authorization is warranted.

(10/4/73)

94-05

Relationship to Public Improvement Projects

In all cases, the City Planning Commission shall deny a special permit or authorization application whenever the #development# will interfere with a public improvement project (including

housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, City Planning Commission or Site Selection Board, as determined from the calendar of each agency issued prior to the date of the public hearing on the application for a special permit or authorization.

(10/4/73)

94-06

Special Use Regulations

In order to preserve the character of the area and to encourage waterfront and related #uses#, special limitations are imposed on the location, size and kinds of #uses# permitted within the Special District as set forth in this Section.

(5/27/15)

94-061

Permitted residential, community facility and commercial uses

A. #Residential# and #community facility uses#

#Uses# listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. #Commercial uses#

In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those #commercial uses# listed in Section 94-062 (Use Group SB), those #uses# listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, 9 and 14, and those #uses# permitted pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also be allowed on a #zoning lot# existing on May 27, 2015, for a period of ten years from such date. Such food store shall be limited to one such establishment per #zoning lot# and shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory#

office and storage space. There shall be no limitation on the amount of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only #commercial uses# listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area G, only #commercial uses# listed in Use Groups 6, 7, 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area H, except for #uses# permitted pursuant to Section 94-063, #commercial uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:

- Antique stores

- Art galleries, commercial

- Artists' supply stores

- Bicycle sales, rental or repair shops

- Boat fuel sales, open or enclosed, restricted to location within 10 feet of a dock berth

- Boat rentals, open or enclosed

- Boat showrooms or sales

- Boat storage, repair or painting, including the incidental sale of boats, boat parts or accessories, restricted to boats less than 100 feet in length, provided that such #use# or portion thereof may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary

- Book stores

- Candy or ice cream stores

- Cigar or tobacco stores

- Coin-operated ice vending machines, including those

machines that are self-contained dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

Docks for pleasure boats less than 100 feet in length

Eating or drinking places, including those which provide outdoor table service or incidental musical entertainment

Fish stores, retail

Fishing tackle or equipment, rental or sales

Florist shops

Gift shops

Gymnasiums, used exclusively for basketball, handball, squash and tennis

Hardware stores, limited to marine supplies

#Hotels, transient#

Jewelry or art metal craft shops

#Motels# or #boatels#

Newsstands, open or enclosed

Non-commercial clubs, without restrictions on activities or facilities

Pet shops

Photographic equipment or supply stores

Picture framing shops

Sailmaking establishments

Sale or rental of sporting goods or equipment, including instructions in skiing, sailing or skin diving

Stamp or coin stores

Studios, art, music, dance or theatrical

Taxidermist shops

C. #Accessory uses#

(2/2/11)

94-062

Use Group SB

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

A. Convenience retail or service establishments

Bakeries, limited to 750 square feet of #floor area# for production

Eating or drinking places, with no restriction on #floor area# or frontage per establishment, including those which provide outdoor table service or incidental musical entertainment

Hardware stores, limited to marine supplies

Stationery stores

Tailor or dressmaking shops, custom

B. Offices

* Offices, business, professional or governmental

C. Retail or service establishments

Antique stores

Art galleries

Artists' supply stores

- Bicycle, rental or sales
- Boat showrooms, with no repair or preparation or boats for delivery, #floor area# limited to 5,000 square feet
- Book stores
- Candy or ice cream stores
- Cigar or tobacco stores
- Clothing stores or clothing accessory stores
- Dry goods stores (fabrics)
- Fishing tackle and equipment
- Florists
- Gift shop
- * Gymnasiums, used exclusively for basketball, handball, squash and tennis
- Jewelry or art metal shops
- Leather goods stores
- * Meeting halls, having a rated capacity of not more than 75 people
- Millinery shops
- Music stores or repair shops
- Newsstands, open or enclosed
- Off-track betting establishments
- Pet shops
- Photographic equipment or supply stores
- ** #Physical culture or health establishments#, other than #adult physical culture establishments#, including gymnasiums, having a rated capacity of not more than 50 people
- Picture framing shops

Record stores

Shoe stores

Sporting or athletic goods stores

Stamp or coin stores

- * Studios, music, dance or theatrical, with no restriction on #floor area#

Taxidermist shops

Toy stores

Travel bureaus

Watch or clock stores or repair shops

D. Clubs

- * Clubs, non-commercial, without restrictions on activities or facilities

E. #Accessory uses#

- ** #Uses# listed in Use Group SB, marked with a double asterisk, are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36

(2/2/11)

94-063

Uses permitted by special permit

The City Planning Commission, by special permit, may allow the #uses# listed in Tables 1 and 2 in Areas A, B, C, D and E and the #uses# listed in Table 2 only in Area H, provided that the following findings are made:

- (a) the #use# is so located as not to impair the character of the surrounding area or its future development or cause any environmental hazards;
- (b) the principal vehicular access for such #use# is not located on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue or

Bedford Avenue, except where no access is available from another #street#, and that such #use# will not cause undue congestion in local #streets#;

- (c) the #uses# listed under #manufacturing# establishments in Table 1 are #accessory# to the retail sales on the same #zoning lot# and such #uses# occupy not more than 50 percent of the #floor area# of the establishment and that such #uses# do not create objectionable noise, vibration, smoke, dust or odor; and
- (d) any public parking facilities provide adequate reservoir space at vehicular entrances, and that sufficient vehicular entrances and exits are provided to prevent traffic congestion.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the character of the surrounding area.

Table 1

A. #Manufacturing# Establishments

Art needlework, hand weaving, tapestries

Books, hand binding, tooling

Ceramics, custom

Jewelry manufacture, custom

Musical instruments (except pianos)

Printing, custom

Watchmaking

B. Amusements

Billiard parlors or pool halls, limited to 10 tables

Golf recreation centers, indoor, limited to 5,000 square feet

Skating rinks or ice skating rinks, outdoor or indoor, limited to one rink

Theaters, having a rated capacity of 500 people or less

Table 2

A. Automotive Service Establishments

#Parking garages#, #public#, or #parking lots#, #public#, with any capacity

B. Amusements

Historical exhibits, provided such #use# is contained mainly within a structure

Skating rinks or ice skating rinks, outdoor, may be enclosed in winter, limited to one rink

Tennis courts, outdoor, may be enclosed in winter, limited to four courts in Areas A, B, C, D and E and to eight courts in Area H

Swimming pools, commercial, limited to Area H

C. Service Establishments

Eating or drinking places, without restrictions on entertainment or dancing

(2/2/11)

94-064

Supplementary use regulations

The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections 73-10 through 73-52, shall not apply in the Special District, except that Section 73-36 (Physical Culture or Health Establishments) shall be applicable.

(10/4/73)

94-065

Restriction on ground-floor use

In Areas A, B, C and D, the ground floor of a #building# shall not be used for #residences# except for #single#- or #two-family residences# or #accessory# lobbies.

(4/8/98)

94-066

Additional sign regulations

Where #illuminated signs# are permitted by the underlying district regulations, such #signs# shall have only indirect illumination. Where #signs#, other than #advertising signs#, are permitted by the underlying district regulations, such #signs# shall not extend above the roof level of any #building or other structure# in the Special District.

(10/4/73)

94-07

Mandatory Provisions

All #developments# within the Special District shall comply with the mandatory provisions made applicable by this Section and such mandatory improvements, when developed for a #floor area# bonus pursuant to Section 94-08 (Special floor area bonus provisions), shall require certification by the City Planning Commission, pursuant to Section 94-13.

(2/2/11)

94-071

Sidewalk extension area

All #developments# which are located on a #zoning lot# with frontage along Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue shall contain a sidewalk extension area, which complies with the following requirements:

- (a) has a minimum depth of five feet, measured perpendicular to such #street lines#;
- (b) extends the full length of the #zoning lot# along such #street lines#, except for existing #buildings# within five feet of the #street line#;
- (c) is open and unobstructed from its lowest level to the sky;

- (d) maintains continuity with the established sidewalk, to which it shall be immediately adjacent throughout its entire length;
- (e) is available for public use at all times; and
- (f) has a paved surface which complies with standards as established by the New York City Department of Transportation.

(4/30/12)

94-072

Special plaza provisions

In Areas A, C and E, all #developments# that are located on a #zoning lot# with frontage along Emmons Avenue, except for a #zoning lot# of less than 8,000 square feet that was in existence as of November 1, 1972, shall provide and maintain a plaza for public use which complies with the following requirements:

- (a) The plaza shall #abut# the Emmons Avenue #street line# along the full length of such #lot line# or for a distance of at least 50 feet, whichever is less.
- (b) The plaza shall be directly accessible to the public at all times from Emmons Avenue or an #arcade# or a plaza.
- (c) The size of the plaza shall be at least 4,000 square feet in one location and shall not at any point be more than two feet below or five feet above #street# level, with a minimum dimension of 35 feet. At least 15 percent of the plaza area shall be landscaped and planted with trees, except, when a #zoning lot abutting# both Dooley Street and Emmons Avenue is #developed#, such landscaping shall be at least 75 percent of the total plaza area provided with such #development#.
- (d) The plaza shall contain lighting, pedestrian walks and sitting areas.
- (e) No portion of a plaza area shall be used for parking or driveways.
- (f) A plaza may include as permitted obstructions, sculptures, kiosks, or open cafes occupying in the aggregate not more than 30 percent of the total plaza area. Ice skating rinks are also allowed as permitted obstructions within such

plazas only for the months from October through March, provided the minimum area of such plaza is 7,500 square feet. Exterior wall thickness, awnings and other sun control devices, pursuant to Section 37-726, shall also be allowed as permitted obstructions.

(2/2/11)

94-08

Special Floor Area Bonus Provisions

In Areas A, C, D, E and F, any #development# on a #zoning lot# with an area of at least 20,000 square feet within the Special District shall be eligible for a #floor area# bonus as set forth in this Section.

In areas A and E, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used either for #residential use# on the same #zoning lot# or may be transferred to a #receiving lot# within the Special District, pursuant to Section 94-093 (Transfer of development rights from granting lots).

In Area C, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used either for #commercial use# on the same #zoning lot# or may be transferred to a #receiving lot# within the Special District, pursuant to Section 94-093.

In Area D, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used only for the purposes of transfer to a #receiving lot# within the Special District, pursuant to Section 94-093.

In Area F, for any #development#, the #floor area# bonus earned under the provisions of this Section may be used only for #residential use# on the same #zoning lot#.

In no event shall the aggregate bonus #floor area#, permitted under the provisions of this Section, exceed the basic #floor area ratio# permitted for #residential use# by Section 94-09 (Special Bulk Regulations), by more than 60 percent in Areas A, C, D or E, or by more than 20 percent in Area F.

Any #floor area# bonus received according to the provisions of this Section shall require certification by the City Planning Commission, pursuant to Section 94-13.

(10/4/73)

94-081

Plaza bonus

In Areas A, C, D or E, any #development# on a #zoning lot# with a minimum area of 20,000 square feet which complies with the mandatory provisions of Section 94-07 (Mandatory Provisions) shall be eligible for a #floor area# bonus at the rate of 3.5 square feet of #floor area# for every square foot of plaza area.

(10/4/73)

94-082

Arcade bonus

In Areas A, C, D or E, any #development# located on a #zoning lot# with a #lot line# which coincides with any of the following #street lines#: Sheepshead Bay Road, Ocean Avenue or Emmons Avenue, shall be eligible for a #floor area# bonus at the rate of three square feet of #floor area# for every square foot of #arcade# space, as defined in Section 12-10, except that:

- (a) #arcades# shall be allowed only along the #street lines# described above and plazas;
- (b) the #arcade# may project or set back from the facade of a #building#;
- (c) the #arcade# shall not be less than 10 feet or more than 15 feet in depth;
- (d) the #arcade# shall be suitably heated for the months from October through March; and
- (e) no #signs# may be affixed to any part of the #arcade# or #building# columns, except on a parallel to the #building# wall projecting no more than 12 inches therefrom.

(2/2/11)

94-083

Special parking bonus

In Areas C, D or E, any #development# on a #zoning lot# with a minimum area of 20,000 square feet shall be eligible for a #floor area# bonus at the rate of one square foot of #floor area# for every square foot of #accessory commercial# parking space above the minimum amount required by the underlying district regulations and made available for daily long-term parking.

To be eligible for a #floor area# bonus under the provisions of this Section, there shall be at least five additional parking spaces provided and the size of each parking space shall be at least 300 square feet. In no event shall the dimension of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

(10/4/73)

94-084

Usable open space bonus

In Area F, any #development# on a #zoning lot# with a minimum area of 20,000 square feet shall be eligible for a #floor area# bonus at the rate of one square foot of #floor area# for every two square feet of usable open space. The minimum size of such usable open space on a #zoning lot# shall be 5,000 square feet with a minimum dimension of 50 feet. The usable open space shall be suitably maintained and shall contain landscaping, planting, lighting, sitting areas and, where appropriate, play areas for children. Such usable space shall be located no more than two feet below or five feet above the #curb level#. No portion of the usable open space shall be provided within 30 feet of the Leif Ericson Drive service road, and no portion of the usable open space shall be used for parking or driveways.

(10/4/73)

94-09

Special Bulk Regulations

(2/2/11)

94-091

Basic floor area ratio

For the purposes of this Chapter, the #floor area ratio# of a

#zoning lot# within the Special District shall not exceed the #floor area ratio# permitted by the underlying district regulations, except as set forth in Section 94-092 (Maximum floor area ratio).

(2/2/11)

94-092

Maximum floor area ratio

The permitted basic #floor area ratio# for #residential# or #community facility use# is 1.25 and for #commercial use# is 1.00. The permitted basic #floor area ratio# may be increased on any #zoning lot# by the amount set forth in Section 94-08 (Special Floor Area Bonus Provisions) or through transfer provisions pursuant to Section 94-094 (Authorization provisions for transfer of development rights to receiving lots).

In Areas A, E and F, the maximum #floor area ratio# for any #residential# or #community facility use# on a #zoning lot# shall in no event be more than 2.00 and for #commercial use# be no more than 1.00.

In Area C, the maximum #floor area ratio# for any #residential# or #community facility use# on a #zoning lot# shall in no event be more than 1.25 and for #commercial use# be more than 1.50. The maximum #floor area# in a #mixed building# within the Special District shall be the maximum #floor area# permitted for either the #residential# portion, the #community facility# portion or the #commercial# portion of such a #building#, whichever permits the greatest amount of #floor area#.

(10/4/73)

94-093

Transfer of development rights from granting lots

#Development rights# from a #granting lot# may be conveyed, or otherwise disposed of:

- (a) directly to a #receiving lot#; or
- (b) to a #person# for subsequent disposition to a #receiving lot# all in accordance with the provisions of this Special District. Any #person# may convey interest in all or any portion of such #development rights# to another #person#,

but such #development rights# may only be used for a #development# on a #receiving lot#.

In transferring #development rights# from #granting lots#, such bonus #floor area# shall not exceed 40 percent of the basic #floor area ratio# in Areas A, C and E, and shall not exceed 60 percent of the basic #floor area ratio# in Area D, as permitted on such #granting lots# by Section 94-09 (Special Bulk Regulations), inclusive.

(2/2/11)

94-094

Authorization provisions for transfer of development rights to receiving lots

The City Planning Commission, on application after public notice and hearing, may authorize the addition of all or any portion of the #development rights# from a #granting lot# to the permitted #floor area# of a #receiving lot#, provided that:

- (a) the maximum #floor area# for any #development# on a #receiving lot# does not exceed the maximum #floor area# permitted by Section 94-092 (Maximum floor area ratio);
- (b) the #development# shall aid in achieving the general purposes and intent of this Chapter as set forth in Section 94-00 (General Purposes);
- (c) the design of the #development# shall not impair the character of the surrounding area or its future development;
- (d) the distribution of the #bulk# on the #receiving lot# permits adequate access of light and air to surrounding #streets# and properties;
- (e) the traffic created by the #development# will not create or contribute to serious traffic congestion and will make adequate provisions for unconstrained pedestrian circulation; and
- (f) the requirements set forth in Sections 94-093 (Transfer of development rights from granting lots), 94-12 (Recordation) and 94-13 (Certification) are satisfied.

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

(10/4/73)

94-095

Open space ratio

For the purposes of this Section, the minimum required #open space ratio# for a #building# on a #zoning lot# shall be 40.0. However, if a #zoning lot# is #developed# pursuant to Sections 94-08 (Special Floor Area Bonus Provisions) or 94-094 (Authorization provisions for transfer of development rights to receiving lots), then the minimum #open space ratio# may be modified as set forth in this Section. For every 0.10 increase in permitted #floor area ratio# on a #zoning lot#, the corresponding required #open space ratio# may be decreased by not more than 2.0. In no event shall the required #open space ratio# on a #zoning lot# be less than 25.0.

(2/2/11)

94-10

SPECIAL REQUIREMENTS FOR BUILDING HEIGHT AND SETBACKS

The height and setback regulations set forth in Sections 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts), 34-24 (Modification of Height and Setback Regulations) and 35-61 (Height and Setback Regulations), shall not apply to #buildings# in the #Special Sheepshead Bay District#. In lieu thereof, height and setback regulations set forth in this Section shall apply. For #buildings# in #Residence Districts#, #building# height is measured from the #base plane#. For #buildings# in #Commercial Districts#, #building# height is measured from #curb level#.

In Areas A, B, C, D, E and F, the #street wall# or any other portion of a #residential building# or the #residential# portion of a #mixed building#, except for a structure which encloses only #accessory# parking fronting on the Leif Ericson Drive service road #street line#, shall be set back a minimum distance of 10 feet from all #street lines#. Beyond the #initial setback distance#, the #building# shall not exceed the maximum height as set forth in this Section.

In Area A, the maximum height of a #street wall# or other portion of a #building# within 25 feet of the Emmons Avenue or 15 feet of the Sheepshead Bay Road #street lines# shall not exceed two #stories# or 30 feet, whichever is fewer. Beyond the #initial

setback distances# in Area A, the #building# shall not exceed seven #stories# or 85 feet, whichever is fewer.

In Area C, the maximum height of a #street wall# or other portion of a #building# within 25 feet of the Emmons Avenue or Ocean Avenue #street lines# shall not exceed two #stories# or 30 feet, whichever is fewer. Beyond the #initial setback distance# of 25 feet in Area C, the #building# shall not exceed four #stories# or 50 feet, whichever is fewer.

In Areas B and D, a #building# shall not exceed four #stories# or 50 feet, whichever is fewer.

In Areas E and F, within 75 feet of the Emmons Avenue #street line#, the maximum height of any portion of a #building# shall not be more than three #stories# or 35 feet, whichever is fewer. Beyond the #initial setback distance# of 75 feet in Areas E and F, the #building# shall not exceed six #stories# or 75 feet, whichever is fewer.

In Areas G and H, a #building# shall not exceed three #stories# or 35 feet, whichever is fewer. However, the City Planning Commission may, by a special permit, modify such height restrictions, provided that:

- (a) the distribution of the #bulk# permits adequate access of light and air to surrounding #streets# and properties, and does not impair the view of the Bay; and
- (b) the height of such #building# does not exceed five #stories# or 50 feet, whichever is fewer.

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

(10/4/73)

94-11

Special Parking Provisions

(2/2/11)

94-111

Curb cuts

No curb cuts shall be permitted on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue except that where no access is available on a #zoning lot# from another #street#, one curb cut shall be permitted.

(10/4/73)

94-112

Restricted location

In Areas A, B, C, D, E and F, no open off-street parking shall be located within 30 feet of the #street lines# of Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue.

(10/4/73)

94-113

Treatment of parking areas

Any parking facilities in the Special District that are not completely enclosed shall be screened by shrubbery at least three feet high at the time of planting and expected to form a year-round dense screen at least five feet high within three years. When roof parking is provided, it shall be screened where it is visible from a #street#, plaza or public usable open space.

(2/2/11)

94-114

Exception to application of waiver provisions

In areas A, B, C, D, E and F, the provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number) do not apply.

(10/4/73)

94-115

Location of commercial parking spaces

In Area F, #accessory# off-street parking spaces for #commercial uses# may be located outside the commercially zoned area but within 600 feet of the #building# to which it is #accessory#, only if an area equal to the #lot area# occupied by the parking in the #residential# area is provided as a #public plaza# in the commercially zoned area to which the parking is #accessory#.

(10/4/73)

94-12

Recordation

At the time of transfer of #development rights# from a #zoning lot#, there shall be recorded in the land records and indexed against such #granting lot# from which #floor area# is removed, an instrument removing such #floor area# and prohibiting construction on such lot from which the #floor area# is taken, of any #building or other structure# which would contain a #floor area# in excess of that still available to the #zoning lot# after deducting the #floor area# removed. Such prohibition shall be non-cancelable for 99 years and, at the time of the addition of #development rights# to a #receiving lot# as provided in Section 94-094 (Authorization provisions for transfer of development rights to receiving lots), there shall be recorded in the land records and indexed against such #zoning lot# to which #floor area# is added, an instrument transferring the #floor area# to the #receiving lot# benefited. A certified copy of such instruments shall be submitted to the City Planning Commission upon recordation thereof.

(10/4/73)

94-13

Certification

An application for certification pursuant to Sections 94-07 (Mandatory Provisions) or 94-08 (Special Floor Area Bonus Provisions), by the City Planning Commission shall include:

- (a) written notice of intention to #develop# a #zoning lot# within the Special District;
- (b) plans for lot improvements, which shall be constructed on both #granting# and #receiving lots#; and
- (c) consents, agreements, restrictive declarations or legal

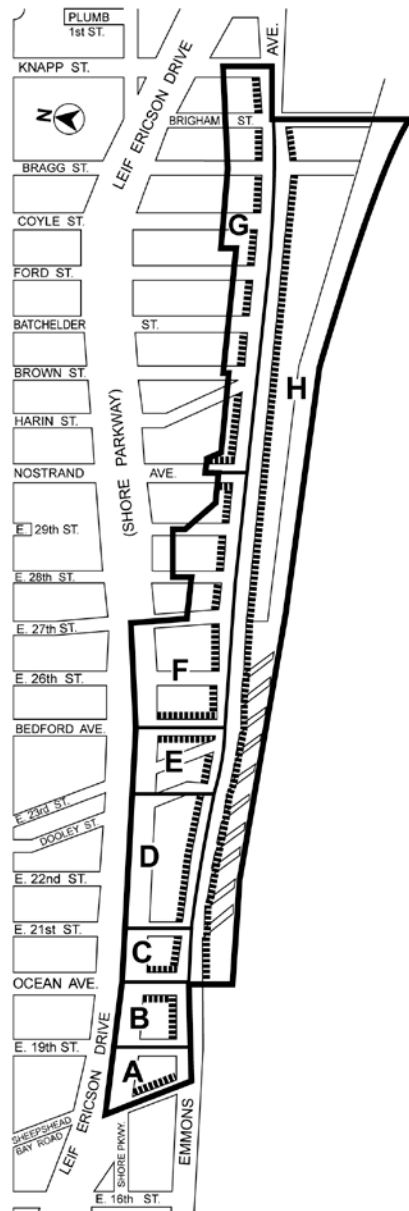
documents obligating the owner of the #zoning lot# or its designee to #develop# its property in accordance with the provisions of this Chapter.

The City Planning Commission may prescribe appropriate conditions and safeguards in connection with the issuance of such certification.

(4/30/08)

Appendix A

Special Sheepshead Bay District Map (94A)



— Special Sheepshead Bay District
— Area Boundary

MANDATORY PROVISIONS

Front Setback

Special Plaza Provisions— Areas A, C, and E

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article IX: Special Purpose Districts Chapter 5: Special Transit Land Use District

Effective date of most recently amended section of Article IX Chapter 5: 05/08/13

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(11/7/74)

Article IX - Special Purpose Districts

Chapter 5

Special Transit Land Use District

(11/7/74)

95-00

GENERAL PURPOSES

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

- (a) to minimize the conflict between normal pedestrian movements on public sidewalks and access to underground transit systems, by requiring developments within the Special District to provide access to underground transit or other subway amenities;
- (b) to reduce congestion on city streets in the vicinity of transportation nodes, by encouraging the provision of adequate underground pedestrian circulation systems;
- (c) to require adequate access of light and air to the subway mezzanines or station areas of the underground transit system and other related facilities in order to provide greater visibility and safety to below ground spaces;
- (d) to encourage development that reinforces and preserves the character of the existing communities within the area, by promoting needed pedestrian amenities;
- (e) to coordinate the present and future relationship of land uses within the Special District including weather protected public access to the underground transit system; and
- (f) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

(2/2/11)

95-01

Definitions

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

(2/2/11)

95-02

General Provisions

#Special Transit Land Use Districts# are mapped in the vicinity of existing or proposed subway stations. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

Whenever this Special District overlaps another Special District and imposes contradictory regulations, the provisions of the #Special Transit Land Use District# shall apply. Nothing contained in this regulation shall be understood to supersede Landmark or Historic District designations of the New York City Landmarks Preservation Commission.

(2/2/11)

95-03

Transit Easement

Any #development# or #enlargement# involving ground level construction within the #Special Transit Land Use District# shall provide an easement on the #zoning lot# for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of Section 95-04.

The issuance by the Department of Buildings of an excavation permit for any #zoning lot# located within the Special District shall be dependent upon prior compliance with the provisions of this Chapter.

The transit easement required on a #zoning lot# shall permit the realization of one or more of the following planning objectives:

- (a) the integration and relating of subway station design to surrounding development;

- (b) the introduction of light and air to stations and mezzanines;
- (c) the reduction of conflict between pedestrian movements and station facilities on the #street# level;
- (d) the provision of weather protection for subway entrances;
- (e) the relation of subway entrances to #commercial# and other transit facilities;
- (f) the provision of maximum visual exposure of subway entrances from public areas; and
- (g) the elimination or reduction of adverse environmental impact accompanying subway development.

In no event, however, may the easement area be used temporarily or permanently for any other purpose not immediately related to pedestrian amenity, except as hereinafter provided.

(2/2/11)

95-031

Selection of transit easement

The transit easement required on a #zoning lot# shall constitute a volume whose dimensions above and below #curb level# shall comply with the requirements as set forth in Table A or Table B of this Section, depending on the depth of the proposed subway mezzanine below #curb level#, as established by the Metropolitan Transportation Authority.

Six possible types of transit easements are listed in Table A and in Table B. The applicant for a #development# or an #enlargement# involving ground level construction shall, in consultation with the Metropolitan Transportation Authority and the City Planning Commission, select the easement type that is most appropriate for the location.

TABLE A
MINIMUM DIMENSIONS FOR TRANSIT EASEMENT VOLUME
(in feet)

Stations: Houston St., Kips Bay, Lenox Hill and E. 96th St.

Easement Type	Height above #Curb Level#(h)	Depth below #Curb Level#* (D)	Length (L)	Width (W)	#Zoning Lots# less than 10,000 sf	#Zoning Lots# 10,000 sf or more
1	15	20	80	20	x	
2	15	30	80	20	x	x
3	15	30	85	32		x
4	15	25	80	10	x	
5	15	30	80	10	x	
6	15	25	60	20	x	

* See Section 95-054

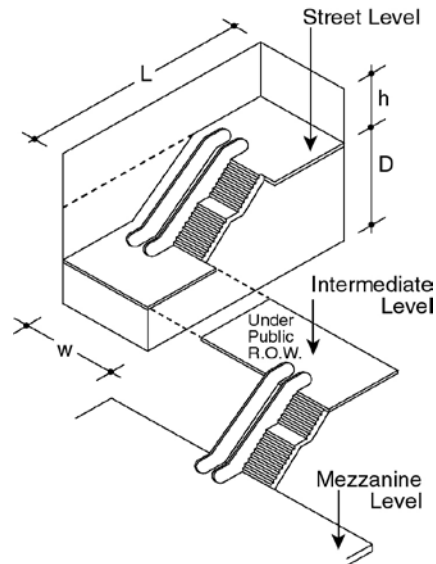
TABLE B
MINIMUM DIMENSIONS FOR TRANSIT EASEMENT VOLUME
(in feet)

Stations: Chatham Square, Grand St., 14th St., 23rd St., UN Plaza, East Midtown, Yorkville, Franklin Plaza, and Triboro Plaza

Easement Type	Height above #Curb Level#(h)	Depth below #Curb Level#* (D)	Length (L)	Width (W)	#Zoning Lots# less than 10,000 sf	#Zoning Lots# 10,000 sf or more
1	15	20	80	20	x	
2	15	40	100	20	x	x
3	15	40	85	32		x
4	15	35	100	10	x	
5	15	40	100	10	x	
6	15	35	65	20	x	

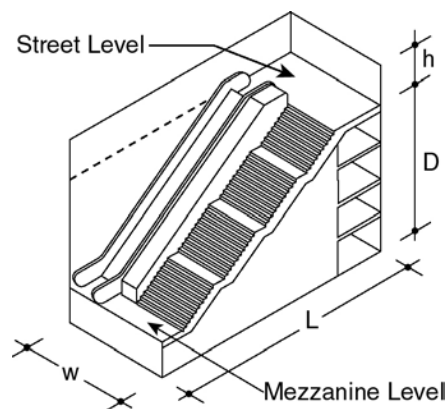
* See Section 95-054

Type 1 is appropriate on #zoning lots# of less than 10,000 square feet with adequate lot frontage and where the Metropolitan Transportation Authority provides final access to the subway mezzanine level under a public right-of-way.



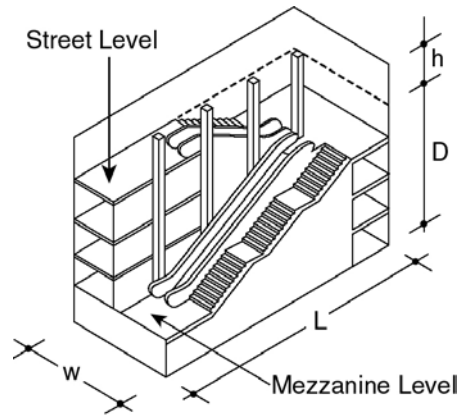
(95-031.1)

Type 2 is appropriate on any size #zoning lot# for providing direct access to the subway mezzanine level by a "straight run" stairway and/or escalator.



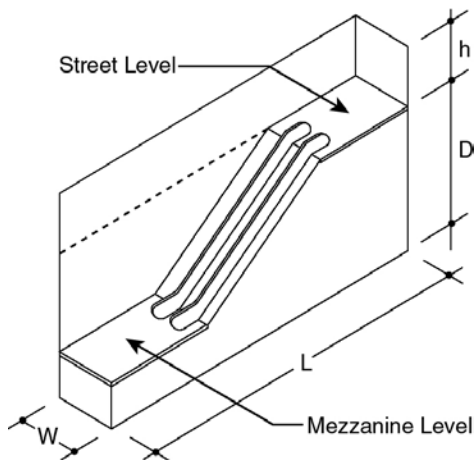
(95-031.2)

Type 3 is applicable to #zoning lots# of 10,000 square feet or more for providing a "turn around" arrangement of stairs.

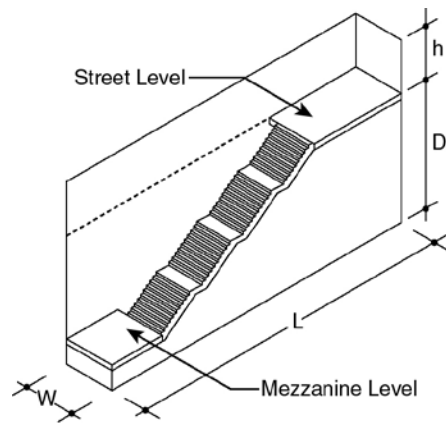


(95-031.3)

Types 4 and 5 are limited to #zoning lots# of less than 10,000 square feet with a narrow lot frontage for a single "straight-run" transit access facility, such as an escalator or stairway.

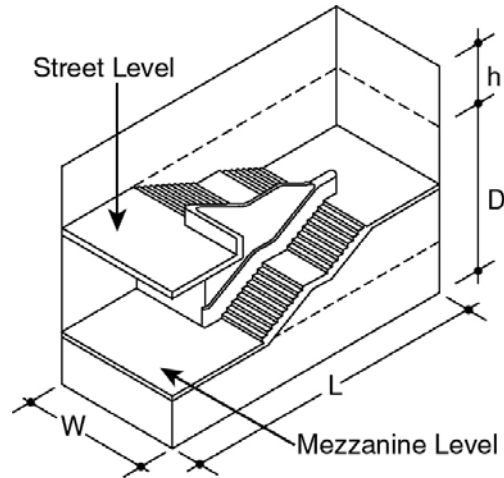


(95-031.4)



(95-031.5)

Type 6 is appropriate on #zoning lots# of less than 10,000 square feet for providing a "turn around" arrangement of stairs.



(95-031.6)

Where appropriate, any of these easement types may be used exclusively for light wells.

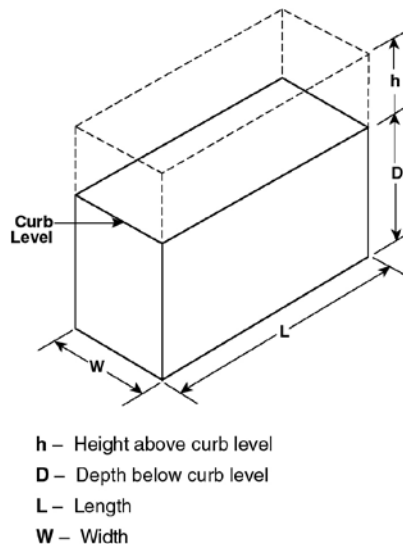
The Metropolitan Transportation Authority and the Commission, in consultation with the applicant, may make minor modifications of the dimensions of the easement volume type required on the applicant's site and the spacing of #building# columns permitted within the easement volume to facilitate the design and construction of circulation facilities appropriate for the area.

(10/17/07)

95-032

Location of transit easements

The transit easement volume may be located within a #building#, in open areas, including #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.



TRANSIT EASEMENT VOLUME
(95-032)

(12/20/79)

95-04

Certification of Transit Easement Volume

(2/2/11)

95-041

For developments or enlargements

Prior to filing any applications with the Department of Buildings for an excavation permit or building permit for a #development# or #enlargement# within the #Special Transit Land Use District#,

the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority and the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.

Upon receipt of the completed application, the Commission shall furnish a copy to the affected Community Board.

Within 60 days after receipt of such application, the Metropolitan Transportation Authority and the Commission shall jointly certify whether or not an easement is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

When the Metropolitan Transportation Authority and the Commission indicate that such easement is required, the owner shall submit a site plan indicating the location and type of easement volume that would be most compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the Metropolitan Transportation Authority and the Commission. Copies of such certification shall be forwarded by the City Planning Commission to the Department of Buildings.

Use Group T #uses# shall not be permitted in #Residence Districts# prior to the improvement of a transit easement in accordance with approval and certified plans.

(2/2/11)

95-042

For substantially vacant existing zoning lots

When a #zoning lot# located within the #Special Transit Land Use District# is substantially vacant and appropriate for a transit easement, the Metropolitan Transportation Authority may request the City Planning Commission to certify that a portion of such #zoning lot# is necessary for a transit easement.

As a condition for securing a transit easement on such #zoning lot#, the Commission shall make the following findings:

- (a) that such transit easement is required by the Metropolitan Transportation Authority to provide public access to a subway mezzanine or to a public passageway leading to a subway mezzanine or platform;
- (b) that such transit easement is located on a vacant portion of

a #zoning lot#;

- (c) that the use of the transit easement will not reduce development potential on the #zoning lot# under the applicable district regulations; and
- (d) that the Metropolitan Transportation Authority and the owner agree that the construction within the easement volume will be integrated with the total development.

At such time as an existing vacant #zoning lot# on which a transit easement volume provided pursuant to the provisions of this Section, is #developed#, it shall be subject to all regulations of this Chapter.

(10/17/07)

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 #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 #public plaza# area.

(2/2/11)

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 Metropolitan Transportation 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 #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.

(2/2/11)

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 Metropolitan Transportation Authority in consultation with the owner of the #zoning lot# and shall be integrated architecturally, including color and material, with the #buildings# on the #zoning lot# and with adjoining #public plaza# area. Design concept for such elevators shall be submitted to the City Planning Commission for certification.

(2/2/11)

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 Metropolitan Transportation 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 #public plaza#.

When the subway entrance is within an open #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 #buildings# on the #zoning lot# and any adjoining #public plaza# or open area.

(2/2/11)

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 Metropolitan Transportation 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 #public plaza# area. However, such elements shall not interfere with the pedestrian movement.

The Metropolitan Transportation Authority and the City Planning Commission may permit penetration of the transit easement volume above #curb level# by a #building# lobby, including #building# columns, where such lobby space serves as a part of the pedestrian circulation system and provides from it direct public access to the subway entrance within the easement volume.

Where construction within a transit easement volume is more than five feet in height above #curb level#, such construction proposal shall be submitted to the Commission for a review and

certification to ensure that such construction relates harmoniously to the total development. When a transit easement volume is located within a #building#, it shall be open to the general public for the same hours of operation as the subway station.

#Building# columns or footings are permitted inside the transit easement volume, provided that the minimum clear distance between any columns is 12 feet and between the columns and any bounding walls of the transit easement volume is 10 feet. Where the width of an easement is greater than 20 feet, location of columns within the easement volume shall be established in consultation with the Metropolitan Transportation Authority. In all cases, the depth of columns or footings within the easement area or adjoining area shall be established in consultation with the Metropolitan Transportation Authority. Furthermore, vertical space between such columns shall be open and unobstructed from its base except for any construction permitted under the provisions of this Chapter.

(2/2/11)

95-055

Knockout panel

Any underground walls constructed along the #front lot line# of a #zoning lot# in which transit easement volume is required by the Metropolitan Transportation Authority shall contain a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be indicated by the Metropolitan Transportation Authority.

(2/2/11)

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 Metropolitan Transportation Authority or by its designee for subway purposes.

Temporary #use# of the transit easement volume above #curb level# in a #public plaza# or #open space# area shall be limited to

#use# as a landscaped open area that may contain obstructions permitted in a #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 Metropolitan Transportation Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

(2/2/11)

95-07

Special Provisions for an Increase in Zoning Tower Coverage on Zoning Lots Containing Transit Easements

For any #zoning lot# on which a transit easement volume is required pursuant to Section 95-04, the #lot coverage# of a tower permitted by the underlying district regulations may be increased by an amount equal to 10 percent of the #lot area# of the #zoning lot#.

In no event shall the permitted increase in tower coverage on a #zoning lot# affect the maximum allowable #floor area ratio# under the applicable district regulations.

(2/2/11)

95-08

Special Use Regulations

In order to promote the continued development of retail and related #uses# which are most appropriate for pedestrians using transit facilities, the only #commercial uses# permitted in the subway mezzanine level, along with the bounding walls of the transit easement volume and at the ground #story# of any #development# or #enlargement# within the Special District, shall be those #uses# listed in Use Group T in Section 95-081.

Use Group T #uses# shall not be permitted in #Residence Districts# prior to the improvement of a transit easement in accordance with approved and certified plans.

In all underlying districts within the Special District, below the lowest #story# occupied by #residential uses#, Use Group T #uses# are permitted to occupy no more than two #stories# above

#curb level#. However, #uses# listed in paragraphs A, C or E of Section 95-081 are permitted within the Special District only where allowed by the underlying district regulations. Location of #commercial uses# within a #building# shall be governed by the provisions of Section 32-42.

In the subway mezzanine, at ground #story# and along the bounding walls of the transit easement volume, the frontage occupied by any #uses# shall not exceed 25 linear feet per establishment within a distance of 75 feet from the edge of the easement volume at any level.

(2/8/90)

95-081

Use Group T

Use Group T comprises a group of retail establishments selected to promote and strengthen retail business in the Special District. #Uses# marked with an asterisk (*) shall not be located at the subway mezzanine level or along the bounding walls of a transit easement volume.

A. Amusements

Billiard parlors or pool halls

Model car hobby centers, including racing

Theaters

B. Convenience Retail or Service Establishments

Bakeries, provided that no floor space is used for production

Barber shops

Beauty parlors

Drug stores

*Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines

shall not exceed 60 pounds

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime

Eating or drinking establishments, with musical entertainment, but not dancing, with a capacity of 200 persons or fewer

*Food stores, including grocery stores or delicatessen stores

*Fruit stands, including supermarkets or meat markets

Hardware stores

*Laundry establishments, hand or automatic self-service

*Package liquor stores

Post offices

Shoe or hat repair shops

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 10,000 square feet of #floor area# per establishment

C. Offices

*Offices, business, professional or governmental

D. Retail or Service Establishments

Antique stores

Art galleries, commercial

Artists' supply stores

Banks

Bicycle sales

*Blueprinting or photostatting establishments

Book stores

*Business schools or colleges

Candy stores or nut stores

*Carpet, rug, linoleum or other floor covering stores

Cigar or tobacco stores

Clothing or accessory stores

Clothing or costume rental establishments

Dry goods or fabric stores

Electrolysis studios

Fishing tackle or equipment, rental or sales

Florist shops

Furniture stores

Furrier shops, custom

Gift shops

**Gymnasiums, used exclusively for basketball, handball, squash and tennis

*Ice cream stores

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Leather goods or luggage stores

Loan offices

Locksmith shops

*Medical or orthopedic appliance stores

*Meeting halls

Millinery shops

Music stores
Musical instrument repair shops

Newsstands, open or enclosed

Optician or optometrist establishments

*Paint stores

*Pet shops

Photographic equipment or supply stores

Photographic studios

** #Physical culture or health establishments#, including
gymnasiums (not listed under Use Group 9), reducing salons,
massage establishments or steambaths, but other than #adult
physical culture establishments#

Picture framing shops

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Studios, art, music, dancing or theatrical

Telegraph offices

* Television, radio, phonograph or household appliance repair
stores

Television, radio, phonograph or household appliance shops

Toy stores

Travel bureaus

Typewriter or other small business machine repair shops

Typewriter stores

Umbrella repair shops

Wallpaper stores

Watch or clock stores or repair shops

E. Other Retail or Wholesale Establishments

Department stores

*Hair products for headwear, wholesaling, including styling

*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects

*Photographic developing or printing establishments, limited to 2,500 square feet of #floor area# per establishment

Plumbing, heating or ventilating equipment showrooms, without repair facilities

F. Clubs

All types of clubs, without restrictions on activities or facilities

G. #Accessory uses#

**#Uses# in Use Group T marked with a double asterisk are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36

(5/8/13)

95-09

Special Regulations for Accessory Off-Street Parking and Curb Cuts

Within the portion of the #Special Transit Land Use District# located within the #Manhattan Core#, the provisions of Article I,

Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Transit Land Use District#, the provisions of this Section shall apply.

On any #zoning lot# on which a transit easement volume is provided, the required #accessory# off-street parking requirements for #residential uses# of the applicable underlying districts shall be reduced to a maximum of 20 percent.

In no case within the Special District shall curb cuts for vehicular access be located on a #street# containing transit lines or on a #street# within 50 feet of its intersection with the #street lines# of such a #street#.

The #accessory# parking requirements shall not apply to any #development# or #enlargement# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

(4/30/08)

95-10

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 #public plaza#.

(4/30/08)

95-11

Recordation

The instrument creating a transit easement volume shall be recorded in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the City Planning Commission.

(2/2/11)

95-12

Termination of Transit Easement Volume

In the event that the Metropolitan Transportation Authority and the City Planning Commission jointly notify the Department of Buildings and the owner in writing that a transit easement volume is not required on a #zoning lot# in its final construction plans, the restrictions imposed on such #zoning lot# by the provisions of this Chapter shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the Metropolitan Transportation Authority to the extinguishment of the easement volume. On any #zoning lot# which has been #developed# or upon which a #building# is #enlarged# in accordance with the provisions of Section 95-07 and on which termination of transit easement has been certified, pursuant to this Section, any open, enclosed or arcaded area reserved for transit easement at #curb level# shall be provided for public use with lighting, landscaping, trees, substantial artwork and sitting facilities.

(2/2/11)

95-13

Previous Transit Easement Agreements

Whenever, under prior zoning regulations, the owner of a #development# or #enlargement# has agreed to provide a transit easement volume on a #zoning lot#, the existence of such agreement shall be certified by the Chairperson of the City Planning Commission to the Department of Buildings. Such agreement shall be deemed to satisfy the provisions of this Chapter.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article IX: Special Purpose Districts Chapter 6: Special Clinton District

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(11/21/74)

Article IX - Special Purpose Districts

Chapter 6

Special Clinton District

(1/19/05)

96-00

GENERAL PURPOSES

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

These goals include, among others, the following:

- (a) to preserve and strengthen the residential character of the community;
- (b) to permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups presently residing in the area;
- (c) to preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;
- (d) to recognize the unique character of the eastern edge of the District as an integral part of the Theater Subdistrict within the Special Midtown District as well as the Special Clinton District;
- (e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;
- (f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent #Special Hudson Yards District#;

- (g) to provide amenities, such as street trees, to improve the physical environment;
- (h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and
- (i) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

(2/2/11)

96-01

Definitions

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

Certification of no harassment

"Certification of no harassment" shall mean a certification by the Department of Housing Preservation and Development pursuant to Section 96-110 that there has not been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#, as defined in Section 96-110.

Harassment

"Harassment" shall mean any conduct by or on behalf of an owner of a #multiple dwelling# that includes:

- (a) the use or threatened use of force which causes or is intended to cause any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive any rights in relation to such occupancy;
- (b) the interruption or discontinuance of essential services which:
 - (1) interferes with or disturbs or is intended to interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in the use or

occupancy of such #dwelling unit# or #rooming unit#;
and

- (2) causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy;
- (c) a failure to comply with the provisions of subdivision (c) of section 27-2140 of article seven of subchapter five of the Housing Maintenance Code which causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such unit or to waive any rights in relation to such occupancy; or
- (d) any other conduct which prevents or is intended to prevent any person from the lawful occupancy of such #dwelling unit# or #rooming unit# or causes or is intended to cause such person lawfully entitled to occupancy of such #dwelling unit# or #rooming unit# to vacate such #dwelling unit# or #rooming unit# or to surrender or waive any rights in relation to such occupancy, including but not limited to removing the possessions of any occupant from the #dwelling unit# or #rooming unit#; removing the door at the entrance to the #dwelling unit# or #rooming unit#; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying the occupant with a key.

For purposes of this definition, #dwelling unit#, #referral date# and #rooming unit# shall be defined as in Section 96-110.

Material alteration

"Material alteration" shall mean any alteration to a #multiple dwelling# including, but not limited to, an alteration which reduces or increases the #floor area# of the #multiple dwelling#, #converts floor area# from #residential# to non-#residential use#, changes the number or layout of #dwelling units# or #rooming units#, or adds or removes kitchens or bathrooms; provided, however, that #material alteration# shall not include:

- (a) an #incidental alteration# which does not change the layout of #dwelling units# or #rooming units#; or
- (b) a repair or replacement of existing elements of such #multiple dwelling# without materially modifying such elements.

For purposes of this definition, #dwelling unit# and #rooming unit# shall be defined as in Section 96-110.

Mixed building

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

Multiple dwelling

"Multiple dwelling" shall have the meaning set forth in the Multiple Dwelling Law.

(10/9/13)

96-02

General Provisions

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

The #Special Midtown District# and its regulations, where applicable in the #Special Clinton District#, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area). In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations). This portion of the Special Purpose District is designated on the #zoning map# by the letters "CL-MiD."

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

(8/17/90)

96-03

District Map

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

Area A - PRESERVATION AREA, Section 96-10

Area B - PERIMETER AREA, Section 96-20

Area C - OTHER AREAS, Section 96-30

(2/2/11)

96-10

PRESERVATION AREA

The provision of this Section shall apply to all #developments#, #enlargements#, #extensions# or alterations. All existing #buildings# within the Preservation Area shall be considered complying #buildings# for all purposes including, but not limited to, alterations, #enlargements#, #extensions# or #conversions# to #residential uses#. Any existing #building# which is damaged or destroyed by any means may be reconstructed to its #bulk# prior to such damage or destruction. All existing legal #uses# in enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing uses# may be changed, subject to the applicable underlying district regulations, pursuant to the change of #non-conforming use# provisions of Sections 52-31, 52-33, 52-34, 52-35 and 52-36.

(2/2/11)

96-101

Floor area regulations

For any #zoning lot# within the Preservation Area, the #floor area ratio# for a #residential#, #commercial# or #community facility building#, or portions of a #mixed building# containing such #uses#, shall not exceed the following:

#Uses#	#Floor Area Ratio#
#Residential buildings# or #community facility buildings# or portions of #mixed buildings# containing #residential# or #community facility uses# in the following Districts:	
R8 C1-5 C2-5 C6-2	4.2
#Commercial buildings# or #commercial# portion of #mixed buildings# in the following Districts:	
C1-5 C2-5	2.0
C6-2*	4.2

-
- * In C6-2 Districts, for #zoning lots#, or portions thereof, comprised of listed theaters designated in Section 81-742 of the #Special Midtown District#, the City Planning Commission shall allow a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). The basic maximum #floor area ratio# for transfer purposes for such #zoning lots#, or portions thereof, shall be 6.02.

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

(2/2/11)

96-102

Lot coverage regulations

Within the Preservation Area, the #open space# requirement of Article II, Chapter 3, and the #lot coverage# provisions of Section 24-11, are not applicable. The #lot coverage# provisions of this Section apply in lieu thereof. In C6-2 Districts, for the purposes of determining #lot coverage#, any part of a #building# that is listed as a permitted obstruction in #open space# or in a #rear yard# shall not be included in #lot coverage#. For #zoning lots#, or portions thereof, located within 100 feet of the

#street line# of a #wide street#, the maximum #lot coverage# shall not exceed 70 percent. For all #zoning lots#, or portions thereof, located more than 100 feet from the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 60 percent.

Any #development# containing #residential uses# shall provide a minimum of 20 percent of the #lot area# of a #zoning lot# as usable, landscaped open area for occupants of #dwelling units# or #rooming units# in the #development#.

(4/30/08)

96-103

Yard regulations

The #yard# regulations of this Section apply to any #development# or #enlargement#.

For #zoning lots#, or portions thereof, located within 100 feet of the #street line# of a #wide street#, no #rear yard# shall be required.

For all #zoning lots#, or portions thereof, located more than 100 feet from the #street line# of a #wide street#, a #rear yard# having a minimum depth of 30 feet shall be required.

On a #through lot#, or portion thereof, more than 100 feet from the #street line# of a #wide street#, the #rear yard equivalent# provisions of Section 23-532, paragraph (a), shall apply.

(6/14/11)

96-104

Height and setback regulations

The underlying height and setback regulations shall not apply, except as set forth in Sections 23-62 or 33-42 (Permitted Obstructions), as applicable. In lieu thereof, the height and setback provisions of this Section shall apply. All height shall be measured from #curb level#.

(a) #Street wall# location

For #zoning lots# with #wide street# frontage, #street walls# shall be located on the #wide street line# and extend

along the entire #wide street# frontage of the #zoning lot#. For #corner lots# with #narrow street# frontage, #street walls# shall be located on and extend along the #narrow street line# within 50 feet of the #wide street#.

For #zoning lots# with #narrow street# frontage, #street walls# shall be located on the #street line# and extend along the entire #narrow street# frontage of the #zoning lot# beyond 50 feet of a #wide street#. However, where the #street wall# of an adjacent #building# fronting on the same #narrow street line# is located within 10 feet of the #street line#, the #street wall# of the #building# may be aligned with the #street wall# of the adjacent #building# for a distance of not less than 20 feet measured horizontally from the side wall of such #building#. The portion of a #zoning lot# that is located between a #street wall# and the #street line#, pursuant to the optional #street wall# location provisions of this paragraph, (a), shall be maintained at the same elevation as the adjoining sidewalk. In addition, such portion of a #zoning lot# shall be planted, except at the entrances to and exits from the #building#, or adjacent to #commercial uses# fronting on the #street#.

(b) Permitted recesses

Ground floor recesses up to three feet deep shall be permitted for access to #building# entrances. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no such recesses are within 30 feet of the intersection of two #street lines#.

(c) #Building# height

Within 100 feet of a #wide street#, the #street wall# of a #building or other structure# shall rise without setback to a minimum height of 50 feet or the height of the #building#, whichever is less, and a maximum height of 66 feet. A setback shall be provided for all portions of #buildings# that exceed a height of 66 feet. Such setbacks shall be provided at a height not lower than 50 feet and not higher than 66 feet, and shall have a minimum depth of 10 feet, measured from any #street wall# facing a #wide street#, and a minimum depth of 15 feet, measured from any #street wall# facing a #narrow street#. No #building or other structure# shall exceed a height of 85 feet. Beyond 100 feet of a #wide street#, no #building or other structure# shall exceed a height of seven #stories# or 66 feet, whichever is less.

However, the City Planning Commission, by special permit, may modify the special height and setback regulations set forth in this Section. In order to grant such special permit, the Commission shall find that the distribution of #bulk# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height does not exceed 99 feet beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

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

(2/2/11)

96-105

Dwelling unit regulations

(a) #Dwelling unit# distribution

For #developments#, #enlargements#, #extensions# or #conversions# of an existing #building# to a #residential use#, the density requirements of the underlying districts shall be inapplicable. In lieu thereof, the required #lot area per dwelling unit# of a #development#, #enlargement#, #extension# or #conversion# of an existing #building# to a #residential use# shall not be less than 168 square feet and the number of two-bedroom units on a #zoning lot# shall not be less than 20 percent.

In addition, the minimum density requirement and the 20 percent, two-bedroom unit requirement set forth in this Section shall apply to any alteration that creates additional #dwelling units# or additional zero-bedroom units. Alterations that reduce the percentage of apartments that contain two bedrooms are not permitted unless the resulting #building# meets the 20 percent, two-bedroom requirement.

However, notwithstanding any provision to the contrary contained in this Section, the minimum density requirement and the 20 percent, two-bedroom unit requirement shall not apply to alterations which add a code-complying bathroom, pursuant to Section 27-2063 of the Housing Maintenance Code of the City of New York, to a #dwelling unit# which is publicly assisted (exclusive of any tax abatement or tax exemption program), and which is administered by a not-for-profit agent.

The City Planning Commission, by special permit, may modify the two-bedroom unit distribution requirement and the density requirement of this Section for a #non-profit residence for the elderly# or for a #residence# substantially for elderly persons with disabilities, under jurisdiction of a State or City agency, provided that the following findings are made:

- (1) that such #residences# are sponsored by a voluntary non-profit organization;
- (2) that the location and size of such facility does not create an undue concentration of #dwelling units# of

this type and #community facilities# with sleeping accommodations within the immediate area;

- (3) that there are social service, health and related programs for the residents including a maintenance and security plan;
- (4) that on-site recreation areas for the use of the residents are provided; and
- (5) that the proposed #residences# will not overburden existing public services in the neighborhood.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the residential character of the surrounding area.

- (b) Special provisions for owner-occupied #buildings# containing #residences#

For alterations of #buildings# containing #residences#, which #buildings# are owner-occupied and which contain four or fewer #dwelling units#, the #dwelling unit# distribution provisions of Section 96-105 (Dwelling unit regulations) shall not apply.

(11/21/74)

96-106

Special regulations for existing storefronts

Any vacant ground floor store in an underlying #Residence District# may change to a conforming #use# or to a #use# listed in Use Group 6 regardless of the two-year discontinuance provisions of Section 52-61.

(2/2/11)

96-107

Special regulations for community facility uses

#Developments#, #enlargements# or #extensions# of #community facility uses# or #conversions# of an existing #building# to a #community facility use#, are permitted on #zoning lots# containing existing #buildings# with #residential uses# only pursuant to the provisions of this Section. The City Planning Commission, by special permit, may permit #developments#, #enlargements# or #extensions# of #community facility uses#, provided that the Commission makes the following findings:

- (a) that the existing #building# is not eligible for rehabilitation under any active publicly-aided program under which funds are available;
- (b) that, prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the developer shall have notified the Department of Housing Preservation and Development of his or her intention to demolish the #building#; and

- (c) that the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with Section 96-110, paragraph (d) (Certification of Cure for Harassment).

This special permit shall be in addition to any special permits required for nursing homes, health related-facilities and domiciliary care facilities for adults, pursuant to the provisions of Section 74-90.

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

(2/2/11)

96-108

Demolition of buildings

No demolition permit or alteration permit for partial demolition involving a decrease of more than 20 percent in the amount of #residential floor area# in a #building# shall be issued by the Department of Buildings for any #building# containing #dwelling units# within the Preservation Area, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

However, the City Planning Commission, by a special permit, may allow demolition of #buildings# containing #dwelling units# or #rooming units# other than unsafe #buildings# within the Preservation Area, provided that the Commission makes the following findings:

- (a) that the existing #building#:
 - (1) is not eligible for rehabilitation under any active publicly-aided program under which funds are available; or
 - (2) is to be substantially preserved and requires an alteration permit to allow the removal and replacement of 20 percent or more of the #floor area#.
- (b) that prior to evicting or otherwise terminating the occupancy of any tenant preparatory to demolition, the owner shall have notified the applicable governmental agency of its intention to demolish the #building#.
- (c) that the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with Section 96-110, paragraph (d), (Certification of Cure for Harassment); and
- (d) that an acceptable program for #development# of the #zoning lot# is submitted to the Commission which indicates that to the extent permitted by the provisions of Section 96-10 (PRESERVATION AREA), the number of new #dwelling units# to be constructed is at least equal to the number of #dwelling units# to be demolished and that the #floor area# of the #development# containing #residences# is at least equal to

the #floor area# of the #dwelling units# to be demolished and that site development will commence within a period of twelve months from completion of relocation.

The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #use# proposed on the site prior to any construction is in conformance with the purposes of this Special District.

(12/21/05)

96-109

Alterations of buildings

Prior to the issuance of an alteration permit by the Department of Buildings for a #material alteration# of a #multiple dwelling# within the Preservation Area, the Department of Housing Preservation and Development shall certify to the Department of Buildings that:

- (a) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration, the owner shall have notified the Commissioner of his or her intention to alter the #building#; and
- (b) the Department of Housing Preservation and Development has issued a #certification of no harassment# or that the owner has complied with Section 96-110, paragraph (d), (Certification of Cure for Harassment).

However, a permit for alterations may be exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development that such alterations are to be performed solely for the purpose of either:

- (1) making the public areas of a #multiple dwelling# accessible to persons with disabilities without altering the configuration of any #dwelling unit# or #rooming unit#; or
- (2) making a #dwelling unit# or a #rooming unit# accessible to persons with disabilities.

For the purposes of this Section, #dwelling unit# and #rooming unit# shall be defined as in Section 96-110.

(2/2/11)

96-110

Harassment and cure

- (a) Definitions

- (1) Application date

“Application date” shall mean the date that the Department of Housing Preservation and Development accepts a completed application for a #certification of no harassment# for processing.

- (2) Cure compliance lot

"Cure compliance lot" shall mean a #zoning lot# on which #low income housing# is provided pursuant to a #restrictive declaration# in accordance with the cure provisions of paragraph (d) of this Section. Each #cure compliance lot# shall be located entirely within the corresponding #cure requirement lot#.

(3) Cure requirement

"Cure requirement" shall mean #floor area# in an amount not less than the greater of:

- (i) 28 percent of the total #residential# and #hotel floor area# of any #multiple dwelling# to be altered or demolished in which #harassment# has occurred; or
- (ii) 20 percent of the total #floor area# of any new or altered #building# on the #cure requirement lot#.

#Cure requirement# shall also mean any cure for harassment that was approved by the City Planning Commission or the Department of Housing Preservation and Development and was permitted by the provisions of this Section prior to December 21, 2005.

(4) Cure requirement lot

"Cure requirement lot" shall mean:

- (i) a #zoning lot# containing a #multiple dwelling# with respect to which the Department of Housing Preservation and Development has denied a #certification of no harassment#; or
- ii) a #zoning lot# with respect to which an applicant, in lieu of seeking a #certification of no harassment# which would otherwise be required, elects to seek a certification of compliance with the cure provisions of paragraph (d) of this Section and enters into a #restrictive declaration#.

(5) Dwelling unit

"Dwelling unit" shall have the meaning set forth in the Multiple Dwelling Law.

(6) Exempt hotel

"Exempt hotel" shall mean any #multiple dwelling#:

- (i) which is a #transient hotel# and was a #transient hotel# on the #referral date#; and
- (ii) in which no #residential# occupant is, or was on the #referral date#, entitled to a renewal lease or otherwise entitled to continued occupancy pursuant to the Local Housing Emergency Rent Control Act, as amended, the City Rent and Rehabilitation Law, as amended, the Rent Stabilization Law of 1969, as amended, or the Emergency Tenant Protection Act of 1974, as

amended; and

- (iii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(7) Exempt institutional residence

"Exempt institutional residence" shall mean any #multiple dwelling#:

- (i) the occupancy of which is restricted to non-profit institutional use and was restricted to non-profit institutional use on the #referral date#; and
- (ii) which has been exempted from the provisions of this Section by written determination of the Department of Housing Preservation and Development.

(8) Inquiry period

"Inquiry period" shall mean a period which:

- (i) commences fifteen years prior to the #application date#; and
- (ii) terminates upon the #application date#;

provided, however, that the Department of Housing Preservation and Development may:

- (a) set such commencement date upon any date which is on or after the #referral date#, and is more than fifteen years prior to the #application date# where it determines that such extension of the duration of the inquiry period would further the purposes of this Section; and
- (b) extend such termination date up to and including the date upon which the Department of Housing Preservation and Development determines to grant or deny a #certification of no harassment#.

(9) Low income housing

"Low income housing" shall mean #dwelling units# or #rooming units# occupied or to be occupied by persons or families having an annual household income at the time of initial occupancy equal to or less than eighty percent of the median income for the primary metropolitan statistical area, as determined by the United States Department of Housing and Urban Development or its successors from time to time for a family of four, as adjusted for family size.

(10) Referral date

"Referral date" shall mean September 5, 1973.

(11) Restrictive declaration

"Restrictive declaration" shall mean a legal instrument

which:

- (i) provides that #low income housing# in an amount not less than the #cure requirement# shall be provided in a new or altered #multiple dwelling# on the #cure compliance lot#;
- (ii) provides that the #low income housing# must comply with the requirements of Section 23-90 for rental #affordable housing# provided without #public funding#, as amended by this Chapter, unless any such requirement is waived by the Department of Housing Preservation and Development. However, in the Preservation Area, paragraph (c) of Section 23-96 (Requirements for Generating Sites), shall be inapplicable and in its place and stead, paragraph (a) of Section 96-105 (Dwelling unit regulations) shall be applicable;
- (iii) contains such other terms as the Department of Housing Preservation and Development shall determine;
- (iv) has been approved by the Department of Housing Preservation and Development;
- (v) runs with the land and binds all parties in interest to the #cure requirement lot# and their successors;
- (vi) runs with the land and binds all parties in interest to the #cure compliance lot# and their successors; and
- (vii) is perpetual in duration.

(12) Rooming unit

#Rooming unit# shall have the meaning set forth in the Housing Maintenance Code.

(b) Permit Process

- (1) Unless the Department of Housing Preservation and Development has issued a #certification of no harassment# pursuant to paragraph (c) of this Section or has certified compliance with the cure provisions of paragraph (d) of this Section, no permit may be issued by the Department of Buildings pursuant to Sections 96-109 or 96-24, and no special permit may be granted by the City Planning Commission pursuant to Sections 96-107 or 96-108.
- (2) The following structures shall be exempt from the provisions of this Section:
 - (i) any city-owned #multiple dwelling#;
 - (ii) any #multiple dwelling# which is the subject of a program approved by Department of Housing Preservation and Development for the provision of housing for persons of low or moderate income and has been exempted from the provisions of

this Section by written determination of the Department of Housing Preservation and Development;

- (iii) any #multiple dwelling# initially occupied for residential purposes after January 1, 1974, except for #buildings# which are or have been interim #multiple dwellings# pursuant to Article 7C of the Multiple Dwelling Law;
 - (iv) any #exempt hotel#;
 - (v) any #multiple dwelling# in which occupancy is restricted to clubhouse or school dormitory use and occupancy was restricted to clubhouse or school dormitory use on the #referral date#; and
 - (vi) any #exempt institutional residence#.
- (3) Where the Department of Housing Preservation and Development has denied a #certification of no harassment# with respect to a #multiple dwelling#, the Department of Buildings shall not issue any permit with respect to any #multiple dwelling# or other #building# located on, or to be located on, the #cure requirement lot# except in accordance with paragraph (d) of this Section.

(c) Certification of No Harassment

- (1) The Department of Housing Preservation and Development shall determine and certify whether there has been #harassment# of the lawful occupants of a #multiple dwelling# during the #inquiry period#.
- (2) There shall be a rebuttable presumption that #harassment# occurring within the #inquiry period# was committed by or on behalf of the owner of such #multiple dwelling# and that such #harassment#:
 - (i) was committed with the intent to cause a person lawfully entitled to occupancy of a #dwelling unit# or #rooming unit# in such #multiple dwelling# to vacate such unit or to surrender or waive a right in relation to such occupancy; and
 - (ii) materially advanced the demolition or alteration in furtherance of which the permit and #certification of no harassment# are sought.
- (3) The Department of Housing Preservation and Development may promulgate rules regarding the implementation of this Section. Such rules may include, but shall not be limited to, provisions which:
 - (i) establish the information to be required in an application for #certification of no harassment#, the form of such application, and the manner of filing of such application;
 - (ii) establish reasonable fees and charges to be collected from applicants for the administrative expenses incurred by the Department of Housing Preservation and Development, including, but not

limited to, costs for publication of any notices;

- (iii) establish the duration for which a #certification of no harassment# will remain effective; and
 - (iv) authorize the rescission of a #certification of no harassment# if the Department of Housing Preservation and Development finds either that #harassment# has occurred after the #inquiry period# or that the application for such #certification of no harassment# contained a material misstatement of fact. Following such rescission, the Department of Buildings may revoke any permit for which such #certification of no harassment# was required.
- (4) The Department of Housing Preservation and Development may refuse to accept, or to act upon, an application for a #certification of no harassment# where the Department of Housing Preservation and Development finds that:
- (i) taxes, water and sewer charges, emergency repair program charges, or other municipal charges remain unpaid with respect to such #multiple dwelling#;
 - (ii) such #multiple dwelling# has been altered either without proper permits from the Department of Buildings or in a way that conflicts with the certificate of occupancy for such #multiple dwelling# (or, where there is no certificate of occupancy, any record of the Department of Housing Preservation and Development indicating the lawful configuration of such #multiple dwelling#) and such unlawful alteration remains uncorrected; or
 - (iii) the Department of Housing Preservation and Development has previously denied an application for a #certification of no harassment# pursuant to this Section.
- (5) If the Department of Housing Preservation and Development determines that an application for a #certification of no harassment# contains a material misstatement of fact, the Department of Housing Preservation and Development may reject such application and bar the submission of a new application with respect to such #multiple dwelling# for a period not to exceed three years.
- (6) Before determining whether there is reasonable cause to believe that #harassment# has occurred with respect to any #multiple dwelling#, the Department of Housing Preservation and Development shall publish a notice in such form and manner as shall be specified in the rules promulgated pursuant to paragraph (c)(3) of this Section. Such notice shall seek public comment regarding whether there has been #harassment# of the lawful occupants of such #multiple dwelling# from the #referral date# to the date of submission of comments. If the Department of Housing Preservation and Development receives comments containing material

evidence that #harassment# occurred on or after the #referral date# and more than fifteen years prior to the #application date#, the Department of Housing Preservation and Development shall, in accordance with paragraph (a)(8) of this Section, set the commencement of the #inquiry period# on a date prior to the date of such alleged harassment.

(7) The Department of Housing Preservation and Development shall determine whether there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#.

(i) If there is no reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall issue a #certification of no harassment#.

(ii) If there is reasonable cause to believe that #harassment# has occurred during the #inquiry period#, the Department of Housing Preservation and Development shall cause a hearing to be held in such manner and upon such notice as shall be determined by the Department of Housing Preservation and Development, unless the applicant waives the right to a hearing. Following receipt of the report and recommendation of the hearing officer, or receipt of a waiver of the right to such a hearing from the applicant, the Department of Housing Preservation and Development shall either grant or deny a #certification of no harassment#.

(8) The Department of Housing Preservation and Development may deny a #certification of no harassment# without a prior hearing if there has been a finding by the Division of Housing and Community Renewal or any court having jurisdiction that there has been harassment, unlawful eviction or arson at the #multiple dwelling# during the #inquiry period#.

(d) Certification of Cure for Harassment

(1) The Department of Housing Preservation and Development shall not certify compliance with the cure provisions of this paragraph to the Department of Buildings unless all parties in interest to the #cure requirement lot# and all parties in interest to the #cure compliance lot# have entered into a #restrictive declaration#.

(2) Any permit or certificate of occupancy issued by the Department of Buildings with respect to any structure located on a #cure requirement lot# or a #cure compliance lot# shall be subject to the following conditions:

(i) The Department of Buildings shall not issue any permit, except a permit for an alteration which is not a #material alteration#, with respect to any structure located on the #cure requirement lot# unless the #restrictive declaration# has been recorded in the Office of the City Register and indexed against each tax lot within the #cure

requirement lot# and each tax lot within the #cure compliance lot#.

- (ii) The Department of Buildings shall not issue any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, other than any #low income housing# located on the #cure requirement lot#, until:
 - (a) the Department of Housing Preservation and Development certifies that the #low income housing# required by the #restrictive declaration# has been completed in compliance with the #restrictive declaration#; and
 - (b) the Department of Buildings has issued a temporary or permanent certificate of occupancy for each unit of such #low income housing#.
 - (iii) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure compliance lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.
 - (iv) The Department of Buildings shall include the occupancy restrictions of the #restrictive declaration# in any temporary or permanent certificate of occupancy for any new or existing structure or portion thereof on the #cure requirement lot#, except where the management and operation of the #cure compliance lot# is wholly controlled by, and the #restrictive declaration# requires that management and operation of the #cure compliance lot# remain wholly controlled by, an independent not-for-profit administering agent that is not affiliated with the owner of the #cure requirement lot#. Failure to comply with the terms and conditions set forth in the #restrictive declaration# shall constitute a violation, and a basis for revocation, of any certificate of occupancy containing such restriction.
- (3) No portion of the #low income housing# required under this Section shall qualify to:
- (i) increase the #floor area ratio# pursuant to Section 96-21 (Special Regulations for 42nd Street Perimeter Area); Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area); any #floor area ratio# increase provision of the #Special Garment Center District#, #Special Hudson Yards District#, #Special West Chelsea District#; or Section 23-90; or

- (ii) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

(5/8/13)

96-111

Off-street parking regulations

#Accessory# off-street parking spaces, #public parking lots# or #public parking garages# are not permitted within the Preservation Area except by the applicable special permit in Section 13-45 (Special Permits for Additional Parking Spaces), inclusive.

In addition, the Commission shall find that:

- (a) the property has been or will be vacated pursuant to the provisions of Section 96-108; and
- (b) the applicant has followed the relocation procedures set forth in Section 96-23.

(2/2/11)

96-20

PERIMETER AREA

#Developments# or #enlargements# within the Perimeter Area shall be eligible for increased #floor area# only pursuant to Sections 96-21 (Special Regulations for 42nd Street Perimeter Area) or 96-22 (Special Regulations for Eighth Avenue Perimeter Area). Because of increased pressures for #development#, the relocation and demolition provisions of Section 96-24 (Relocation and Demolition of Buildings in the Perimeter Area) shall apply therein for all demolition, #development#, #enlargement# or #extensions# on lots containing #residential uses#. All existing legal #uses# in enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing uses# may be changed to another #non-conforming use# only in accordance with the provisions of Sections 52-31 (General Provisions), 52-33 (Manufacturing or Related Uses in Residence Districts), 52-34 (Commercial Uses in Residence Districts), 52-35 (Manufacturing or Related Uses in Commercial Districts) and 52-36 (Non-Conforming Commercial Uses in Commercial Districts).

(11/25/14)

96-21

Special Regulations for 42nd Street Perimeter Area

The provisions of this Section shall apply in all #Commercial Districts# within the area bounded by the following:

Starting 150 feet west of Eighth Avenue, south to the

southern boundary of West 41st Street, west to the east side of Twelfth Avenue, north along the eastern border of Twelfth Avenue to 43rd Street, east on West 43rd Street to the eastern side of Tenth Avenue, south along Tenth Avenue to the southern boundary of West 42nd Street, east on West 42nd Street to Ninth Avenue, north along the western boundary of Ninth Avenue to the midblock of 42nd/43rd Street, east to a point 150 feet west of Eighth Avenue, south to the southerly boundary of 41st Street.

(a) Special #use# regulations

In the 42nd Street Perimeter Area, as shown in Appendix A of this Chapter, the following special #use# regulations shall apply:

(1) Offices

Any #development# or #enlargement# that includes Use Group 6B offices #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

(2) Automobile showrooms and repairs

In Subarea 1, on the #block# bounded by Twelfth Avenue, West 43rd Street, Eleventh Avenue and West 42nd Street, automobile showrooms or sales, with vehicle storage, preparation of automobiles for delivery, and automobile repairs may be permitted within a #completely enclosed building#, below the level of any floor occupied by #dwelling units#, provided that:

- (i) access for automobiles to the portions of the #building# to be used for vehicle storage, preparation of automobiles for delivery, and automobile repairs shall be located on West 43rd Street;
- (ii) areas within the #building# used for vehicle storage, preparation of automobiles for delivery, or automobile repairs shall not be used for #accessory parking# for other uses on the #zoning lot#; except that such areas may be accessed from a curb cut, vehicular ramp, or vehicle elevator that also serves an #accessory group parking facility#; and
- (iii) the portions of the #building# used for the preparation of automobiles for delivery and automobile repairs shall be located entirely in a #cellar# level.

(b) #Floor area# regulations

(1) #Floor area# regulations in Subarea 1

In Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix A, the basic #floor area ratio# on a #zoning lot# shall be 10.0, and may be increased to a maximum of 12.0 only in accordance with the provisions of Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned, pursuant to Section 23-90 shall be within the

#Special Clinton District#.

(2) #Floor area# regulations in Subarea 2

In Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, the basic #floor area ratio# on a #zoning lot# shall be 10.0. However, the #floor area ratio# on a #zoning lot# containing #residential use# may exceed 10.0 to a maximum of 12.0 only in accordance with the provisions of Section 23-90, except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#. For #zoning lots# containing #developments# or #enlargements# that have fully utilized the Inclusionary Housing Program, the maximum permitted #floor area ratio# may be increased from 12.0 to 15.0 for new legitimate theater use in accordance with the provisions of Section 96-25 (Floor Area Bonus for New Theater Use).

Any #development# or #enlargement# on a #zoning lot# that includes the area bounded by a line 129 feet east of and parallel to Tenth Avenue, West 42nd Street, a line 184 feet east of and parallel to Tenth Avenue, and a line 50 feet south of and parallel to West 42nd Street shall provide an easement or other agreement for public access to the subway mezzanine or station, as illustrated on the District Map in Appendix A of this Chapter.

An instrument establishing such transit easement or other agreement shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.

Floor space within the volume governed by such transit easement or other agreement shall be excluded from the definition of #floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Metropolitan Transportation Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the volume governed by such transit easement or other agreement for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the volume area is required. A minimum notice of six months in writing shall be given by the Metropolitan Transportation Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

The provisions of paragraph (b) of Section 93-65 (Transit Facilities) shall apply to any subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station on the tax lot located at Block 1051, Lot 2, existing on October 27, 2010, up to a height of 73 feet, as illustrated on the District Map in Appendix A of this Chapter.

(c) Retail continuity requirements

For #buildings developed# or portions of #buildings enlarged# after August 17, 1990, where the ground floor level of such #development# or the #enlarged# portion of the #building# fronts upon West 42nd Street, between 9th and 12th Avenues:

- (1) at least 50 percent of the #street# frontage of #stories# that have a floor level within five feet of #curb level# shall be limited to Use Groups 4A, 6A, 6C, 10A, 11, 12A and 12B; and
- (2) at least 50 percent of the length of the facade of such #street wall# fronting on West 42nd Street shall be glazed with transparent material to a height of not less than 16 feet above #curb level#. The lowest point of such glazed area shall not be higher than four feet above #curb level#.

(d) #Street wall# continuity requirements

- (1) At least 80 percent of the #aggregate width of street walls# of a #building# fronting on West 42nd Street, up to a height of 45 feet, shall be located within 10 feet of the #street line# of such #street#.
- (2) The minimum height of the #street wall# of a #building# above #curb level# shall be no less than 45 feet, or the height of the #building#, whichever is less, and no more than 85 feet. Above this required height, the #street wall# of a #building# shall set back at least five feet. The requirements of this paragraph shall also apply to any #building# on a #wide street# frontage within a distance of 50 feet from its intersection with West 42nd Street.

(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 37-50. 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.

(f) Special curb cut and parking provisions

No curb cuts shall be permitted on 42nd Street. The parking provisions of the #Special Hudson Yards District# shall apply within the 42nd Street Perimeter Area, as set forth in Section 93-80 (OFF-STREET PARKING REGULATIONS), except that such parking provisions shall not apply to any #development# or #enlargement# for which a special permit was granted prior to January 19, 2005.

Any #development# or #enlargement# for which a building permit has been lawfully issued prior to December 31, 2004 shall comply with either the parking regulations in effect at the time the permit was issued, or the provisions of this paragraph, (f).

(2/2/11)

96-22

Special Regulations for Eighth Avenue Perimeter Area

For #zoning lots#, or portions thereof, located in an area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue and West 45th Street, excluding such area between West 49th and West 50th Streets, the #floor area ratio# permitted by the underlying district may be increased from 10.0 to 12.0 only pursuant to Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#.

All #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street shall comply with special regulations set forth in Article VIII, Chapter 1 (Special Midtown District), including Sections 81-21 (Floor Area Regulations) and 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT). For #developments# or #enlargements# that utilize a #floor area# increase pursuant to the Inclusionary Housing Program of Section 23-90, any units for which a #floor area# increase has been earned shall be within the #Special Clinton District#.

(2/2/11)

96-23

Special Permit for Modification of Height and Setback Regulations

Except within the Eighth Avenue Perimeter Area set forth in Section 96-22, the City Planning Commission, by special permit, may permit modification of height and setback regulations for #developments# or #enlargements# which have generated an increase in the #floor area ratio# of not more than 2.0 under the provisions of Section 96-21 (Special Regulations for 42nd Street Perimeter Area), provided that such modification is necessary to achieve better site planning.

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

(12/21/05)

96-24

Relocation and Demolition of Buildings in the Perimeter Area

Prior to the issuance by the Department of Buildings of a demolition permit or a permit for any #development#, #enlargement# or #extension# on any #zoning lot# containing #residential uses# within the Perimeter Area, the Department of Housing Preservation and Development shall certify to the Department of Buildings:

- (a) that prior to evicting or otherwise terminating the occupancy of any tenant in connection with vacating any #building#, the developer shall have notified the Department

of Housing Preservation and Development of plans for the relocation of tenants which shall:

- (1) to the extent possible provide for the relocation of tenants within the Clinton District; and
 - (2) provide for the satisfaction of all the requirements for the issuance of a certificate of eviction under applicable rent control and rent stabilization regulations of the State of New York; and
- (b) that the developer has complied with the relocation plan submitted pursuant to paragraph (a) of this Section and that the Department of Housing Preservation and Development has issued a #certification of no harassment#, or that the owner has complied with Section 96-110, paragraph (d) (Certification of Cure for Harassment).

(2/2/11)

96-25

Floor Area Bonus for New Theater Use

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix A of this Chapter, for #developments# or #enlargements# located within the area bounded by West 42nd Street, Dyer Avenue, West 41st Street and Eleventh Avenue that have fully utilized a #floor area# increase pursuant to Section 23-90 (INCLUSIONARY HOUSING), the #floor area ratio# may be increased from 12.0 to a maximum of 15.0, provided that for every three square feet of bonused #floor area#, one square foot of such bonused #floor area# shall be used for new "performance space," which, for the purposes of this Section, shall mean space to be used as a legitimate theater or for non-profit performing arts use. Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, after referral for review and receipt of recommendations from the applicable Community Board, that the following conditions have been met:

- (a) all #floor area# for any performance space for which a bonus is received pursuant to this Section, shall be limited to floor space exclusively associated with legitimate theater or non-profit performing arts #use#, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, rehearsal space, lobbies, ticket offices, restrooms and circulation space. Any other use of the bonused performance space shall not comprise more than 25 percent of the total #floor area# of such performance space;
- (b) such performance space shall be designed, arranged and used for live performances and rehearsals of drama, music or dance and shall have at least 100 and no more than 299 seats. If there is more than one performance space, each shall have at least 100 seats, and adjacent performance spaces may be designed in a manner that allows for their combination into a single performance space provided such combined space has no more than 299 seats. Performance space for which a bonus is received pursuant to this Section, shall only be used for non-profit performing arts use provided the #development# or #enlargement# contains at

least two performance spaces used exclusively for performances of legitimate theater;

(c) a letter from the Department of Cultural Affairs shall be submitted, certifying that:

- (1) a signed lease has been provided from the prospective operator of the performance space, or a written commitment from the owner of the performance space if such owner is also the operator, for occupancy of the performance space and its operation as a legitimate theater or non-profit performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;
- (2) the proposed operator of the performance space has the fiscal and managerial capacity to successfully operate such space;
- (3) preliminary design plans have been provided to the Department of Cultural Affairs for the performance space, which include sufficient detail regarding core, shell, structural and mechanical systems, as necessary to ensure that such performance space will operate efficiently for its intended use;
- (4) a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work; and
- (5) the proposed operator of the performance space will have a program of regularly scheduled presentations that are open to the public.

(d) a legal commitment has been provided for inspection and ongoing maintenance of the performance space to ensure its continued availability for use as a legitimate theater or non-profit performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Chairperson of the City Planning Commission, the Commissioner of the Department of Cultural Affairs and the applicable Community Board. Such report shall describe the condition of the performance space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the performance space and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and

(e) a legal commitment has been provided for continuance of the use of all floor area in the bonused performance space as legitimate theater or non-profit performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of paragraphs (c)(1), (c)(2) and (c)(3) of this Section have been met as to the proposed operator and, where substantial renovation of the performance space, as defined by the Commissioner of the Department of Cultural Affairs, is being proposed in conjunction with the change of operator, that the provisions of paragraphs (c)(3) and (c)(4) of this Section have been met as to such substantial renovation. Any application or

submission with respect to a change in operator made pursuant to the provisions of such legal commitment, shall be referred to the affected Community Board. The Commissioner of the Department of Cultural Affairs shall not issue a letter with respect to such application prior to forty-five days after such referral. Such legal commitment shall also prohibit #use# as an #adult establishment# for the life of the related #development# or #enlargement#.

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

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the performance space is substantially complete, which shall, for this purpose, mean that such performance space is usable by the public.

The owner shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for the #development# or #enlargement#, until the performance space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#.

Notwithstanding the foregoing, the Chairperson of the City Planning Commission may accept a declaration of restrictions or in the case of a certification issued by the Chairperson of the City Planning Commission prior to January 28, 2009, a modified declaration of restrictions, which shall allow the owner to apply for and accept, and the Department of Buildings to issue, temporary and permanent certificates of occupancy for the portion of the #development# or #enlargement# which utilizes the increased #floor area# permitted pursuant to this Section prior to substantial or final completion of the performance space, as the case may be, provided that, under the terms of such declaration of restrictions or modified declaration of restrictions, the owner shall not apply for or accept temporary certificates of occupancy for any such portion of the #development# or #enlargement# unless and until the Commissioner of the Department of Cultural Affairs has certified that the core and shell of the performance space has been completed in accordance with a core and shell agreement accepted by the Commissioner, and that ownership of the performance space has been transferred to the prospective operator.

In the event of a transfer of ownership of the performance space, certification pursuant to paragraph (c)(1) of this Section, shall not require the provision of the signed lease or written commitment described therein, and the operating plan and program for the performance space shall be provided by the prospective owner.

Any application for certification of a #floor area# bonus for theater #use#, pursuant to this Section, shall be referred to the affected Community Board, the local Council Member and the Borough President of Manhattan. The Chairperson of the City Planning Commission shall not grant any such certification prior to forty-five days after such referral.

(5/14/14)

96-30

OTHER AREAS

In Area C, the regulations of the underlying districts shall apply, except as otherwise set forth in this Section, inclusive. The boundaries of Northern Subarea C1 and Western Subarea C2 are shown on the District Map in Appendix A of this Chapter.

(6/26/14)

96-31

Special Regulations in R8 Districts

(a) In R8 Districts, other than R8A Districts, in Western Subarea C2, including #Commercial Districts# mapped within such R8 Districts, the following special regulations shall apply:

- (1) the provisions of Sections 96-101 (Floor area regulations) and 96-104 (Height and setback regulations); and
- (2) the provisions of Section 96-102 (Lot coverage regulations), except that for all portions of a #zoning lot# located in Other Areas and more than 100 feet from the #street line# of a #wide street#, the maximum #lot coverage# shall not exceed 70 percent of the portion of the #zoning lot# in Other Areas.

(b) In R8A Districts in Western Subarea C2, including #Commercial Districts# mapped within such R8A Districts, the following special regulations shall apply:

- (1) Inclusionary Housing Program
 - (i) R8A Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated

areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 5.4, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 7.2 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90. However, any units for which a #floor area# increase has been earned, pursuant to Section 23-90 shall be located within the #Special Clinton District#.

(ii) Optional provisions for #affordable housing#

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, 11th Avenue, West 53rd Street and 10th Avenue, the special optional regulations as set forth in paragraph (b)(1)(ii) of this Section, may modify the provisions of Section 23-952 (Floor area compensation in Inclusionary Housing designated areas).

The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section 23-952. However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph, (b)(1)(ii), #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(2) Special #use# and #bulk# regulations for existing electrical utility substations

Electrical utility substations, operated for public utility purposes, existing on June 14, 2011, and located wholly or partially within the portion of Western Subarea C2 east of 11th Avenue, shall be considered conforming #uses# that are subject to the #bulk# regulations of the underlying district and the #use# regulations of an M1-5 District. Any change of #use# on a #zoning lot# occupied by any such electrical utility substation shall be permitted only pursuant to the regulations of the underlying district. In the event any such electrical utility substation is damaged or destroyed, in whole or in part, by any means, including demolition, the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall not apply and such electrical utility substation may be reconstructed, provided that such reconstruction shall not create a new #non-compliance# nor increase the degree of #non-compliance# with the applicable #bulk# regulations. However, in the event there is a complete cessation of #use# of the #zoning lot# as an electrical utility substation for a continuous period of five years, such electrical utility substation shall no longer be considered a conforming #use# on such #zoning lot#.

(4/28/15)

96-32

Special Regulations in R9 Districts

In R9 Districts in Western Subarea C2, the provisions of Section 23-633 (Street wall location and height and setback regulations in certain districts) for R9A Districts shall apply to all #buildings or other structures#. In #Commercial Districts# mapped within R9 Districts in Western Subarea C2, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section 23-011 (Quality Housing Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section 23-011 shall apply.

(a) Inclusionary Housing Program

- (1) R9 Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 6.0, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 8.0 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90. However, any units for which a #floor area# increase has been earned pursuant to Section 23-90

shall be located within the #Special Clinton District#.

- (2) Optional provisions for #large-scale general developments# within Western Subarea C2

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, 11th Avenue, West 53rd Street and 10th Avenue, the special optional regulations as set forth in paragraph (a)(2) of this Section, may modify the provisions of Section 23-952 (Floor area compensation in Inclusionary Housing designated areas).

The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section 23-952. However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income households# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph (a)(2), #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

- (b) #Uses# in Western Subarea C2 located within a #large-scale general development#

- (1) In a C2-5 District mapped within an R9 District within Western Subarea C2, the following #uses#, when located wholly within a #large-scale general development#, shall be considered permitted #uses#:

From Use Group 8:

Lumber stores, with no limitation on #floor area#

From Use Group 10:

Photographic or motion picture production

studios

From Use Group 12:

Art galleries, commercial

From Use Group 13:

Theaters

From Use Group 16:

Automotive service establishments

From Use Group 17:

Scenery construction.

- (2) #Uses# permitted pursuant to paragraph (b)(1) shall be subject to the #commercial bulk# regulations of Article III, that are applicable to a C2-5 District mapped within an R9 District.
- (3) The supplemental #use# provisions of Section 32-421 shall not apply to #commercial uses# located in a #building# with frontage on West 52nd Street.

(c) Height and setback modification

For any #development# or #enlargement# subject to the provisions of Section 74-681 (Development within or over a railroad or transit right-of-way or yard), the City Planning Commission may permit the modification of the applicable height and setback regulations, the open area planting requirements of Section 23-892 (In R6 through R10 Districts), and the permitted obstructions in #rear yard# or #rear yard equivalent# regulations of Section 23-44, provided that:

- (1) such modification of height and setback regulations will:
 - (i) result in a #building# that has a maximum #building# height of 155 feet;
 - (ii) result in a better distribution of #bulk# on the #zoning lot#; and
 - (iii) permit adequate access of light and air to surrounding #streets# and adjacent properties;
- (2) such modification of planting requirements will facilitate access to Department of Transportation bridge structures, and the area between the #street wall# and #street line# of the #buildings# shall be improved with moveable planters; and
- (3) any obstruction permitted in a #rear yard# or #rear yard equivalent# pursuant to this Section is necessary to accommodate the ventilation needs of a railroad or transit facility. In addition, such obstruction shall be fully screened by a landscaped strip at least four feet wide, densely

planted with evergreen shrubs at least four feet high at time of planting, and of a type that is expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

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

(6/14/11)

96-33

Special Regulations in M2-4 Districts

(6/14/11)

96-331

Adult establishments

The provisions of Section 52-77 (Termination of Adult Use Establishments) shall not apply to any #adult establishment# that located within the #Special Clinton District# after October 25, 1995, and prior to May 11, 2011, and which, as of May 11, 2011, and June 14, 2011, was an existing #use# and conformed to all provisions of Section 42-01 (Special Provisions for Adult Establishments) applicable to M2-4 Districts.

(6/14/11)

96-332

Height and setback

In M2-4 Districts in Western Subarea C2, the underlying height and setback regulations shall apply as modified by the following special #bulk# regulations.

For all #buildings or other structures#, the #street wall# of a #building# shall rise without setback to a minimum base height of 50 feet, or the height of the #building#, whichever is less, and a maximum base height of 95 feet. No portion of a #building# shall exceed a height of 135 feet and no #sky exposure plane# shall apply.

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height.

On #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height.

Where #street walls# are required to be located on the #street

line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, 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.

(5/14/14)

96-34

Special Regulations in Northern Subarea C1

In Area C1-1, within Northern Subarea C1, as shown on the map in Appendix A, the following special Inclusionary Housing regulations, #use# and special permit regulations shall apply:

(a) Inclusionary Housing Program

The boundaries of the #Inclusionary Housing designated area# within the #Special Clinton District# are shown on Map 2 in Manhattan Community District 4, in APPENDIX F of this Resolution. Such area shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area# the following special regulations shall apply. The #residential floor area# of the #zoning lot# may be increased by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.625 square feet for each one square foot of #middle income floor area# provided, up to the maximum #floor area# set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). However, the amount of #low income floor area# plus half the amount of #middle income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area# on the #compensated zoning lot#, provided that no more than 8,000 square feet of #middle income floor area# may be included within this calculation.

(b) Special #use# regulations

- (1) The following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:
 - (i) automobile showrooms or sales with preparation of automobiles for delivery; and
 - (ii) automobile repairs.
- (2) #Transient hotels# shall not be permitted within the portion of Area C1-1 that is located between Eleventh

Avenue and a line 250 feet west of Eleventh Avenue, and in the portion located between West 57th Street and a line 100 feet south of West 57th Street, except by special permit of the City Planning Commission, pursuant to the provisions of this paragraph (b)(2).

The City Planning Commission may permit #transient hotels#, resulting from a #development#, #enlargement#, #extension# or change of #use#, provided that the Commission shall find that such #transient hotel# is so located as to not impair the essential character of, or the future use or development of the surrounding area.

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

(2/2/11)

96-40

MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS

For parcels within the #blocks# bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, within a #general large-scale development# that occupies #zoning lots# on more than one #block#, the City Planning Commission may permit the modification of #open space# required pursuant to Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) as part of a special permit, pursuant to Section 74-743 (Special provisions for bulk modifications), provided the Commission finds that:

- (a) the amount of #open space# provided is sufficient to meet the needs of the residents of the #general large-scale development#; and
- (b) such modification results in improved site planning.

(2/2/11)

96-50

REGULATIONS APPLICABLE TO ALL AREAS

The provisions of Sections 96-51 (Mandatory Tree Planting Provisions), 96-52 (Bulk Modifications for Public Parking Garages) and 96-53 (Conversions to Residential Use) shall apply to all areas within the Special District.

(4/30/08)

96-51

Mandatory Tree Planting Provisions

In addition to the applicable underlying #street# tree planting requirements, tree planting provisions shall also apply to #extensions# or alterations, other than #incidental alterations#, involving 30 percent or more of the existing #floor area# of a #building#. Notwithstanding the provisions of Section 43-02

(Street Tree Planting in Manufacturing Districts), all #developments# or #enlargements# within the #Special Clinton District# that include #uses# listed in Use Group 17 or 18 shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting).

(1/19/05)

96-52

Bulk Modifications for Public Parking Garages

Except within the Eighth Avenue Perimeter Area set forth in Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area), in all other C6 Districts, the City Planning Commission, by special permit, may permit, for #public parking garages#, modification of the applicable #lot coverage#, #yard# and height and setback regulations. As a condition of permitting such modifications, the Commission shall make the following findings:

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

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

(2/2/11)

96-53

Conversions to Residential Use

For #conversions# to #residential use# of a #building#, predominantly occupied by #uses# listed in Use Groups 3, 4 or 5, that exceeds the #residential floor area# permitted by the applicable district regulations, the City Planning Commission by special permit, may permit such #building# to be #converted# to #residential use# in its entirety, provided that such #building# includes social or recreational space primarily for the use of occupants of #dwelling units# or #rooming units# in the #development# and which may also be made available to the community.

There shall be at least 30 square feet of social or recreational space for each #dwelling unit# or a total area of at least 5,000 square feet, whichever is greater. Such space may be located outdoors at grade level or at any floor level including roof areas. The maximum number of #dwelling units# shall be determined in accordance with the provisions of Section 15-111 (Number of permitted dwelling units). The Commission may prescribe conditions and safeguards to minimize possible adverse effects on adjoining properties.

As a condition of approval, the Commission shall find:

- (a) that because of site and building limitations, such

modifications are necessary for the proper design and functioning of the #converted building#;

- (b) that such modifications will result in adequate access of light and air to the newly created #dwelling units# and to surrounding development;
- (c) that the social or recreational space contains adequate facilities to serve the needs of the residents and wherever possible the surrounding community;
- (d) that there is suitable separation between #dwelling units# and floor space occupied by non-#residential# or #accessory uses#; and
- (e) that such #conversion# will not unduly increase the density of population or intensity of #use# to the detriment of the occupants of #buildings# in the #block# or nearby #blocks#.

The Commission may prescribe conditions and safeguards to minimize possible adverse effects on adjoining properties and may require a program for operation and maintenance of recreational spaces.

(11/21/74)

96-60

SPECIAL PERMIT PROCEDURE

(8/6/98)

96-601

Requirements for applications

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

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

All applications relating to Section 96-111 (Off-street parking regulations) shall be referred by the Commission to the Department of Transportation for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location.

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

thereto.

(2/2/11)

96-602

Relationship to public improvement projects

In all cases, the Commission shall deny a special permit application whenever the #development# or #enlargement# will interfere with a public improvement project, including housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities, which is approved by, or pending before, the Board of Estimate or City Planning Commission, as determined from the Calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

(11/21/74)

96-70

SPECIAL PERMITS PREVIOUSLY AUTHORIZED

Whenever, under the provisions of the Special Clinton Interim District or any prior zoning regulation, the City Planning Commission has authorized any special permit, the status of such special permit shall not be altered by the provisions of this Chapter.

(11/27/12)

96-80

EXCLUDED AREAS

Except as provided in this Section, the regulations set forth in this Chapter shall not apply to the following areas:

- (a) parcels within the blocks bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, provided that in this area the provisions of Sections 96-40 (MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS), 96-51 (Mandatory Tree Planting Provisions) and 96-82 (C6-3X Districts) shall apply.

In addition, for parcels in C6-3X Districts, bounded by West 53rd Street, Tenth Avenue, West 54th Street and Eleventh Avenue, the following shall be permitted #uses# below the level of any floor occupied by #dwelling units#:

- (1) automobile showrooms with automobile sales and preparation of automobiles for delivery;
- (2) automobile repairs; and
- (3) New York City Police Department stables for horses, with #accessory# automobile parking.

For a #building# that, at the time of approval by the Department of Buildings, included space designed for stable

use for New York City Police Department horses, and the ceiling height of such stable space, as measured from the #base plane#, exceeds 23 feet, then any floor space occupied by #accessory# parking located on the floor immediately above such stable space and immediately below the level of any floor occupied by #dwelling units# shall be exempted from the definition of #floor area#.

- (b) the block bounded by West 49th Street, Eighth Avenue, West 50th Street and Ninth Avenue which was the site of the former Madison Square Garden;
- (c) property bounded by West 45th Street, the easterly right-of-way of the Amtrak Empire Line, West 44th Street and Eleventh Avenue, provided that in this area the provisions of Section 96-81 (R10 Districts) shall apply;
- (d) the block bounded by West 42nd Street, Ninth Avenue, West 43rd Street and Tenth Avenue;
- (e) property bounded by West 56th Street, Ninth Avenue, West 57th Street and a line 200 feet west of Eighth Avenue.

(5/14/14)

96-81

R10 Districts

R10 Districts in Excluded Areas shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

(6/14/11)

96-82

C6-3X Districts

- (a) Inclusionary Housing Program

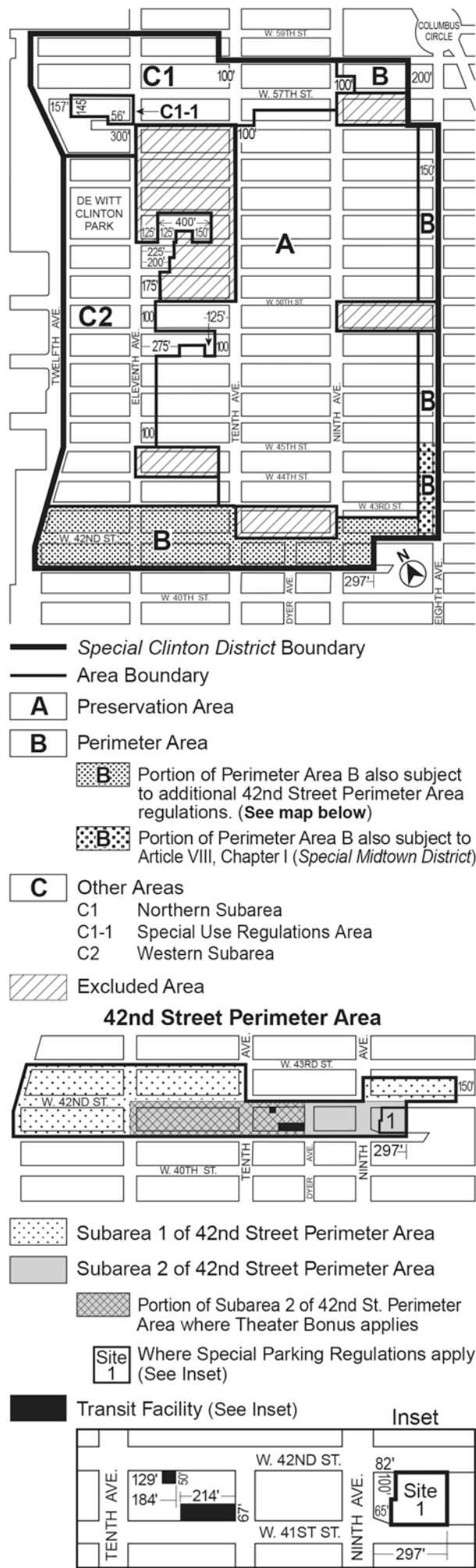
C6-3X Districts in Excluded Areas shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

- (b) Maximum #floor area ratio#

Within such #Inclusionary Housing designated areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# of 6.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 9.0, through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

(6/26/14)

Appendix A - Special Clinton District Map (96A)



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article IX: Special Purpose Districts Chapter 7: Special 125th Street District

Effective date of most recently amended section of Article IX Chapter 7: 04/30/12

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(4/30/08)

Article IX - Special Purpose Districts

Chapter 7

Special 125th Street District

(4/30/08)

97-00

GENERAL PURPOSES

The "Special 125th Street District" established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125th Street as Harlem's "Main Street" and the role of 125th Street as Upper Manhattan's premier mixed use corridor;
- (b) to guide development on the 125th Street corridor;
- (c) to expand the retail and commercial character of 125th Street;
- (d) to provide incentives for the creation of visual and performing arts space and enhance the area's role as a major arts, entertainment and cultural destination in the City;
- (e) to support mixed use development throughout the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
- (f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;
- (g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;

- (h) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's revenue.

(2/2/11)

97-01

Definitions

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

(2/2/11)

97-02

General Provisions

In harmony with the general purposes of the #Special 125th Street District# and in accordance with the provisions of this Chapter, the express requirements of the Special District shall apply within the Special District.

Except as modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

(6/29/11)

97-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and Core Subdistrict) and Map 2 (Permitted Small Sidewalk Cafe Locations), is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special

regulations and requirements set forth in this Chapter apply.

(6/29/11)

97-04

Establishment of Core Subdistrict

In order to carry out the purposes and provisions of this Chapter, the Core Subdistrict is established within the #Special 125th Street District# and includes specific regulations designed to support an arts and entertainment environment along 125th Street. The boundaries of the Core Subdistrict are shown on Map 1 in Appendix A of this Chapter.

(4/30/08)

97-05

Establishment of Bonused Space Local Arts Advisory Council

A Bonused Space Local Arts Advisory Council shall be created for the purpose of reviewing and making recommendations concerning the Community Engagement Plans of proposed operators of visual or performing arts #uses# pursuant to paragraph (c)(7) of Section 97-423 (Certification for floor area bonus for visual or performing arts uses). The Bonused Space Local Arts Advisory Council shall consist of 11 members: two (2) members appointed by the Commissioner of the Department of Cultural Affairs, one of whom shall be designated by such Commissioner to serve as Chair, and three (3) members appointed by each of the Council Members for the Councilmanic Districts in which the Special District is located, who will rotate depending upon where the proposed visual or performing arts #use# is located, pursuant to Sections 97-422 and 97-423. Members of the Bonused Space Local Arts Advisory Council shall be members of the Harlem performing or visual arts, non-profit, or business communities and shall serve at the pleasure of the appointing official. The Department of Cultural Affairs shall provide staff assistance to the Bonused Space Local

Arts Advisory Council and shall establish guidelines and procedures for the performance of its functions.

In making a recommendation concerning a Community Engagement Plan pursuant to paragraph (c)(7) of Section 97-423, the Bonused Space Local Arts Advisory Council shall consider the prior history and/or proposed scope of outreach and educational activities in Community Boards 9, 10 or 11 by the proposed operator; and the organizational capacity and commitment of the proposed operator to implement local partnerships under the Community Engagement Plan. The Department of Cultural Affairs shall not submit a letter to the Chairperson of the City Planning Commission pursuant to paragraph (c)(7) of Section 97-423 without having first received and considered the written recommendation of the Bonused Space Local Arts Advisory Council, provided that the Bonused Space Local Arts Advisory Council shall have provided the Department of Cultural Affairs with such written recommendation no later than 45 days following receipt of a request for review from the Department of Cultural Affairs.

(4/30/08)

97-06

Applicability of Special Transit Land Use District Regulations

Wherever the #Special 125th Street District# includes an area which also lies within the #Special Transit Land Use District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications described in paragraphs (e) and (f) of Section 97-433 (Street wall location).

The #Special Transit Land Use District# includes the area within the #Special 125th Street District# bounded by a line 50 feet west of Second Avenue from 124th Street midway to 125th Street where such area widens to a line 100 feet west of Second Avenue.

(4/30/08)

97-10

SPECIAL USE AND LOCATION REGULATIONS

(4/30/08)

97-11

Special Arts and Entertainment Uses

In order to sustain the arts and entertainment character of the 125th Street corridor, the provisions of this Section shall apply.

- (a) The following #uses# shall be designated as entertainment #uses#:

Auditoriums

Bookstores

Clubs, including music, dance or comedy clubs

Eating or drinking establishments, with table service only

Music stores

Studios, art, music, dancing or theatrical

Studios, radio, television or motion picture.

- (b) The following #uses# shall be designated as visual or performing arts #uses#:

Art galleries

Historical exhibits

Literary arts spaces

Museums

Performance spaces

Primary rehearsal spaces

Theaters

Visual/Media arts spaces.

(6/29/11)

97-12

Arts and Entertainment Use Requirement

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, or for that portion of a #zoning lot# located within the Core Subdistrict, for #buildings# or portions of #buildings developed# or #enlarged# after April 30, 2008, that contain at least 60,000 square feet of #floor area# and are located on #zoning lots# with frontage on 125th Street, an amount of space equivalent to a minimum of five percent of the #floor area# of the #development# or #enlargement# shall be occupied by one or more of the #uses# designated in Section 97-11 (Special Arts and Entertainment Uses).

(6/29/11)

97-13

Permitted Small Sidewalk Cafe Locations

#Small sidewalk cafes# shall be permitted in the #Special 125th Street District# as indicated on Map 2 (Permitted Small Sidewalk Cafe Locations) in Appendix A of this Chapter, subject to all applicable regulations of Article I, Chapter 4 (Sidewalk Cafe Regulations).

(2/2/11)

97-20

LOCATION AND ACCESS REGULATIONS

For any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the locational and access requirements of this Section, inclusive. On #through lots# or #corner lots# with

frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

(2/2/11)

97-21

Location of and Access to Arts and Entertainment Uses

Any arts and entertainment #uses# listed in Section 97-11 that are provided in order to comply with the requirements of Section 97-12 (Arts and Entertainment Use Requirement) or Section 97-422 (Floor area bonus for visual or performing arts uses) shall be subject to the following location and access requirements:

The designated #uses# listed in Section 97-11 may be located anywhere throughout a #building# that fronts on 125th Street, subject to the following conditions:

- (a) any such designated #uses# within the Core Subdistrict required pursuant to Section 97-12 shall be accessed from 125th Street; and
- (b) any #residential use# shall be located on a floor wholly above any non-#residential use#; or
- (c) any non-#residential use# may be permitted on the same #story# as a #residential use#, provided that:
 - (1) no access exists between non-#residential uses# and #residential uses# at any level; and
 - (2) non-#residential uses# are not located directly over any #residential uses#.

Such non-#residential use#, however, may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

(2/2/11)

97-22

Uses Not Permitted on the Ground Floor of Buildings

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section 97-221 (Access to non-ground floor uses).

From Use Group 2:

All #uses#.

From Use Groups 3A and 3B:

All #uses#, except for libraries, museums or non-commercial art galleries.

From Use Groups 4A and 4B:

All #uses#, except for houses of worship or playgrounds.

From Use Group 5A:

All #uses#.

From Use Groups 6A, 6B, 6C and 6E:

Banks (except for automated teller machines, provided the width of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, measured to a depth of 30 feet from 125th Street, except that such frontage need not be less than 20 feet), electrolysis studios, frozen food lockers, laundry establishments, loan offices, offices or veterinary medicine offices.

From Use Group 6D:

All #uses#.

From Use Group 7:

All #uses#, except for bicycle rental or repair shops.

From Use Groups 8A and 8B:

Automobile driving schools, ice vending machines, lumber stores or pawn shops.

From Use Groups 8C, 8D and 8E:

All #uses#.

From Use Groups 9A, 9B and 9C:

All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

From Use Groups 10A, 10B and 10C:

Depositories for storage, and wholesale offices or showrooms.

Use Group 11:

All #uses#.

Use Groups 12A and 12B:

Trade expositions.

Use Groups 12C and 12D:

All #uses#.

Use Group 14A and 14B:

All #uses#, except for bicycle sales, rental or repair shops.

Within the Special District, for such #developments# and #enlargements# that are no more than one #story#, a #use#

permitted by the regulations of the underlying district shall be allowed.

(2/2/11)

97-221

Access to non-ground floor uses

For non-ground floor #uses# listed in Section 97-22 with access from 125th Street, the following requirements shall apply:

- (a) Within the Core Subdistrict the #residential# portion of a #development# or #enlargement# may be accessed from an entrance on 125th Street only if such #development# or #enlargement# does not front upon a #street# other than 125th Street.
- (b) The width of the ground floor #street# frontage on 125th Street allocated to an entranceway or lobby space shall be no more than 25 linear feet or 40 percent of such #street# frontage, whichever is less, except that an entranceway or lobby space need not be less than 20 feet.
- (c) For a #development# or #enlargement# with more than one entranceway or lobby on 125th Street for non-ground floor #uses#, each entranceway or lobby for #uses# listed in Section 97-22 shall be no more than 25 linear feet and, in the aggregate, shall not exceed 40 percent of such ground floor frontage.
- (d) For #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the width of #street# frontage on 125th Street allocated to entranceways or lobby space for such #uses# shall be no more than 40 linear feet.

(4/30/08)

97-23

Transparency Requirements

For all #uses#, other than houses of worship, libraries and primary rehearsal spaces, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

(2/2/11)

97-24

Security Gates

Within the #Special 125th Street District#, all security gates installed after April 30, 2008, that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.

(4/30/08)

97-30

SPECIAL SIGN REGULATIONS

#Signs# for all #uses# within the #Special 125th Street District# shall be subject to the applicable #sign# requirements in Section 32-60, inclusive, subject to the modifications of Sections 97-31 through 97-34, inclusive.

#Marquee signs# for an arts #use# may be combined, subject to the requirements of Section 32-641 (Total surface area of signs).

In the event of a conflict between the provisions of this Section, 97-30, inclusive, and other regulations of the

Administrative Code, the provisions of this Chapter shall apply.

(4/30/08)

97-31 Definitions

Marquee

A "marquee" is a permanent structure or canopy located above the primary entrance to an arts #use# fronting on 125th Street, that projects over the sidewalk and is attached to, and entirely supported from, the #street wall# of the #building#. The location and dimensions of the #marquee# shall be determined by the requirements of Sections 97-32.

All #marquees# shall comply with the construction and maintenance requirements of Title 27, Subchapter 4, Article 9, of the New York City Building Code pertaining to projecting #signs#, or its successor.

Marquee sign

A "marquee sign" is a #sign#, other than an #advertising sign#, mounted on a #marquee# that identifies the arts #use# and provides informational displays about such #use#.

(4/30/08)

97-32 Location, Height and Width of Marquees and Marquee Signs

For the purposes of this Chapter, #marquees# shall be permitted only above the primary entrance to one of the following #uses# fronting upon 125th Street:

Museums

Performance spaces

Theaters.

#Marquees# shall project over the sidewalk no more than 15 feet from the #lot line# and shall be no nearer to the curb than two feet.

(a) Height of #marquees#

The minimum height of a #marquee# or a #marquee sign# shall be three feet; the maximum height for such structure and #sign# shall be five feet. No part of a #marquee# or a #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

(b) Width of #marquees#

The width of a #marquee# or a #marquee sign# shall be no greater than 50 percent of the width of the #building# frontage to which it is attached or 40 feet, whichever is less.

(4/30/08)

97-33

Vertical Distance above Sidewalk of Marquees and Marquee Signs

The minimum vertical distance from the sidewalk for a #marquee# shall be 12 feet; the maximum vertical distance above the sidewalk for such #marquee# shall be 20 feet.

Notwithstanding the provisions of paragraph (b) of Section 32-653 (Additional regulations for projecting signs), additional #signs# may be displayed on a #marquee#, provided such #sign# is no more than two feet above the #marquee#.

No #marquee# or #marquee sign# shall be located at a height higher than three feet below any floor containing a #residential use#.

(4/30/08)

97-34

Accessory Signs for Visual or Performing Arts Uses

Notwithstanding the regulations of paragraph (b) of Section 32-653 (Additional regulations for projecting signs) and the relevant provisions of the Administrative Code, only the following visual or performing arts #uses# fronting on 125th Street within the #Special 125th Street District# shall be permitted to erect a #marquee sign# on or above a #marquee#:

Museums

Performance spaces

Theaters.

#Flashing signs# shall not be permitted as #accessory signs# for arts #uses#.

(2/2/11)

97-40

SPECIAL BULK REGULATIONS

Within the #Special 125th Street District#, all #developments# or #enlargements# containing #residences# shall comply with the requirements of Article II, Chapter 8 (Quality Housing), and the applicable #bulk# regulations of the underlying districts, except as modified in this Section, inclusive.

(4/30/08)

97-41

Floor Area Regulations

The maximum #floor area ratio#, #open space ratio# and #lot coverage# requirements of the applicable underlying district shall apply within the #Special 125th Street District#, unless modified by the following regulations.

(2/2/11)

97-411

Maximum floor area ratio in C4-4D, C4-7 and C6-3 Districts

In C4-4D, C4-7 or C6-3 Districts, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential#, #commercial# and #community facility uses#, and may only be increased pursuant to Section 97-42 (Floor Area Bonuses).

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR)
FOR RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES

District	Outside the Core Subdistrict			Within the Core Subdistrict		
	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Community Facility Floor Area Ratio#	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Community Facility Floor Area Ratio#
C4-4D	5.4	4.0	6.0	5.4	4.0	6.0
C4-7	9.0	10.0	10.0	5.4	7.2	7.2
C6-3	6.0	6.0	6.0	5.4	6.0	6.0

(2/2/11)

97-42

Floor Area Bonuses

The maximum #floor area ratio# may be increased by a #floor area# bonus, pursuant to Sections 23-90 (INCLUSIONARY HOUSING), inclusive, or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

(4/30/08)

97-421

Inclusionary Housing

Within the #Special 125th Street District#, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90(INCLUSIONARY HOUSING), inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Sections 23-90, inclusive.

(2/2/11)

97-422

Floor area bonus for visual or performing arts uses

In C4-4D, C4-7 or C6-3 Districts within the #Special 125th Street District#, for a #development# or #enlargement# with frontage on 125th Street, the maximum #floor area ratio# otherwise permitted for #residential# or #commercial uses# listed in Section 97-411 may be increased up to the maximum #floor area ratio# specified in the table in this Section, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR)
FOR RESIDENTIAL AND COMMERCIAL USES WITH
FLOOR AREA BONUS FOR VISUAL OR PERFORMING ARTS USES

	Outside the Core District				Within the Core Subdistrict			
	#Residential Floor Area Ratio#		#Commercial Floor Area Ratio#		#Residential Floor Area Ratio#		#Commercial Floor Area Ratio#	
	Base	Maximum	Base	Maximum	Base	Maximum	Base	Maximum
C4-4D	5.4	7.2	4.0	5.4	5.4	7.2	4.0	5.40
C4-7	9.0	12.0	10.0	12.0	5.4	7.2	7.2	8.65
C6-3	6.0	8.0	6.0	8.0	5.4	7.2	6.0	8.00

(2/2/11)

97-423

Certification for floor area bonus for visual or performing arts uses

The #floor area# bonus provisions of Section 97-422 shall apply only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions have been met:

- (a) Drawings have been provided that clearly designate all #floor area# that will result from the permitted increase in #floor area ratio# pursuant to Section 97-422, including the location of such #floor area#.
- (b) Drawings also have been provided that clearly designate all #floor area# and/or below grade floor space for any new visual or performing arts #uses# for which a bonus is to be received pursuant to Section 97-422.

Such drawings shall be of sufficient detail to show that such designated space shall be designed, arranged and used for the new visual arts or performing arts #uses#, and shall also show that:

- (1) all such visual or performing arts #uses# are located at or above the ground floor level of the #building#, except that performance space meeting the requirements of paragraph (b)(4) of this Section may be located below grade, and #accessory uses# may be located below grade, subject to the requirements of paragraph (b)(5) of this Section;
- (2) all bonused #floor area# or below grade space occupied by visual or performing arts #uses# is primarily accessed from 125th Street;
- (3) in the case of primary rehearsal space, where such space does not consist of #accessory uses# subject to the requirements of paragraph (b)(4), such space:
 - (i) can be adapted for rehearsals or performances open to the public;
 - (ii) is located on the first #story# of the #building# or on any higher #story# with a

ceiling height not greater than 60 feet above grade;

- (iii) has a #street wall# with at least 50 feet of frontage along 125th Street, and has a minimum area of 2,000 square feet, with a floor-to-ceiling height of not less than nine feet six inches; and
 - (iv) complies with the following glazing requirements: At least 70 percent of the total surface area of the #street wall# abutting the primary rehearsal space, measured from finished floor to ceiling shall be glazed. Furthermore, at least 90 percent of such area shall be transparent from within one foot of the finished floor level to at least eight feet above such level. For primary rehearsal spaces located at the corner of 125th Street and an intersecting #street#, the glazing requirements of this Section shall be applied separately for each #street wall#, and up to 100 feet along such intersecting #street#;
- (4) for performance space which is exclusively designed and arranged for the presentation of live drama, music, dance and interactive or multidisciplinary performances open to the public, such space may be below grade provided it has a minimum area of 2,000 square feet of column-free space with a floor-to-ceiling height of not less than 16 feet;
- (5) #Accessory# space
- (i) For primary rehearsal spaces, no more than 25 percent of the bonused #floor area# or below grade floor space shall be occupied by #uses accessory# to such primary rehearsal spaces. #Accessory uses# shall include but are not limited to educational and classroom space, administrative offices, circulation space, restrooms and equipment space;

(ii) For visual or performing arts #uses# other than a primary rehearsal space, no more than 40 percent of such bonused #floor area# or below grade floor space shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory use# occupies more than 25 percent of the total bonused #floor area# or below grade floor space. #Accessory uses# shall include but are not limited to educational and classroom space, non-primary rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and equipment space; and

(6) Signage

(i) Signage that identifies the visual or performing arts facility shall be provided at the 125th Street entrance of the visual or performing arts facility, subject to the requirements of Section 97-30, inclusive; and

(ii) For below grade performance space subject to the requirements of paragraph (b)(4) of this Section, such #sign#, not including any frame or surrounding element, shall be utilized for the additional purpose of informing the public regarding the program of scheduled performances in such facility, and shall be no less than two feet in width and four feet in height, and shall be installed a minimum of 2 feet, 6 inches above grade;

(c) A letter from the Department of Cultural Affairs has been submitted to the Chairperson of the City Planning Commission, certifying that:

(1) a signed lease has been provided from the prospective operator of the visual or performing arts space, or a written commitment from the owner of such space in a form acceptable to the City, if such owner is also the operator, for occupancy of such space, and its operation as a

visual or performing arts space for a period of not less than fifteen years, with two five-year renewal options, pursuant to an operating plan and program therefor;

- (2) the proposed operator of the visual or performing arts space is a non-profit organization;
- (3) the proposed operator of the visual or performing arts space has the fiscal and managerial capacity to successfully operate such space;
- (4) the proposed operator of the visual or performing arts space will have a program of regularly scheduled presentations or performances that are open to the public, provided that, in the case of a visual or performing arts space that is a primary rehearsal space, a program of regularly scheduled rehearsals or performances open to the public shall be required only where the proposed operator is the principal user of the primary rehearsal space. In the event that the proposed operator is not the principal user of the primary rehearsal space and such space is made available to multiple organizations or individuals on an hourly, weekly, monthly or similar basis, the proposed operator shall allow open rehearsals or performances open to the public to be sponsored by such organizations or individuals, upon request;
- (5) preliminary design plans have been provided to the Department of Cultural Affairs for the visual or performing arts space, which shall include sufficient detail regarding core, shell, structural, mechanical, electrical, plumbing and HVAC systems necessary to ensure that such visual or performing arts space will operate efficiently for its intended use;
- (6) a written commitment has been provided ensuring that there are financial resources available for the timely completion of the identified scope of work; and
- (7) the proposed operator of the visual or performing arts space has a Community Engagement Plan that

will effectively encourage public access and use of the visual or performing arts space, provide educational opportunities to the local community, and address new, undeveloped and/or underserved audience or participant groups. The Department of Cultural Affairs shall make its determination concerning the sufficiency of the Community Engagement Plan based upon consideration of the written recommendation of the Bonused Space Local Arts Advisory Council with respect thereto.

- (d) A legal commitment by the owner has been provided:
 - (1) for the operator of the visual or performing arts space to submit an annual program report, describing the use of the space during the previous year, to the Chairperson of the City Planning Commission, the Commissioner of the Department of Cultural Affairs, the Manhattan Borough President, the applicable Community Board and the local Council Member; and
 - (2) for inspection and ongoing maintenance of the visual or performing arts space to ensure its continued availability for #use# as a visual or performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report identifying the operator utilizing the space, describing the condition of the space and identifying any maintenance or repair work necessary to ensure the physical and operational soundness of such space, and establishing a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work, shall be submitted to the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs;
- (e) A legal commitment by the owner has been provided for continued occupancy of all #floor area# for which a bonus has been received, pursuant to this Section, as a visual or performing arts space only in accordance with the drawings and design plans provided pursuant to paragraphs (b) and (c)(5) of this Section, and providing further that in the event of a change of

operator, the owner or operator shall obtain a new certification pursuant to this Section. An #adult establishment use# shall be prohibited for the life of the #development# or #enlargement#.

- (1) notwithstanding the provisions of this paragraph, (e), an owner shall not be in violation of such legal commitment during a grace period consisting of:
 - (i) six (6) months from the date the visual or performing arts space is vacated by the operator, provided owner timely notifies the Departments of City Planning and Cultural Affairs of such vacancy in accordance with the requirements of the legal commitment;
 - (ii) the period of review by the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs with respect to a new operator and any associated change of design or #use# requirements pursuant to this Section, provided that application for certification pursuant to this Section is made no later than the expiration of the six month period set forth in paragraph (e)(1)(i) of this Section;
 - (iii) any period set forth in such certification as necessary to allow for the modification of design to accommodate a new operator; and
 - (iv) any event of force majeure;
 - (2) in the event that the Chairperson of the City Planning Commission determines that the requirements for certification pursuant to this Section with respect to a change of operator and associated change of design or #use# requirements are not satisfied, the grace period set forth in paragraph (e)(1) of this Section shall thereupon apply from the date of such determination;
- (f) A legal commitment by the owner has been provided that all visual arts exhibitions or presentations of live drama, music, dance, interactive or multidisciplinary

performances shall be open to the public in accordance with the terms of the letter issued by the Commissioner of Cultural Affairs, pursuant to paragraph (c) of this Section;

- (g) A legal commitment by the owner has been provided that, in the event of an adjudicated violation of the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# for which a bonus has been received, pursuant to Section 97-422, as a visual and performing arts space only, the owner shall not permit the occupancy of any #floor area# in the #development# or #enlargement# which is vacant as of the date of such adjudication or thereafter, up to the amount of the increased #floor area# permitted under Section 97-422, until such time as the Chairperson of the City Planning Commission has determined that the visual or performing arts space is occupied in accordance with the provisions of this Section.

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

The owner shall not apply for or accept a temporary certificate of occupancy for such portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to Section 97-422, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing

arts space is substantially complete. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion of the #development# or #enlargement#, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#. The temporary or final certificate of occupancy for any portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to Section 97-422 shall include the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# for which a bonus has been received as a visual or performing arts space only, as a condition of occupancy of such portion of the #development# or #enlargement#.

In granting the original certification, the Chairperson of the City Planning Commission may specify such changes in design or #use# that would not warrant further certification pursuant to this Section.

(4/30/08)

97-43

Special Lot Coverage Regulations

The maximum #lot coverage# for #residential use# in C6-3 Districts within the #Special 125th Street District# shall be 70 percent for #interior# or #through lots# and 80 percent for #corner lots#.

Within the Special District, there shall be no maximum #lot coverage# applied to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

(4/30/08)

97-44

Special Height and Setback Regulations

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

The provisions of paragraph (b) of Section 23-663 (Required rear setbacks for tall buildings in other districts) shall not be applicable within the Special District.

(4/30/12)

97-441

Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

(2/2/11)

97-442

Height and setback regulations for C4-7 and C6-3 Districts

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within the Special District:

- (a) The minimum and maximum base height of the #street wall# and the maximum height of a #building or other structure# shall be as set forth in the following table:

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT AND
MAXIMUM BUILDING HEIGHT

District	#Street Wall# Height (in feet)	Maximum Height of
----------	-----------------------------------	----------------------

	Minimum Base Height	Maximum Base Height	#Building or Other Structure# (in feet)
C4-7	60	85	195
C6-3	60	85	160

All portions of #buildings or other structures# that exceed a height of 85 feet in C4-7 and C6-3 Districts shall be set back at least 15 feet from the #street line#, except that such setback depth may include the depth of any permitted recess in the #street wall#, according to the provisions of 97-433 (Street wall location).

(b) Special regulations for certain C4-7 Districts

- (1) For the area located within 50 feet of the 126th Street frontage and between 200 feet east of Adam Clayton Powell Boulevard and 150 feet west of Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #building or other structure# shall be limited to 80 feet.
- (2) For #zoning lots# bounded by 125th Street, Park Avenue and 124th Street, the maximum height of a #building or other structure# shall be 330 feet.
- (3) For Lots 1 and 7501 on Block 1910, the requirements of City Environmental Quality Review (CEQR) Environmental Designation Number (E-102) have been modified, as set forth in the Technical Memorandum to the Final Environmental Impact Statement for CEQR Number 07DCP030M, dated July 18, 2008.

(c) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

(2/2/11)

97-443

Street wall location

In all #Commercial Districts#, the #street wall# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions of such #Commercial Districts# shall be modified, as follows:

- (a) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection.
- (b) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District, 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.
- (c) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of the second #story# and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate width of such recesses does not exceed 30 percent of the width of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of

the intersection of two #street lines#, except in compliance with corner articulation rules.

- (d) The #street wall# location and minimum #street wall# height provisions of this Section shall not apply to any existing #buildings# that are to remain on the #zoning lot#.
- (e) For any #development# or #enlargement# within the #Special 125th Street District# that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the #residential# portion of such #development# or #enlargement# may be constructed pursuant to the R8A #street wall# requirements and the #commercial# portion of such #development# or #enlargement# may be constructed pursuant to the C4-4D #street wall# requirements in lieu of the requirements of this Section.
- (f) The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.

(4/30/08)

97-45

Special Provisions for Zoning Lots Divided by District Boundaries

The regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) shall apply within the #Special 125th Street District#, except that for any #zoning lot# that is completely within the Core Subdistrict, #floor area# may be located anywhere on such #zoning lot# without regard to the requirements of Section 77-22 (Floor Area Ratio), subject to the applicable height and setback regulations.

(4/30/08)

97-50

**SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING
REGULATIONS**

The underlying provisions of Article II, Chapter 5, Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-Street Parking and Off-Street Loading Regulations) shall apply within the #Special 125th Street District#, subject to modification by the regulations of this Section, inclusive.

Enclosed parking spaces, or parking spaces covered by 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#.

The applicable district regulations for the location of #accessory# off-street parking spaces along 125th Street within the Special District may be modified, so that such facilities may be provided off-site, within a #Commercial District#, but at a distance no greater than 1,200 feet from the #zoning lot#.

(4/30/08)

97-51

Required Accessory Off-Street Residential Parking

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.

(4/30/08)

97-52**Required Accessory Off-Street Commercial Parking**

In #Commercial Districts# within the #Special 125th Street District#, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, except that no #accessory# parking spaces shall be required for #commercial uses# in C4-4D Districts.

(4/30/08)

97-53**Location of Access to the Street**

Curb cuts for entrances and exits to #accessory# off-street parking facilities or for loading berths shall not be located on 125th Street or any other #wide street# that intersects with 125th Street, other than under the specific conditions of Sections 97-55 (Certification for Access to Required Uses) and 97-56 (Authorization for Access to Permitted Uses).

Such certification or authorization shall not be required if parking and loading requirements can be met through the provisions of 97-54 (Parking Access through Residential Zoning Lots).

(2/2/11)

97-54**Parking Access through Zoning Lots in Residence Districts**

For a #zoning lot# within a #Residence District#, which #zoning lot# fronts upon either 124th or 126th Street and the #rear lot line abuts# a #zoning lot# that fronts only on 125th Street, and such #zoning lot# has been vacant since April 30, 2008, access for parking and loading purposes may be provided through such #zoning lot#.

(4/30/08)

97-55

Certification for Access to Required Uses

If access to a required #accessory residential# parking facility or loading berth is not possible because of the requirements of Section 97-53, a curb cut may be allowed if the City Planning Commission certifies to the Commissioner of Buildings that such location is:

- (a) the only possible location for the facility or loading berth;
- (b) not hazardous to traffic safety;
- (c) located not less than 50 feet from the intersection of any two #street lines#; and
- (d) constructed and maintained so as to have a minimal effect on the streetscape.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

(4/30/08)

97-56

Authorization for Access to Permitted Parking Facilities or Loading Berths

The City Planning Commission may authorize curb cuts for the following parking facility or loading berths:

- (a) If access to a permitted #accessory residential# or public parking facility is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #uses#, provided such curb cuts:

- (1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and
 - (2) will not interfere with the efficient functioning of public transit facilities.
- (b) If access to a permitted loading berth is not possible due to the requirements of Section 97-53, the City Planning Commission may authorize curb cuts for such #use#, provided:
- (1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;
 - (2) such maneuvering area is at least equal in size to the area of the loading berth; and
 - (3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

Such curb cut, if granted, shall be no greater than 20 feet in width.

The Commissioner may refer such matter to the Department of Transportation, or its successor, for a report and may base the determination on such report.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

(4/30/08)

97-57

Public Parking Facilities

Notwithstanding the special permit regulations of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas), #public parking garages# with 150 spaces or less shall be permitted as-of-right in C4-7 and C6 Districts, subject to the requirements of Section 36-50,

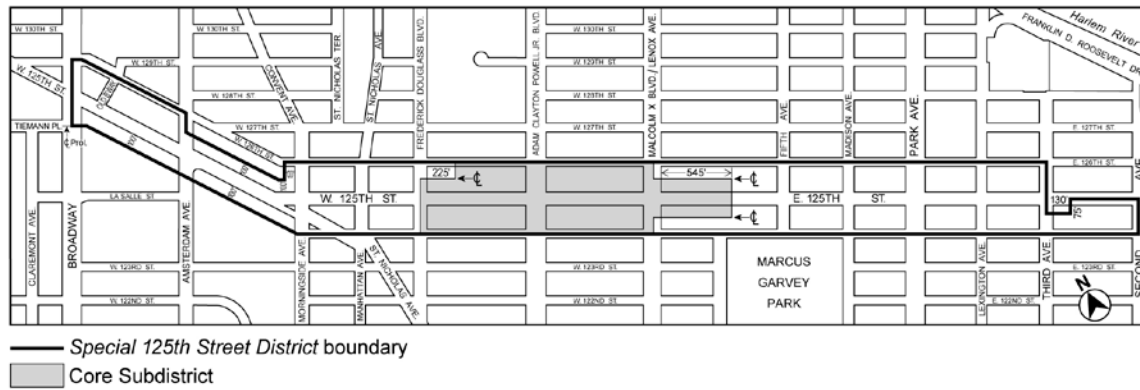
inclusive, pertaining to surfacing and screening, and Section 97-53 (Location of Access to the Street). #Public parking garages# with more than 150 spaces shall be subject to the requirements of Sections 74-512 and 74-52.

#Public parking lots# are not permitted on zoning lots with 125th Street frontage within the Special District.

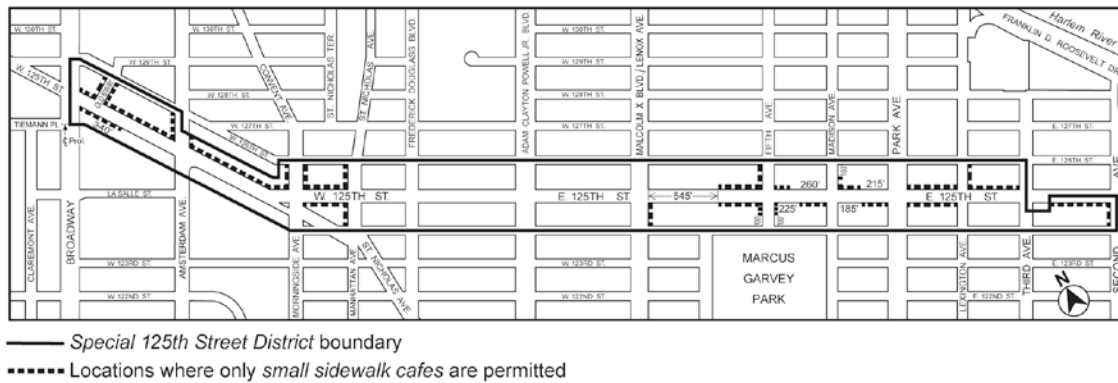
(6/29/11)

Appendix A Special 125th Street District Plan

Map 1: #Special 125th Street District# and Core Subdistrict (97A.1)



Map 2: Permitted Small Sidewalk Cafe Locations (97A.2)



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article IX: Special Purpose Districts Chapter 8: Special West Chelsea District

Effective date of most recently amended section of Article IX Chapter 8: 6/10/15

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(6/23/05)

Article IX - Special Purpose Districts

Chapter 8

Special West Chelsea District

(6/23/05)

98-00

GENERAL PURPOSES

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

- (a) to encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood;
- (b) to encourage the development of residential uses along appropriate avenues and streets;
- (c) to encourage and support the growth of arts-related uses in West Chelsea;
- (d) to facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations, High Line improvement bonuses and the transfer of development rights from the High Line Transfer Corridor;
- (e) to ensure that the form and use of new buildings relates to and enhances neighborhood character and the High Line open space;
- (f) to create and provide a transition to the lower-scale Chelsea Historic District to the east;
- (g) to create and provide a transition to the Hudson Yards area to the north; and
- (h) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

(6/23/05)

98-01

Definitions

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

High Line

The "High Line" shall, for the purposes of this Resolution, refer to the elevated rail line structure and associated elevated easement located between Gansevoort Street and West 30th Street.

High Line bed

The "High Line bed" is the highest level of the horizontal surface (platform) of the #High Line# elevated rail line structure as of June 23, 2005, as shown in Diagram 7 in Appendix C of this Chapter. For the purposes of this Chapter, the level of the #High Line bed# is the average level of the #High Line bed# on a #zoning lot# over which the #High Line# passes.

High Line frontage

"High Line frontage" is that portion of a #building# that faces and is located within 15 feet of the west side and 25 feet of the east side of the #High Line#.

High Line Transfer Corridor

The "High Line Transfer Corridor" is an area within which the #High Line# is located, as specified in Appendix B of this Chapter, where development rights may be transferred to receiving sites in certain subareas in the #Special West Chelsea District#, pursuant to the provisions of Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

(10/9/13)

98-02

General Provisions

The provisions of this Chapter shall apply to any #zoning lot#, or portion thereof, within the #Special West Chelsea District#, except that the provisions of Sections 98-11 (Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line) and 98-17 (Air Space over a Railroad or Transit Right-of-way or Yard) shall also apply to any #zoning lot# south of the #Special West Chelsea District# over which the #High Line# passes. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

The provisions regarding the transfer of #floor area# set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, and the #High Line Improvement Bonus# in Subareas D, E, F, G and I set forth in Section 98-25 shall be effective upon the issuance of a final and binding Certificate of Interim Trail Use (CITU) by the Federal Surface Transportation Board and the execution of a trail use agreement between the City and CSX Transportation, Inc., or its successor, with respect to the #High Line#, or upon a determination by the Office of the Corporation Counsel that the restoration and reuse of the #High Line# as an accessible, public open space has been obtained pursuant to an alternative mechanism that protects the interests of the city.

Upon transfer of the #High Line# to the City, pursuant to ULURP application C 050163 PCM, and in accordance with such CITU and trail use agreement, the following shall apply:

- (a) the provisions regarding the issuance of building permits set forth in Section 98-11 shall be effective;
- (b) any area within the tax lot located at Section 3, Block 8224, Lot 111, as of June 23, 2005, which is separated from other portions of such tax lot by bounding streets, shall be considered a separate #zoning lot#; and
- (c) underlying #use# and bulk regulations shall not apply to #uses# and #buildings and other structures# constructed on

the #High Line# specifically in connection with its use as a public open space.

(11/13/12)

98-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special West Chelsea District# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendices A, B and C and the special regulations in Appendices D, E and F:

Appendix A - Special West Chelsea District and Subareas

Appendix B - High Line Transfer Corridor Location

Appendix C - Illustrative Diagrams of the High Line and Building Envelopes for Sites Adjacent to the High Line

Diagram 1 - Street Wall and High Line Frontage Regulations in Subareas C, F and G

Diagram 2 - Street Wall and High Line Frontage Regulations in Subarea A

Diagram 3 - Subarea H Requirements

Diagram 4 - High Line Improvement Area Boundaries for Zoning Lots Divided by District Boundaries in Subareas D, E and G

Diagram 5 - Subarea I Requirements between West 16th and West 17th Streets

Diagram 6 - High Line Access Easement Volume Parameters

Diagram 7 - High Line Bed and Frontages

Appendix D - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus in Subarea H

Appendix E - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E and G, or within Subarea I

Appendix F - Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus Within Subarea J.

The maps and diagrams are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of illustrating requirements or specifying locations where the special regulations and requirements set forth in this Chapter shall apply.

(11/13/12)

98-04

Subareas and High Line Transfer Corridor

In order to carry out the provisions of this Chapter, ten Subareas (A through J), and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

Within each of the Subareas and the #High Line Transfer Corridor#, certain special regulations apply that do not apply within the remainder of the #Special West Chelsea District#. The locations of the ten Subareas are shown in Appendix A of this Chapter. The location of the #High Line Transfer Corridor# is shown in Appendix B of this Chapter.

The Subareas and the #High Line Transfer Corridor# are subject to all other regulations of the #Special West Chelsea District# and the underlying district regulations, except as otherwise specified in this Chapter.

(6/23/05)

98-05

Applicability of District Regulations

(3/28/12)

98-051

Applicability of Article I, Chapter 1

Within the #Special West Chelsea District#, Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on June 23, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than June 23, 2006.

(6/23/05)

98-10

SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT

(3/22/06)

98-11

Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line

The Commissioner of Buildings shall not issue any building permit for demolition, excavation or foundation work to be performed above or beneath the #High Line# or within 25 feet of support structures of the #High Line#, except by determination by such Commissioner that such work would not adversely affect the structural integrity of the #High Line# and by determination by the Commissioner of Parks that such work would not adversely affect the City's ability to inspect and maintain as necessary to ensure the structural integrity of the #High Line#.

(6/23/05)

98-12

Modification of Use Regulations in C6 Districts

(6/23/05)

98-121

In Subarea H

In Subarea H, the provisions of Section 32-25 (Use Group 16), paragraph D (Heavy Service, Wholesale or Storage Establishments) are modified to permit, in C6 Districts, warehouse #uses# only in #cellars# located wholly below #curb level#.

(2/2/11)

98-122

Location within buildings

In any C6 District in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit non-#residential uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the non-#residential uses#:

- (a) are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
- (b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
 - (1) #residential# lobby space below or on the same #story# as non-#residential uses#; or
 - (2) a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

(6/23/05)

98-123

Adult establishments

The provisions of Section 52-77 (Termination of Adult Use Establishments) shall not apply to any #adult establishment# that located within the #Special West Chelsea District# after October 25, 1995 and prior to May 25, 2005, and which, as of May 25, 2005 and June 22, 2005, was an existing #use# and conformed to all provisions of Section 42-01 (Special Provisions for Adult Establishments) applicable to M1-5 Districts.

(6/23/05)

98-13

Modification of Use Regulations in M1 Districts

In the #Special West Chelsea District#, the provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT) and 42-30 (USES PERMITTED BY SPECIAL PERMIT) are modified to permit, as-of-right, without limitation, in M1 Districts, museums and non-commercial art galleries as listed in Use Group 3.

(11/13/12)

98-14

Ground Floor Use and Transparency Requirements on Tenth Avenue

Except in Subarea J, the special ground floor #use# and glazing regulations of this Section apply to that portion of a #building or other structure# fronting on Tenth Avenue in the #Special West Chelsea District#. Ground floor #uses# in Subarea J shall be governed by the underlying #use# regulations as modified by Section 98-13 (Modification of Use Regulations in M1 Districts).

#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 25 feet of the #street line#, shall be limited to #commercial uses# permitted by the underlying district or museums or non-commercial art galleries as listed in Use Group 3. A #building's street# frontage shall be allocated exclusively to such #uses#, except for lobby space or entryways. In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 40 feet or 50 percent of the #building's# total #street# frontage, whichever is less.

For any #building# or portion of a #building developed# or #enlarged# after June 23, 2005, each ground floor #street wall# shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of such ground floor #street wall# surface. The lowest point at any point of transparency that is provided to satisfy the requirements of this Section shall be not higher than two feet above the level of the adjoining sidewalk or public access area and shall be no less than eight feet in height measured from such lowest point. Not

less than 50 percent of such ground floor #street wall# surface shall be glazed with transparent materials, and up to 20 percent of such ground floor #street wall# may be glazed with translucent materials.

(2/2/11)

98-141

Transparency requirements within Subareas H and I

The transparency requirements of this Section shall apply to all portions of #buildings developed# or #enlarged# after June 23, 2005, within the #High Line frontage# of Subareas H and I, except for such portions that contain #dwelling units#. At least 70 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed# shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

(11/13/12)

98-142

High Line level wall requirements within Subarea J

Any additions to the windows or other glazing located on the #building# wall separating the #High Line# from any #building# located on a #zoning lot# within Subarea J at the #High Line# level shall be designed to provide for a minimum of 30 dBA noise attenuation, and any general illumination fixtures in the adjoining interior portion of the #building# shall not exceed 50 foot-candles of illumination within four feet of such window or glazing and shall not be pointed directly at the #High Line#.

(2/2/11)

98-15

Security Gates

All security gates installed after June 23, 2005, that are swung, drawn, or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at

least 75 percent of the façade area covered by such gate, when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking facilities.

(2/2/11)

98-16

Signs

The #sign# regulations of the underlying districts in the #Special West Chelsea District# shall not apply to #signs# located within 50 feet of the #High Line#, except for #signs# located entirely below the level of the #High Line bed#. In lieu thereof, the #sign# regulations of a C1 District shall apply, except that #accessory signs# located within the #High Line frontage# may have a maximum height of 20 feet above the level of the #High Line bed#.

No #signs# affixed to or resting upon the #High Line# shall be permitted, except as pursuant to a signage plan for the #High Line#, as authorized by the City Planning Commission, provided the Commission finds that such signage plan will:

- (a) enhance the use of the #High Line# by providing signage that is consistent with the use of the #High Line# as a public open space;
- (b) provide, at a minimum, directional, informational and interpretive signage consistent with the use of the #High Line# as a public open space;
- (c) be integrated with the design of the #High Line# open space; and
- (d) not adversely affect development adjacent to the #High Line# and in the surrounding neighborhood.

(6/23/05)

98-17

Air Space Over a Railroad or Transit Right-of-way or Yard

For the purposes of this Resolution, the #High Line# shall not be considered a railroad or transit right-of-way and the provisions of Sections 32-44 (Air Space over a Railroad or Transit Right-of-way or Yard) and 42-462 (Air space over a railroad or transit right-of-way or yard) shall not apply.

(10/17/07)

98-18

Parking Regulations in Subarea H

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

- (a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;
- (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
- (c) no more than 377 spaces are provided within such facility.

For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

(6/23/05)

98-19

Lighting

All exterior light sources located within the #High Line frontage# shall be shielded from direct view from the #High Line#.

(6/23/05)

98-20

FLOOR AREA AND LOT COVERAGE REGULATIONS

The #floor area# provisions of this Section, inclusive, shall apply. Furthermore, special #floor area# transfer provisions are set forth in Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive.

(11/13/12)

98-21

Maximum Floor Area Ratio outside of Subareas

For all #zoning lots#, or portions thereof, located outside of Subareas A through J, the maximum #floor area ratios# of the applicable underlying district shall apply.

(11/13/12)

98-22

Maximum Floor Area Ratio and Lot Coverage in Subareas

For all #zoning lots#, or portions thereof, located in Subareas A through J, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the table in this Section. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and 80 percent for #corner lots#, except that no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less. For the #conversion# to #dwelling units# of non-#residential floor area# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in this Section, such excess #residential floor area# shall only be permitted pursuant to Section 98-26 (Modifications of Inclusionary Housing Program).

Maximum Floor Area Ratio by Subarea

Sub-area	Basic #floor area ratio# (max)	Increase in FAR from #High Line Transfer Corridor# (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	Inclusionary Housing		Permitted #floor area ratio# (maximum)
				FAR required to be transferred ¹ (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
A	6.5	2.65	— ²	2.65	2.85	12.0
B	5.0	2.5	— ²	1.25	1.25	7.5
C	5.0	2.5	NA	1.25	1.25	7.5
D ⁵	5.0	2.5 ³	2.5 ³	1.25	1.25	7.5
E	5.0	1.0 ³	1.0 ^{2,3}	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0 ³	1.0 ³	NA	NA	6.0
H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.25	1.25	7.5
I ⁴	5.0	NA	2.5	NA	NA	7.5
J ⁶	5.0	NA	2.5	NA	NA	7.5

¹ Minimum #floor area ratios# required to be transferred pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized

² In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the

Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus)

- ³ For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject to the provisions of Section 98-24 (Special Floor Area Rules for Zoning Lots Divided by District Boundaries in Subareas D, E and G)
- ⁴ For #zoning lots# over which the #High Line# passes
- ⁵ For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted
- ⁶ Bonus contribution subject to provisions of Section 98-25 governing first contribution to Affordable Housing Fund

(11/13/12)

98-23

Special Floor Area and Lot Coverage Rules for Zoning Lots Over Which the High Line Passes

That portion of the #zoning lot# that lies directly beneath the #High Line# shall be exempt from #lot coverage# requirements below the level of the #High Line bed#. The remaining portion of the #zoning lot# shall be considered a separate #zoning lot# for the purposes of calculating maximum #lot coverage#. Easement volumes provided in accordance with the provisions of Section 98-60 (SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS) and access structures constructed therein, as well as any structure required pursuant to Appendix D or E in relation to an increase in the basic maximum #floor area ratio# of a #zoning lot# pursuant to Section 98-25 (High Line Improvement Bonus), shall not be considered #floor area# or #lot coverage#.

However, at or above the level of the #High Line bed#, #lot coverage# requirements shall apply to the entire #zoning lot#.

Within Subarea J, any easement volumes and improvements located within such volumes dedicated or granted to the City in accordance with the provisions of Appendix F of this Chapter in

connection with an increase in the basic maximum #floor area ratio# of a #zoning lot#, pursuant to Section 98-25 (High Line Improvement Bonus), shall not be considered #floor area#.

(6/23/05)

98-24

Special Floor Area Rules for Zoning Lots Divided by District Boundaries in Subareas D, E and G

For #zoning lots# fronting on West 18th Street and located partially in Subarea D, partially in Subarea E and partially in Subarea G, #floor area# may be transferred across zoning district and subarea boundaries without restriction. Either the provisions of Sections 98-25 (High Line Improvement Bonus) or 98-30 (HIGH LINE TRANSFER CORRIDOR) may apply to such #zoning lot#, as applicable, and the maximum permitted #floor area ratio# specified in the table in Section 98-22 shall apply, as applicable, for each subarea.

(11/13/12)

98-25

High Line Improvement Bonus

For #zoning lots# located between West 15th 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 would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, or within Subarea J would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, 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 a letter of credit or other cash equivalent instrument in a form acceptable to the City. For subareas other than Subarea J, 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#. For #developments# or #enlargements# within Subarea J, such contribution shall be used for any use with respect to the improvement, maintenance and operation of the #High Line# or the #High Line# Support Easement Volumes provided for under Appendix F of this Chapter, at the Chairperson's direction, provided that, in lieu of a deposit to the #High Line# Improvement Fund, the contribution for the first 80,000 square feet of #floor area# shall be deposited to the Affordable Housing Fund established under Section 98-262 (Floor area increase), paragraph (c), for use in accordance with the provisions of that Section. Such contribution shall be made in accordance with the provisions of Appendix D, E or F of this Chapter, 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, E or F, 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, as shown in Appendix C of this Chapter, 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 of this Chapter, 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 and Elevator Access 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 the 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 or 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, as shown in Appendix C of this Chapter, 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.

- (d) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located within Subarea J over which the #High Line# passes that incorporates #floor area# that would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, the Department of Buildings shall be furnished a certification by the Chairperson, that:
 - (1) #High Line# Support Work has been performed on such #zoning lot#, in accordance with and to the extent required by Appendix F; and
 - (2) all other applicable requirements of Appendix F 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 final completion of the work, as determined by the Chairperson.

(7/29/09)

98-26

Modifications of Inclusionary Housing Program

Within the #Special West Chelsea District#, C6-3 and C6-4 Districts within Subareas A through D, and I, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary

Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

(7/29/09)

98-261

Definitions

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 or in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

(2/2/11)

98-262

Floor area increase

For #developments# or #enlargements# that have increased their permitted #floor area# through the transfer of development rights from the #High Line Transfer Corridor# by the minimum amount specified in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), and for #conversions# of non-#residential floor area# to #dwelling units# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in Section 98-22, such maximum permitted #floor area# may be increased through the provision of #affordable housing# pursuant to the Inclusionary Housing Program as modified in Section 98-26, inclusive, to the maximum amount specified in the table in Section 98-22, provided that:

(a) In C6-4 Districts:

- (1) the amount of #low income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#;
- (2) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# and the amount of #moderate income floor area# is equal to at least 15 percent of the total #residential floor area# on the #zoning lot#; or

- (3) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 20 percent of the total #residential floor area# on the #zoning lot#.

(b) In C6-3 Districts:

- (1) the amount of #low income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#;
- (2) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot# and the amount of #moderate income floor area# is equal to at least 7.5 percent of the total #residential floor area# on the #zoning lot#; or
- (3) the amount of #low income floor area# is equal to at least five percent of the total #residential floor area# on the #zoning lot# and the amount of #middle income floor area# is equal to at least 10 percent of the total #residential floor area# on the #zoning lot#.

For the purposes of this Section, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

However, in those subareas, or portions thereof, where the Inclusionary Housing Program is applicable, and where the Chairperson of the Department of City Planning has certified that at least 90 percent of the total development rights within the #High Line Transfer Corridor# have been transferred pursuant to Section 98-30, no transfer of #floor area# pursuant to Section 98-30 shall be required, and the basic maximum #floor area ratio# of a #zoning lot# containing the #development# or #enlargement# may be increased by up to 2.5 in Subareas B, C and D and on any #zoning lot# located in Subarea I over which the #High Line# does not pass, and up to 5.5 in Subarea A, in accordance with the provisions of paragraph (c) of this Section.

(c) #Affordable Housing# Fund

Where the Chairperson of the City Planning Commission determines that more than 90 percent of the #floor area# eligible for transfer through the provisions of Section 98-30 have been transferred in accordance with such provisions, the Chairperson shall allow, by certification, an increase in #floor area# on any receiving site as specified in Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), up to the amount that otherwise would have been permitted for such receiving site pursuant to Section 98-30, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the West Chelsea Affordable Housing Fund. Such fund shall be administered by the Department of Housing Preservation and Development and all contributions to such fund shall be used for the development, acquisition or rehabilitation of #low#, #moderate# or #middle income housing# located in Community District 4 in the Borough of Manhattan. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for any #development# or #enlargement# utilizing such #floor area# increase. Such contribution amount, by square foot of #floor area# increase, shall be determined, at the time of such Chairperson's certification, by the Commission by rule, and may be adjusted by rule not more than once a year.

(10/14/09)

98-27

Zoning Lots Located Partly Within Subarea C and Partly Within M1-5 Districts

For #zoning lots# existing prior to June 23, 2005, and located partly within an M1-5 District and partly within a C6-3 District in Subarea C, the permitted #floor area ratio# for the C6-3 District portion of the #zoning lot# may be increased to the #floor area ratio# existing in the C6-3 District portion on June 23, 2005, up to a maximum #floor area ratio# of 7.5, provided that the Chairperson of the City Planning Commission has certified that a payment has been made to the #High Line# Improvement Fund, established under Section 98-25, to be used at the discretion of the Chairperson to assure that the #High Line# is restored and reused as a public accessible open space. The

amount of such contribution shall be determined in the manner prescribed in Section 98-35 (High Line Transfer Corridor Bonus).

No building permit for any #development# or #enlargement# may be issued for any #building or other structure# on the #zoning lot# that will contain #floor area# made available to the #zoning lot# as a result of the application of this Section unless and until such certification has been made.

(6/23/05)

98-30

HIGH LINE TRANSFER CORRIDOR

(6/23/05)

98-31

Purposes

The #High Line Transfer Corridor#, established within the #Special West Chelsea District#, is intended to enable the transfer of development rights from properties over which and immediately to the west of where the #High Line# passes and thereby permit light and air to penetrate to the #High Line# and preserve and create view corridors from the #High Line bed#.

(6/23/05)

98-32

General Provisions

The location of the #High Line Transfer Corridor# is specified in Appendix B of this Chapter.

In the #High Line Transfer Corridor#, special regulations relating to the transfer of #floor area# are set forth in Sections 98-33 through 98-35, inclusive.

(6/10/15)

98-33

Transfer of Development Rights from the High Line Transfer Corridor

In the #Special West Chelsea District#, a "granting site" shall mean a #zoning lot#, or portion thereof, in the #High Line Transfer Corridor#. A "receiving site" shall mean a #zoning lot#, or portion thereof, in any subarea other than Subareas F, H and J. #Floor area# from a granting site may be transferred to a receiving site in accordance with the provisions of this Section.

(a) Notification

Prior to any transfer of #floor area#, the Department of City Planning shall be notified in writing of such intent to transfer #floor area#. Such notification shall be made jointly by the owners of the granting and receiving sites and shall include:

- (1) #floor area# zoning calculations for the granting and receiving site;
- (2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution; and
- (3) if applicable, a certified copy of the instrument creating a secondary #High Line# access easement volume, pursuant to the provisions of Section 98-63.

Notices of restrictions in a form acceptable to the Department of City Planning shall be filed by the owners of the granting and receiving sites in the Office of the Register of the City Of New York, indexed against the granting and receiving sites, certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a pre-condition to issuance by the Commissioner of Buildings of any building permit for any #development# or #enlargement# on the receiving site.

(b) #Floor area#

The maximum amount of #floor area# transferred from a granting site located outside of a subarea shall not exceed the maximum #floor area ratio# permitted for a #commercial# or #residential use# on such granting site as of June 10, 2015, whichever is greater, less any existing #floor area# to remain on such granting site.

The maximum amount of #floor area# transferred from a granting site located in a subarea shall not exceed the basic maximum #floor area ratio# specified for the applicable subarea in the table in Section 98-22 (Maximum Floor Area Ratio and Lot Area in Subareas), less any existing #floor area# to remain on such granting site.

Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred.

The amount of #floor area# transferred to a receiving site from a granting site in the #High Line Transfer Corridor# shall not exceed the #floor area ratio# permitted on the receiving site through such transfer, pursuant to the table in Section 98-22.

(c) #Use#

#Floor area# transferred from a granting site within the #High Line Transfer Corridor# may be used for any #use# allowed on the receiving site in accordance with the underlying zoning designation and the provisions of this Chapter.

(d) Stairway easement requirement

As a condition for the transfer of #floor area#, an easement volume to facilitate pedestrian access to the #High Line# via stairway shall be provided in accordance with the provisions of Sections 98-60 (SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS) and 98-63 (Recording of the High Line Access Easement Volume).

(e) Restrictive declaration

As a condition for the transfer of #floor area#, and in order to assure that the City's interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, a declaration of restrictions, executed

by all "parties in interest" of the granting lot as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10 (DEFINITIONS), and including and incorporating such other instruments as are necessary to accomplish such purposes, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, shall be filed and recorded in the Office of the Register of the City of New York. Notice by the Department of City Planning of receipt of certified copies of such recorded declaration shall be a pre-condition to issuance by the Commissioner of Buildings of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site. Such recorded declaration shall be in addition to the Notice of Restrictions required pursuant to paragraph (a) of this Section.

(6/23/05)

98-34

Screening and Landscaping Requirements for Vacant Sites

Any #zoning lot# within the #High Line Transfer Corridor# that has transferred #floor area# pursuant to Section 98-33 (Transfer of Development Rights From the High Line Transfer Corridor), and is 50 percent or more vacant shall be screened from the street and/or landscaped in accordance with the provisions of this Section, except that #zoning lots# occupied by #buildings# that extend along at least 85 percent of the #street# frontage of the #zoning lot# and are located within five feet of the #street line# are not required to provide screening or landscaping.

Such open or vacant areas on #zoning lots# shall be screened from the #street# by a fence or gate with a surface that is at least 75 percent open, extending not less than six feet and not higher than eight feet above finished grade; or alternatively, by a planting strip at least four feet wide and densely planted with evergreen shrubs at least four feet high at the time of planting or of a variety expected to reach a height of six feet within three years, or by both. Chain link and fences containing barbed wire or razor wire shall be prohibited. For portions of #zoning lots# located beneath the #High Line#, planting strips shall be prohibited.

(2/2/11)

98-35

High Line Transfer Corridor Bonus

For #zoning lots#, or portions thereof, within the #High Line Transfer Corridor#, the applicable basic maximum #floor area ratio# of that portion of a #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, for an amount of #floor area# equivalent to the area of that portion of the #zoning lot# located within the #High Line Transfer Corridor#, provided the Chairperson of the City Planning Commission has certified that:

- (a) all the permitted #floor area# on that portion of the #zoning lot# that is within the #High Line Transfer Corridor# has been transferred to an eligible receiving site, in accordance with the provisions of Section 98-33;
- (b) that such granting site is vacant; and
- (c) a contribution has been deposited into the #High Line# Improvement Fund established under Section 98-25, to be used at the direction of the Chairperson of the City Planning Commission to assure that the #High Line# is restored and reused as a publicly accessible open space.

No building permit for any #development# or #enlargement# that anticipates using such increased #floor area# may be issued unless and until such certification has been made.

Such contribution amount shall be \$50.00 per square foot of #floor area# as of June 23, 2005, and shall be adjusted August 1 of each subsequent year, by the City or its designee, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics.

Such bonus #floor area# shall only be used for a permitted #commercial use#, which shall be located in that portion of the #zoning lot# that is within the #High Line Transfer Corridor#; however, #public parking lots# and #public parking garages# at or above #curb level# shall not be permitted; and the height of any #development# or #enlargement# within the #High Line Transfer Corridor# shall not exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

(6/23/05)

98-40

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

(1/22/15)

98-41

Special Rear Yard Regulations

The #yard# regulations of the underlying district shall apply, except as modified in this Section. In all districts, 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 the #street#. Where a #rear yard equivalent# is required by either Section 23-532 (Required rear yard equivalents) or Section 43-28 (Special Provisions for Through Lots), it shall be provided only as set forth in paragraph (a) of either Section, as applicable. However, in M1-5 Districts, a #building# existing prior to January 22, 2015, may be #enlarged# pursuant to Section 43-28, paragraph (b), provided that such #building# is on a #zoning lot# located entirely within 150 feet of the west side of the #High Line#.

(6/23/05)

98-42

Special Height and Setback Regulations

The height and setback regulations of the underlying district shall not apply, except as set forth in this Section, inclusive. Furthermore, for any #zoning lot# located adjacent to the #High Line#, the provisions of Section 98-50, inclusive, shall also apply. All heights shall be measured from the #base plane#, unless otherwise specified.

(11/13/12)

98-421**Obstruction over the High Line**

Within the #Special West Chelsea District#, the #High Line# shall remain open and unobstructed from the #High Line bed# to the sky, except for improvements constructed on the #High Line# in connection with the use of the #High Line# as a public open space, and except where the #High Line# passes through and is covered by a #building# existing on November 13, 2012.

(4/30/12)

98-422**Special rooftop regulations**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# within the #Special West Chelsea District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts). However, dormers may not exceed the maximum #building# height in Subareas C, F and G where the maximum base height and maximum #building# height are the same.

All mechanical equipment located within 15 feet of the level of the #High Line bed# that is within 25 feet of the #High Line#, measured horizontally, or within the #High Line frontage#, as applicable, shall be screened and buffered with no intake or exhaust fans or vents facing directly onto the #High Line#.

(1/22/15)

98-423**Street wall location, minimum and maximum base heights and maximum building heights**

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (g) of this Section.

- (a) On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section. On #narrow street# frontages, beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section.

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, 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.

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

The #street wall# location provisions of this Section shall not apply along that portion of any #street# frontage:

- (1) over which the #High Line# passes;
- (2) occupied by existing #buildings# to remain, unless such #buildings# are vertically #enlarged#; or
- (3) between the #High Line# and a #side lot line#, where such frontage measures less than 20 feet.

All portions of #buildings or other structures# that exceed the applicable maximum base height specified in the table in this Section shall provide a setback at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of permitted recesses in the #street wall#.

No #building or other structure# shall exceed the maximum #building# height specified in the table in this Section.

(b) Subareas A and D

(1) #Street wall# location

In Subarea D, on #corner lots# between the north side of West 18th Street and the south side of West 22nd Street, a #street wall# with a minimum height of 15 feet shall be located on the #narrow street line# between 50 and 150 feet of its intersection with Eleventh Avenue.

In Subarea D, for #buildings# that do not include towers as set forth in paragraph (b)(3) of this Section, the #street wall# location provisions set forth in paragraph (a) shall not apply to any #zoning lot# that occupies the entire Eleventh Avenue #block# front. In lieu thereof, #street walls# with a minimum base height of 60 feet shall be located within 10 feet of all #street lines# bounding such #zoning lot# and extend along at least 70 percent of each #street# frontage of the #zoning lot#.

(2) Setback provisions

The setback provisions for portions of #buildings# above the maximum base height set forth in paragraph (a) of this Section shall not apply. In lieu thereof, no portion of a #building or other structure# that exceeds the applicable maximum base height shall penetrate a #sky exposure plane# that begins above the #street line# at the maximum base height and rises over the #zoning lot# at a ratio of 2.7 feet of vertical distance to one foot of horizontal distance

on a #narrow street#, and 5.6 feet of vertical distance to one foot of horizontal distance on a #wide street#.

(3) Tower provisions

Any #building#, or portion thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of the #zoning lot# and penetrates the #sky exposure planes# set forth in paragraph (b)(2) of this Section, is hereinafter referred to as a "tower." Such towers are permitted provided they are set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#, and provided no other portion of the #building# exceeds the applicable maximum base height. In addition, the following rules shall apply:

- (i) For #zoning lots# with less than 20,000 square feet of #lot area#, such tower may occupy more than 40 percent of the #lot area# of the #zoning lot# in accordance with the provisions of Section 33-454 (Towers on small lots).
- (ii) Any #story# within the highest 40 feet of such tower (the "penthouse portion"), shall not exceed 85 percent of the gross area of the highest #story# directly below such penthouse portion.
- (iii) In Subarea A, such tower shall occupy at least 30 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall be reduced to 25 percent above a height of 220 feet. However, no minimum #lot area# requirement shall apply to the highest four #stories# or 40 feet of such #building#, whichever is less.
- (iv) In Subarea A, the maximum length of any #story# located above a height of 220 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 220 feet. Any side of such rectangle shall not exceed 150 feet.

(v) In Subarea A, for any #zoning lot# with more than 75 feet of #narrow street# frontage in which a #side lot line# is located within an area bounded by a line 200 feet east of and parallel to Eleventh Avenue and a line 410 feet east of and parallel to Eleventh Avenue, no tower portion of a #building# shall be located closer than 25 feet to such #side lot lines#.

(vi) In Subarea D, the maximum #building# height shall be 250 feet, and the maximum length of any #story# located above the maximum base height shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# wholly or partially above the maximum base height. Any side of such rectangle shall not exceed 150 feet. However, for #zoning lots# that occupy the entire Eleventh Avenue #block# front, a portion of the #street wall# may rise above the maximum base height without setback from Eleventh Avenue, provided the #aggregate width of the street wall# for Eleventh Avenue does not exceed 100 feet.

(c) Subareas C, F and G

In Subareas C, F and G, for #zoning lots# with #wide# and #narrow street# frontage, no #street wall# is required beyond 50 feet of a #wide street#. Furthermore, for any #development# or #enlargement# that occupies at least one corner of the Tenth Avenue #block# front and extends along the Tenth Avenue frontage of the #zoning lot# for at least 170 feet, exclusive of existing #buildings# to remain, a lowered #street wall# shall be provided for any #building# that exceeds 45 feet in height. Such lowered #street wall# shall have a maximum height of 45 feet and a minimum height of 35 feet and extend along the Tenth Avenue frontage for a width not less than 25 percent and not more than 30 percent of the #aggregate width of street walls# facing Tenth Avenue. Such lowered #street wall# portion of the Tenth Avenue frontage shall be located at the intersection of Tenth Avenue and a #narrow street#. Such lowered #street wall# shall extend along such #narrow street line# for a distance of at least 50 feet from Tenth Avenue. Beyond 50 feet of Tenth Avenue, excluding the #High Line frontage# of

a #building#, such portion of the #building# shall not exceed a height of 45 feet.

The provisions of this Section, relating to the location and height of the lowered #street wall# portion of the Tenth Avenue frontage of a #building# are illustrated in Diagram 1 (Street Wall and High Line Frontage Regulations in Subareas C, F and G) in Appendix C of this Chapter.

In Subarea C, for #zoning lots# with Tenth Avenue frontage between West 24th Street and West 28th Street, the maximum #building# height shall be 125 feet.

(d) Subarea E

The #street wall# location provisions set forth in paragraph (a) of this Section shall not apply on a #zoning lot# fronting on West 18th Street and located partially in Subareas D, E and G, where #floor area# has been transferred pursuant to Section 98-24. A maximum of 60 percent of the West 18th Street frontage within Subarea E may rise without setback to a maximum #building# height of 250 feet, and a minimum of 20 percent of the West 18th Street frontage within Subarea E shall rise without setback to a minimum height of 60 feet and a maximum height of 85 feet and be located within 10 feet of the #street line#.

(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 a #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#.

(f) Subarea I

In that portion of Subarea I located within 300 feet of Tenth Avenue between West 16th Street and West 17th Street, the #street wall# location provisions set forth in paragraph (a) of this Section shall not apply along Tenth Avenue, as shown in Diagram 5 (Subarea I Requirements) of Appendix C of this Chapter, but shall apply along a minimum of 85 percent of the West 16th Street and West 17th Street frontages. No portion of a #building or other structure# located within 300 feet of Tenth Avenue shall exceed a height of 120 feet, except for one #building# which may have a height not to exceed 250 feet provided such #building# is located in its entirety between 10 feet and 90 feet of West 17th Street and has a length that does not exceed 175 feet when measured parallel to the West 17th Street #street line#.

In all other portions of Subarea I, the provisions of paragraph (a) shall apply.

(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any #development# or #enlargement# that utilizes the provisions of Section 98-25. In lieu thereof, the provisions of this paragraph, (g), shall apply.

(1) Midblock Zone

The Midblock Zone shall be that portion of Subarea J located more than 150 feet west of the Ninth Avenue #street line# and more than 200 feet east of the Tenth Avenue #street line#. Within the Midblock Zone, a #building# shall have a maximum #street wall# height before setback of 110 feet, and shall have a maximum #building# height of 130 feet.

(2) Ninth Avenue Zone

The Ninth Avenue Zone shall be that portion of Subarea J within 150 feet of the Ninth Avenue #street line#. Within the Ninth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 130 feet before setback and a maximum #building# height of 135 feet. Any #building# located above a height of 130 feet shall be set back at least five feet from the Ninth Avenue #street wall# and at least 15 feet from the West 15th Street and West 16th Street #street walls#.

(3) Tenth Avenue Zone

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet, provided that any portion of a #building# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue #street line#. Any portion of a #building# located above a height of 185 feet shall be set back at least 10 feet from the West 15th and West 16th Street #street lines#, and at least 25 feet from the Tenth Avenue #street line#. Any portion of a #building# above a height of 200 feet shall be set back at least 25 feet from the West 15th and West 16th Street #street lines#, and at least 35 feet from the Tenth Avenue #street lines#, and any portion of a building located above a height of 215 feet shall be set back at least 75 feet from the Tenth Avenue #street line#. Permitted obstructions allowed pursuant to Section 33-42 shall be permitted.

Minimum and Maximum Base Height and Maximum Building Height
by District or Subarea

District or Subarea		Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
C6-2A		60	85	120
C6-3A		60	102	145
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	_____ ¹
	between 50 and 100 feet of a #wide street#	15	85	_____ ¹
	for #zoning lots# with only #narrow street# frontage	40	60	_____ ¹
Subarea B		60	95	135
Subarea C	for #zoning lots# with only #narrow street# frontage	60	110	110
	for #zoning lots# with Tenth Avenue frontage	105 ²	125 ²	125 ²
	for #zoning lots# with Eleventh Avenue frontage	125 ²	145 ²	145 ²
Subarea D		60	90	250 ¹
Subarea E		60	105 ³	120 ³
Subarea F		60 ²	80 ²	80 ²
Subarea G	for #zoning lots# with only #narrow street# frontage	60	95	95
	for #zoning lots# with #wide street# frontage	105 ²	120 ²	120 ²
Subarea H		60 ⁴	85 ⁴	_____ ⁴
Subarea	within 300 feet	60	85	120 ⁵

I	of Tenth Avenue between W. 16th St. & W. 17th St.			
	all other areas	60	105	135
Subarea J	Midblock Zone	NA	110 ⁶	130 ⁶
	Ninth Avenue Zone	NA	130 ⁶	135 ⁶
	Tenth Avenue Zone	NA	185 ⁶	230 ⁶

¹ see Section 98-423, paragraph (b)

² see Section 98-423, paragraph (c)

³ see Section 98-423, paragraph (d)

⁴ see Section 98-423, paragraph (e)

⁵ see Section 98-423, paragraph (f)

⁶ see Section 98-423, paragraph (g)

(3/22/06)

98-424

Authorization to modify certain bulk regulations

For #zoning lots# located entirely within 75 feet of the west side of the #High Line#, the City Planning Commission may authorize the modification of height and setback regulations set forth in Sections 98-40 and 98-50, inclusive, the transparency requirements set forth in Sections 98-141 and 98-54, and the underlying #rear yard# and minimum distance between #legally required windows# and walls or #lot lines# regulations. The Commission shall find that such modification will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public areas.

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

(6/23/05)

98-43

Special Distance Between Buildings Regulations

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

(6/23/05)

98-50

SPECIAL HEIGHT AND SETBACK, OPEN AREA AND TRANSPARENCY REGULATIONS FOR ZONING LOTS ADJACENT TO THE HIGH LINE

(3/22/05)

98-51

Height and Setback Regulations on the East Side of the High Line

(a) Subarea A

At least 60 percent of the aggregate length of the eastern #High Line frontage# of a #building# shall set back at the level of the #High Line bed#. Not more than 40 percent of the aggregate length of such #High Line frontage# may rise above the level of the #High Line bed#. No portion of such #High Line frontage# shall exceed a maximum height of 20 feet above the level of the #High Line bed#, as illustrated in Diagram 2 (Street Wall and High Line Frontage Regulations in Subarea A) in Appendix C of this Chapter.

(b) In C6-3A Districts and in Subareas C, F and G

For #zoning lots# extending less than 115 feet along the eastern side of the #High Line#, no portion of the eastern #High Line frontage# of a #building# shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

For #zoning lots# that extend for at least 115 feet along the eastern side of the #High Line#, no portion of the eastern #High Line frontage# of the #building# shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#, except that a maximum of 40 percent of such #High Line frontage# may rise without setback above a height of 3 feet, 6 inches above the level of the #High Line bed# provided such portion of the #building# is not located directly between the #High Line# and any #street wall# of a #building# that is subject to a maximum height of 45 feet in accordance with paragraph (c) (Subareas C, F and G) of Section 98-423 (Street wall location, minimum and maximum base heights and maximum building heights).

However, the provisions of this paragraph, (b), shall not apply to any #zoning lot# existing on June 23, 2005 where the greatest distance between the eastern side of the #High Line# and a #lot line# east of the #High Line# is 35 feet when measured parallel to the nearest #narrow street line#.

(6/23/05)

Height and Setback Regulations on West Side of High Line

In C6-2A, C6-3A and M1-5 Districts and in Subareas A, B and E, no portion of the western #High Line frontage# of a #building#, including parapets, shall exceed a height of 3 feet, 6 inches above the level of the #High Line bed#.

For any #zoning lot#, or portion thereof, with more than 60 feet of width measured perpendicular to the west side of the #High Line#, the following rules shall apply to any #building# containing #residences#:

- (a) At least 60 percent of the aggregate length of that portion of the #building# located above a height of 3 feet, 6 inches above the level of the #High Line bed# and facing the #High Line# shall be located between 15 and 20 feet of the west side of the #High Line# and extend up to at least the applicable minimum base height specified in the table in Section 98-423; and
- (b) No #building#, or portion thereof, that exceeds the applicable maximum base height specified in the table in Section 98-423 shall be located within 30 feet of the #High Line#.

Chain link fences and razor wire shall not be permitted within the western #High Line frontage#.

(2/2/11)

98-53

Required Open Areas on the East Side of the High Line

For any #development# or #enlargement# on a #zoning lot#, or portion thereof, within C6-3A Districts or within Subareas A, C, F or G and over which the #High Line# passes or on a #zoning lot# adjacent to a #zoning lot# over which the #High Line# passes, a landscaped open area shall be provided in an amount equal to at least 20 percent of the #lot area# of the portion of the #zoning lot# that is within C6-3A Districts or within Subareas A, C, F or G, pursuant to the requirements of paragraphs (a) and (b) of this Section. Such open area shall be located directly adjacent to the #High Line# with its longest side adjacent to the #High Line# and shall be located at an elevation not to exceed a height of three feet, six inches above

the level of the #High Line bed# adjacent to the #zoning lot#. At no point shall such open area be located within 50 feet of Tenth Avenue.

(a) Open area requirements

All required open areas shall:

- (1) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;
- (2) be landscaped with shrubs, vines, flowers, ground cover, trees, and/or plants in planters over a minimum of 25 percent of the required open area;
- (3) be maintained by the #building# owner who shall be responsible for the maintenance of the open area including, but not limited to, the repair of all amenities, litter control and the care and replacement of vegetation within the #zoning lot#;
- (4) have all mechanical equipment which is located at the same elevation as the open area, or within 15 feet of the level of the open area, screened and buffered with no intake or exhaust fans facing directly onto the required open area; and
- (5) for open area screening, required open areas may be screened from the public areas of the #High Line# by a wall, fence, or plantings extending not higher than eight feet above the average elevation of the open area. All screening materials must be substantially transparent. For the purposes of this Section, substantially transparent screening is defined as transparent, or non-opaque, in an evenly distributed fashion for at least 75 percent of its area. Chain link fences and razor wire shall not be permitted. Vegetated screening, such as shrubs, vines and other plantings, may be opaque if completely covered by vegetation, provided that any underlying surface is substantially transparent.

In addition, such screening material shall be maintained in good condition at all times, may be interrupted by normal entrances and/or exits, and

shall have no signs hung or attached thereto, other than those permitted in Section 98-16.

(b) Permitted obstructions

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 (a) of Section 37-726 (Permitted obstructions); and
- (3) open air cafes and kiosks, provided that open air cafes may occupy in the aggregate no more than 75 percent of such required open area.

(2/2/11)

98-54

Transparency Requirements on the East Side of the High Line

The transparency requirements of this Section shall apply to the #High Line frontage# portion of #buildings developed# or #enlarged# after June 23, 2005 and located in C6-3A Districts and within Subareas A, C, F and G, except for such portions that contain #dwelling units#. At least 50 percent of the area of such frontage, to be measured from a point not lower than four feet and not higher than eight feet above the level of the #High Line bed#, shall be glazed and transparent and at least 75 percent of such glazed surface shall be fully transparent.

(11/13/12)

98-55

Requirements for Non-Transparent Surfaces on the East Side of the High Line

Except in Subarea J, any portion of such #High Line frontage# that is 40 feet or more in length and contains no transparent element between the level of the #High Line bed# and an elevation of 12 feet above the level of the #High Line bed#,

shall be planted with vines or other plantings or contain artwork. Such elements shall substantially cover the applicable non-transparent portion of the #High Line frontage#.

(10/27/10)

98-60

SPECIAL REGULATIONS FOR CERTAIN ZONING LOTS

(11/13/12)

98-61

High Line Access or Support Easement Volumes Requirement

For all #developments# or #enlargements# within the #Special West Chelsea District#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway and elevator (hereinafter referred to as "primary access"), shall be provided on any #zoning lot# over which the #High Line# passes that, on or after December 20, 2004, has more than 5,000 square feet of #lot area#. For all #developments# or #enlargements# within Subareas H, I and J that are developed pursuant to Section 98-25, this provision does not apply.

In the #High Line Transfer Corridor#, an easement volume to facilitate public pedestrian access to the #High Line# via stairway (hereinafter referred to as "secondary access"), shall be provided on any #zoning lot# from which #floor area# has been transferred pursuant to Section 98-33 unless a primary access easement has been provided pursuant to this Section.

However, a primary access easement shall not be required if a primary access easement is already provided on the same #block# and a secondary access easement shall not be required if a primary or secondary access easement has already been provided on the same #block#. Furthermore, primary and/or secondary access easements shall not be required where the Chairperson of the City Planning Commission certifies that:

- (a) the minimum dimensions required for the access easement volume pursuant to paragraph (a) of Section 98-62 cannot be accommodated within 33 feet, 6 inches of a #street line#

for primary access easements and 40 feet of a #street line#
for secondary access easements; or

- (b) in the case of a primary easement, a secondary easement is already provided on the same #zoning lot# and such easement is sufficient in size, or has been enlarged to be sufficient in size, to accommodate the provisions for primary access easements as specified in Section 98-62; or
- (c) for primary or secondary easements, access has already been constructed or, an access volume has been dedicated, on the same #block# or on the same #street# frontage, and that such access or access volume meets the location and access requirements for primary or secondary access easements, as specified in Section 98-62, paragraphs (a) and (b), and meets all standards, as applicable, for persons with disabilities; or
- (d) for primary or secondary easements, construction documents for the #High Line# open space have been developed by the City that specify the same #street# frontage as an access location; or
- (e) such #development# or #enlargement# is located wholly within an M1-5 District and no portion of such #development# or #enlargement# has more than 10,000 square feet of #floor area# and is located within five feet of the #High Line#; or
- (f) such #development# or #enlargement# is located on a #zoning lot# that fronts on West 23rd Street.

(11/13/12)

98-62

High Line Access Easement Regulations

The provisions of this Section shall apply to any #zoning lot# providing an access easement volume, other than a #zoning lot# developed pursuant to Section 98-25, as follows:

- (a) Location and Minimum Dimensions
 - (1) Primary access easement volume

A primary access easement volume may be located within a #building# or within open areas on the #zoning lot#, including open areas required pursuant to Section 98-53 (Required Open Areas on the East Side of the High Line), provided such volume is within 15 feet of a #narrow street line#. The minimum length of such volume shall be 18 feet, 6 inches and the minimum width shall be ten feet; however, the minimum area of such volume shall be 350 square feet. The height of such volume shall extend from a point at least ten feet below #curb level# to a point at least 15 feet above the level of the #High Line bed#. A primary access easement volume may also replace a previously provided secondary access easement volume, and such secondary access easement volume may be terminated pursuant to Section 98-64. Such minimum dimensions are illustrated in Diagram 6 (High Line Access Easement Volume Parameters) of Appendix C of this Chapter.

(2) Secondary access easement volume

A secondary access easement volume shall be located within 15 feet of a #narrow street line# and directly adjacent to the #High Line# for a minimum length of 25 feet. Such volume shall have a minimum width of ten feet. The height of such volume shall extend from #curb level# to a point at least ten feet above the level of the #High Line bed#.

(b) Access

All access easement volumes shall be accessible either directly from a public sidewalk or through a publicly traversable way through the #zoning lot# directly connecting with a public sidewalk. Such publicly traversable way shall meet the following requirements:

- (1) The required width of the publicly traversable way shall be a minimum of eight feet.
- (2) No portion of the publicly traversable way shall be interrupted or occupied by an off-street parking or loading area.
- (3) The access easement volume shall be visible from the public sidewalk or the publicly traversable way.

- (4) The publicly traversable way shall be maintained by the property owner in good repair.
- (5) The publicly traversable way shall be fully accessible to persons with disabilities.
- (6) The publicly traversable way shall be open and accessible to the public at all times when a stairway and/or elevator located within the associated access easement volume is open and accessible to the public.

(c) Permitted obstructions

Any access structure within the access easement volume, or any weather protection provided by an overhang or roofed area over such access easement volume, accessory to the access structure, shall be considered permitted obstructions within required #yards# or open areas.

(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 Sections 37-726 (Permitted obstructions) and 37-73 (Kiosks and Open Air Cafes), except that in the case of open air cafes and kiosks, a certification shall not be required.

Improvements or construction of a temporary nature within the easement volume shall be removed by the owner of such #zoning lot# prior to the time at which public use of the easement areas is required. A minimum notice of six months in writing shall be given by the City of New York or its designee to the owner of the #zoning lot#, in order to vacate the tenants of such temporary #uses#.

(e) #Legally required windows#

The minimum distance between any #legally required window# in a portion of a #building# used for #residential use# and

an access easement volume shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

(6/23/05)

98-63

Recording of High Line Access Easement Volume

An instrument in a form acceptable to the Department of City Planning creating a #High Line# access easement volume shall be recorded in the Office of the City Register, a certified copy of which shall be submitted to the Department of City Planning.

Notice by the Department of City Planning of its receipt of a certified copy of an instrument establishing any access easements required pursuant to this Chapter shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# of #enlargement# on a site pursuant to Section 98-60 for primary access easements. Receipt of a certified copy of an instrument creating a secondary access easement shall be provided in conjunction with notification, pursuant to Section 98-33, paragraph (a).

(11/13/12)

98-64

Termination of High Line Access Easement Volume

In the event that the City Planning Commission notifies the Department of Buildings and the owner in writing that a #High Line# access easement volume is not required on a #zoning lot# under the final construction plans for the restoration and reuse of the #High Line# as an accessible, public open space, the restrictions imposed on such #zoning lot# by the provisions of Section 98-61 (High Line Access or Support Easement Volumes Requirement) shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the City Planning Commission to the extinguishment of the easement volume. On termination of the #High Line# access easement volume

requirement which has been certified pursuant to this Section, any area reserved for such easement within a #building or other structure# may be used for any #use# permitted pursuant to the provisions of this Chapter and such area shall not be considered #floor area#; and any open area reserved for such easement shall be maintained as an open area and shall be subject to the open area requirements of Section 98-53 (Required Open Areas on the East Side of the High Line).

(10/27/10)

98-65

Transit Facilities

The provisions of paragraph (b) of Section 93-65 (Transit Facilities) shall apply to any subway-related #use# on a #zoning lot# that includes the volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on the District Map in Appendix A of this Chapter.

(10/27/10)

98-70

SUPPLEMENTAL REGULATIONS

- (a) In the #Special West Chelsea District#, the provisions of paragraphs (a) through (d), inclusive, of Section 93-90 (HARASSMENT) shall apply as modified in this Section.
- (b) In the #Special West Chelsea District#, the provisions of Section 93-91 (Demolition) shall apply.

For the purposes of this Section, the following definitions in Section 93-90 shall be modified:

Anti-harassment area

"Anti-harassment area" shall mean the #Special West Chelsea District#.

Referral date

"Referral date" shall mean December 20, 2004.

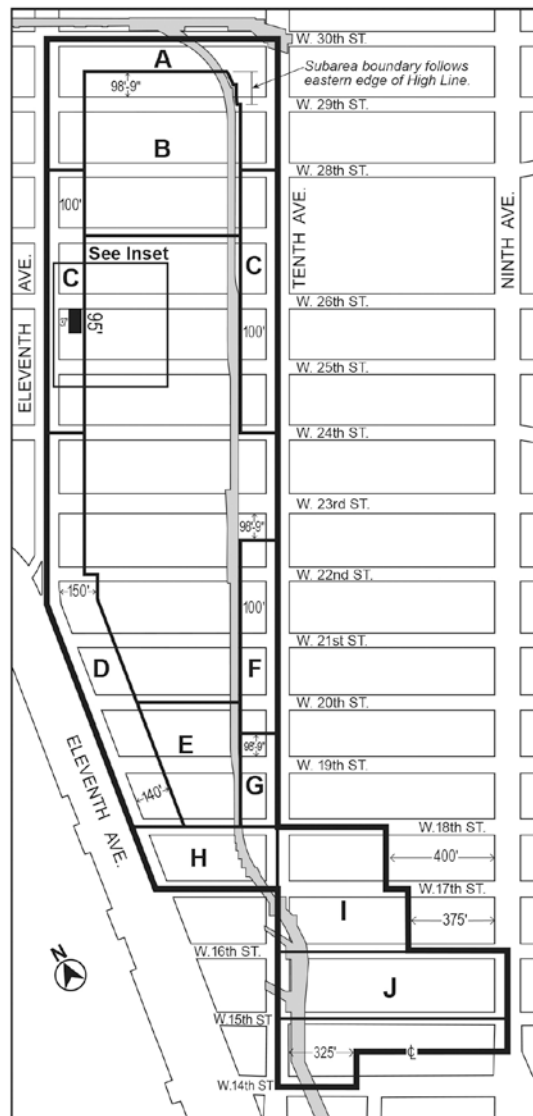
In addition, Section 93-90, paragraph (d)(3), is modified as follows:





No portion of the #low income housing# required under this Section shall qualify to:

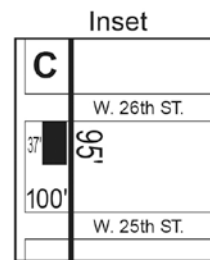
- (a) increase the #floor area ratio# pursuant to the provisions of the #Special West Chelsea District#, #Special Hudson Yards District#, #Special Garment Center District#, #Special Clinton District# or Section 23-90; or
- (b) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

(1/22/15)

Appendix A
Special West Chelsea District and Subareas (98A)



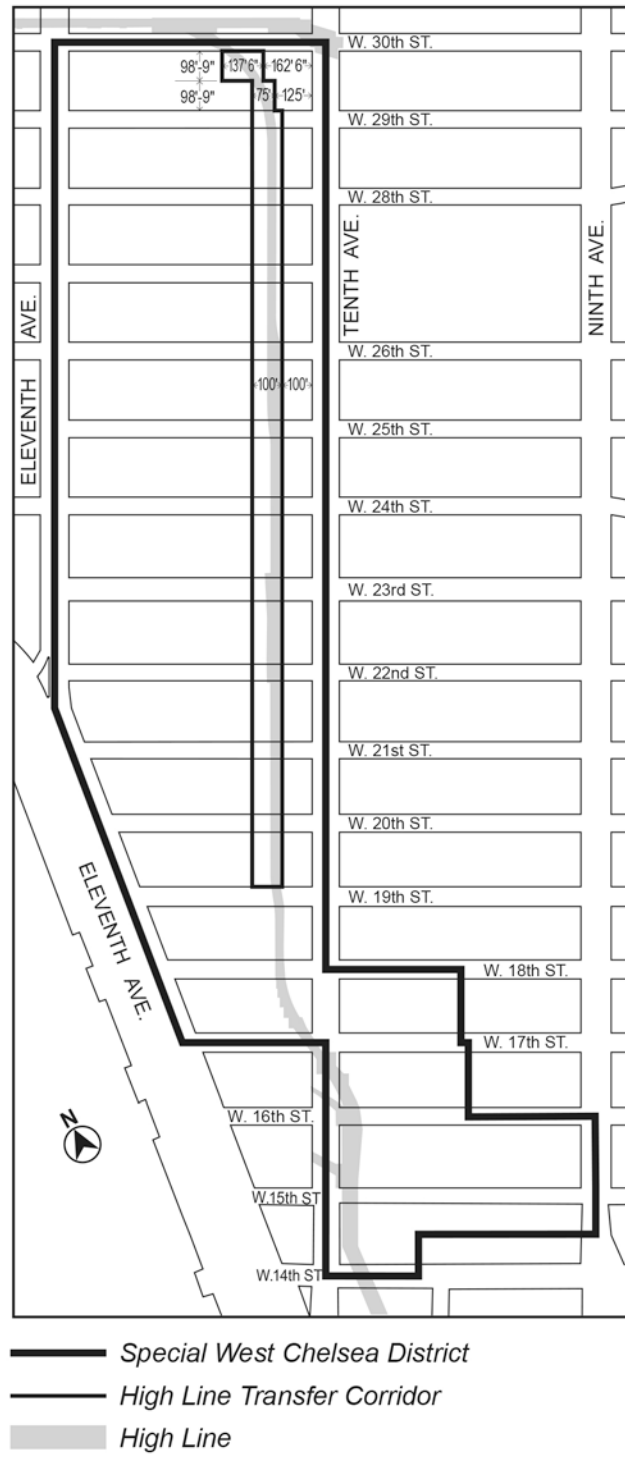
-  Special West Chelsea District boundary
-  Subarea boundary
-  High Line
-  Transit Facility



(1/22/15)

Appendix B

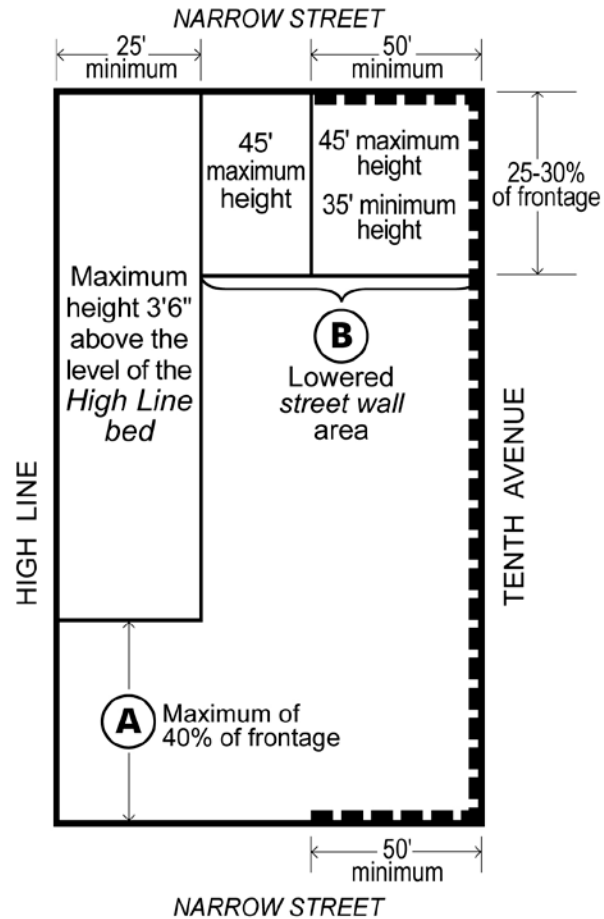
High Line Transfer Corridor Location (98B)



(3/22/06)

Appendix C

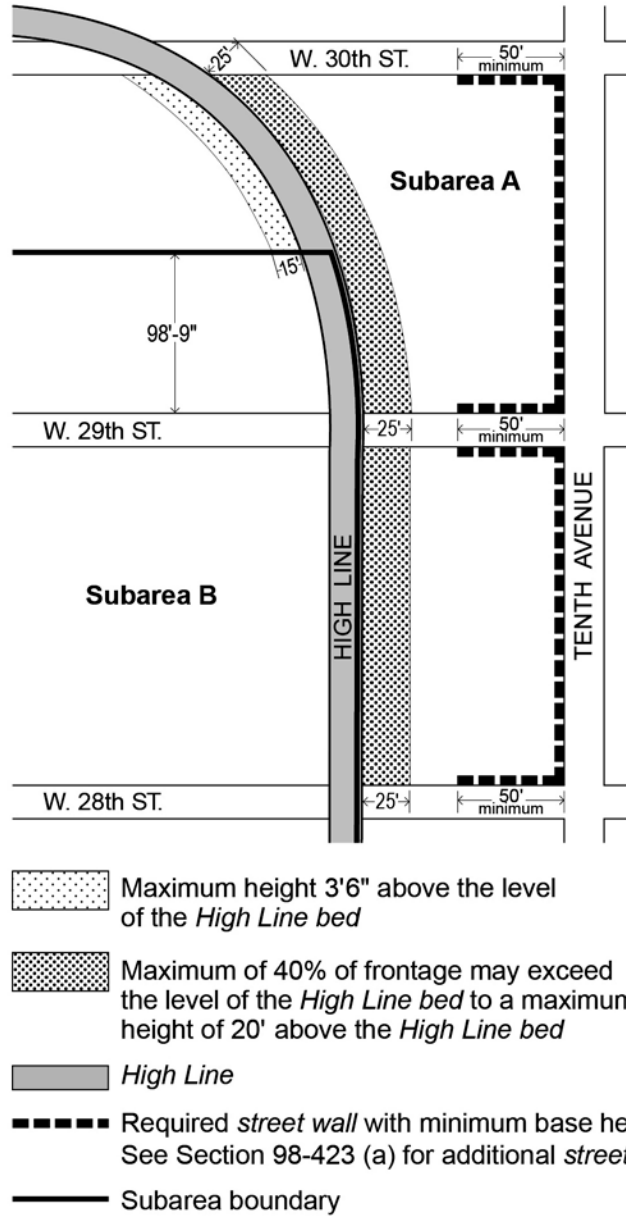
Diagram 1 - Street Wall and High Line Frontage Regulations in Subareas C, F and G (98C.1)



- Building
- Building areas (Locations are illustrative)
- Ⓐ Ⓑ Building areas that may not be located adjacent to one another
- - - Required street wall

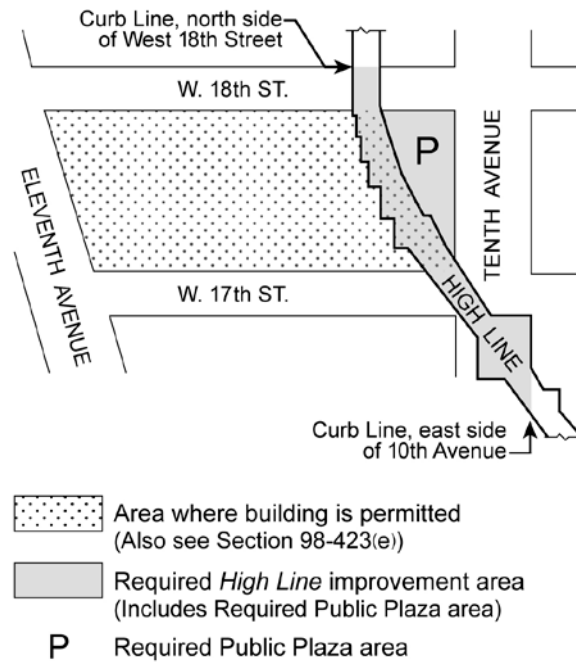
(6/23/05)

**Diagram 2 - Street Wall and High Line Frontage Regulations
in Subarea A (98C.2)**



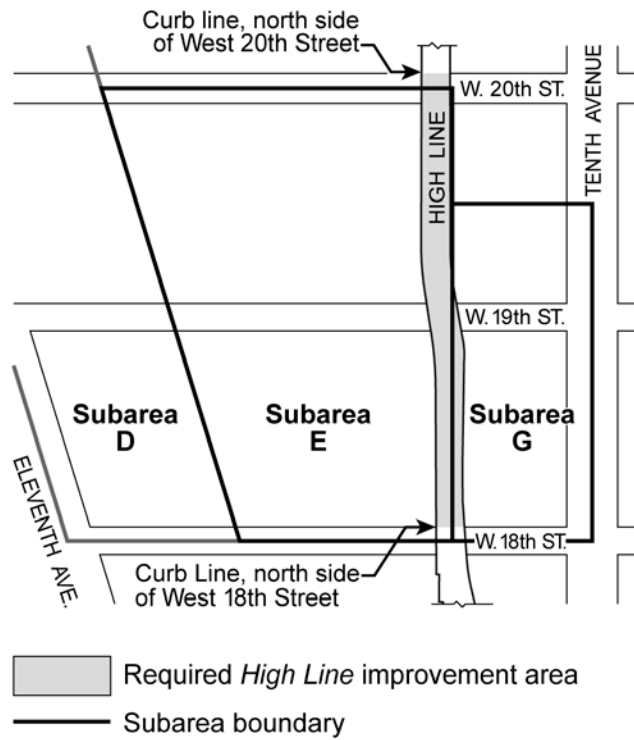
(10/17/07)

Diagram 3 - Subarea H Requirements (98C.3)



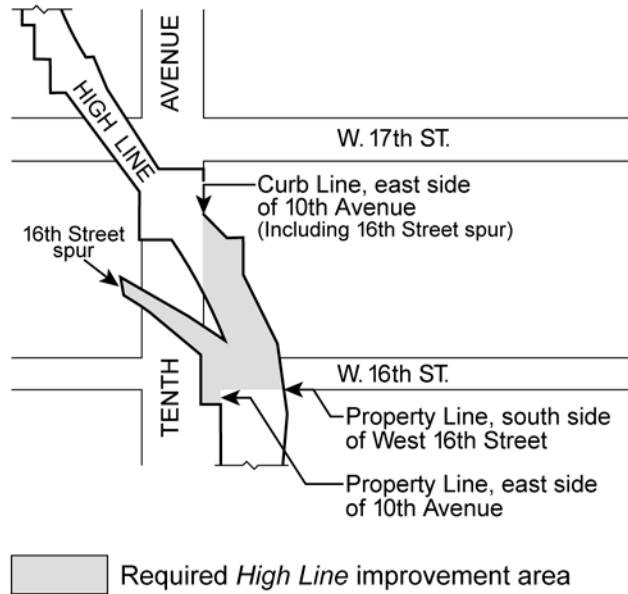
(6/23/05)

**Diagram 4 - High Line Improvement Area Boundaries for Zoning
Lots Divided by District Boundaries in Subareas D, E and G (98C.4)**



(3/22/06)

Diagram 5 - Subarea I requirements between West 16th and West 17th Streets (98C.5)



(6/23/05)

Diagram 6a - High Line Access Easement Volume Parameters
Primary Access Easement Volume (98C.6a)

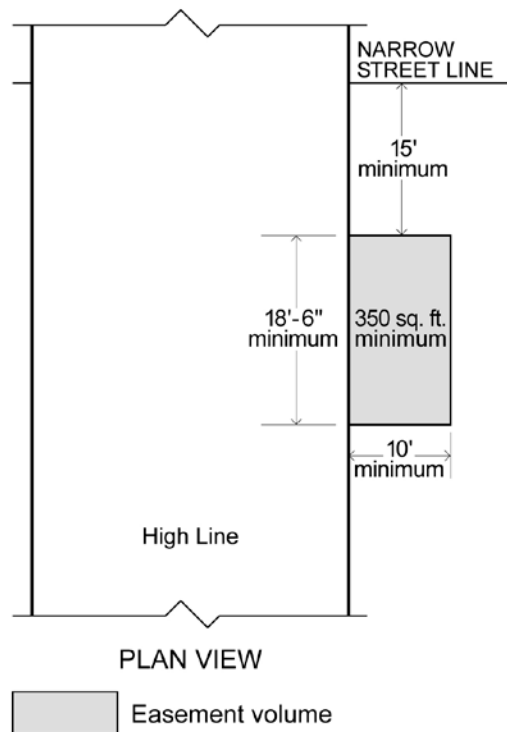
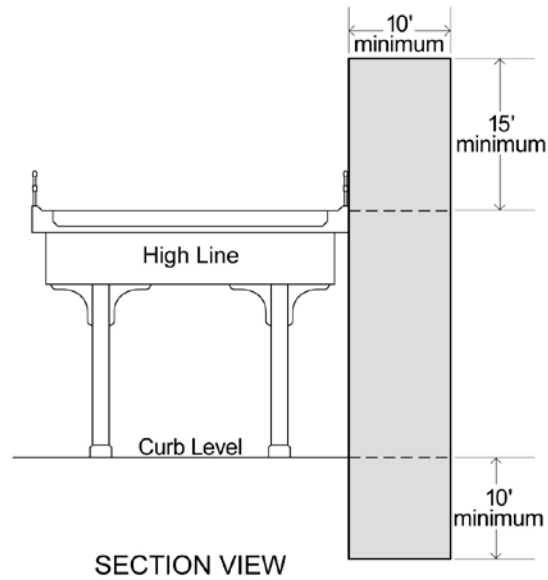
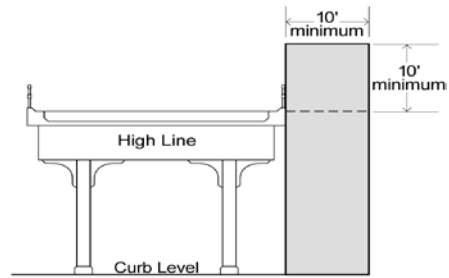
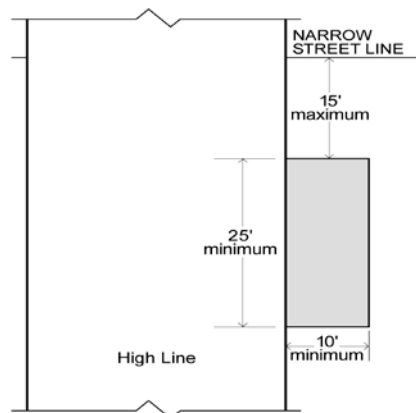


Diagram 6b - High Line Access Easement Volume Parameters
Secondary Access Easement Volume (98C.6b)



SECTION VIEW

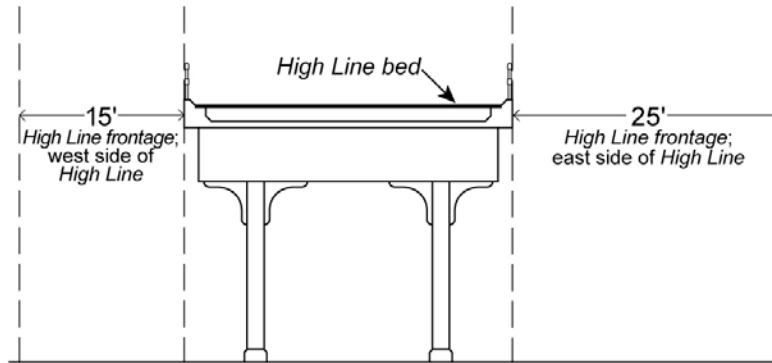


PLAN VIEW

 Easement volume

(6/23/05)

Diagram 7 - High Line Bed and Frontages (98C.7)



(2/2/11)

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 the 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) of this Appendix, D, 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) of this Appendix, D, provided, that in the event the 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) of this Appendix, D, the provisions of such restrictive declaration shall be modified as deemed necessary by the City to effectuate such agreements; and

- (iii) the 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 the Owner or the City, the City in its sole discretion, may enter into agreements with the 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, D, 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, the 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 the 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 the 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.
- (3) 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, as shown in Appendix C of this Chapter, 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.

- (4) 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, as shown in Appendix C of this Chapter, 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 (b)(1)(iv) and (b)(1)(v) in this Section (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 paragraphs (b)(2)(ii)(b) and (b)(2)(ii)(c), 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) all paving, plantings, surface treatments, lighting, trees, seating, fountains and other site amenities; and
 - (c) 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 the Owner pursuant to construction documents provided by the City by January 31, 2008. The At-Grade Plaza Work shall be completed within one year following January 31, 2008, subject to reasonable extension for any delays beyond Owner's reasonable control and to such extension as the City and the 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 October 17, 2007, 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, as shown in Appendix C of this Chapter, 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 Sections 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 37-726, 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 paragraph (b)(3)(ii) of this Appendix, D, 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, D , 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, as shown in Appendix C of this Chapter, 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.

(2/2/11)

Appendix E

Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E, G or I

This Appendix sets forth additional requirements governing #zoning lots# located partially within Subareas D, E and G or within Subarea I between West 16th and 17th 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 and Lot Coverage 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 (c) 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# in Section 12-10.

(a) Requirements for issuance of building permit pursuant to paragraph (a) of Section 98-25

(1) As a condition of certification:

- (i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix, E, 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 (Maximum Floor Area Ratio and Lot Coverage in Subareas); and
- (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 from a stairway and elevator on the #zoning lot# that will provide access to the #High Line# and for maintenance and repair by the City of such stairway and elevator; and the potential performance by the City of work under the provisions set forth below. In the case of #zoning lots# between West 16th and 17th Streets, Owner shall also provide the City with easements providing for City access to and from and for public use of the #High Line# Service Facilities on the #zoning lot# and for maintenance and repair by the City of such #High Line# Service Facilities. All easements described herein shall be in a form acceptable to the City and shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (c); and

- (iii) submit plans for Stairway and Elevator Access Facilities and, where applicable, #High Line# Service Facilities that demonstrate compliance with the provisions of this Appendix, E, and are consistent with New York City Department of Parks and Recreation standards and best practices governing materials life cycle and maintenance for review and approval by the Chairperson of the City Planning Commission.
- (2) 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, as shown in Appendix C of this Chapter, 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, approved by the Chairperson of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the #High Line# Improvement Fund contribution to reflect the cost of such improvements. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.
- (3) 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 pursuant to paragraph (c) of Section 98-25:

(1) Structural Remediation Work pursuant to paragraph (c)(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, as shown in Appendix C of this Chapter, on such #zoning lot# and over #streets# contiguous thereto in accordance with the provisions of this paragraph. 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 (b)(1)(iv) and (b)(1)(v), (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 for each 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 (c)(2), with respect to the Structural Remediation Work shall be of substantial completion with respect to issuance of temporary certificates of occupancy, and of

final completion with respect to issuance of final certificates 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 the public 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) 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 such delays as are 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.
- (iv) 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.
- (v) In the event that the City does not provide the specifications for the Structural Remediation Work within the timeframe set forth in paragraph

(b)(1)(iii) of this Appendix, Owner may exercise the option to perform such work and proceed with the Structural Remediation 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 beyond Owner's reasonable control, 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.

(vi) If Owner exercises the option to perform the Structural Remediation Work, Owner 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), such reimbursement not to exceed \$115,000.

(2) Stairway and Elevator Access Work pursuant to paragraph (c)(3) of Section 98-25:

(i) Owner shall perform Stairway and Elevator Access Work subject to the provisions of this paragraph, (b)(2). For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(3), 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 shall be of final completion of the work.

(ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator located directly adjacent to or below the #High Line#. Except as approved by the Chairperson of the City Planning Commission pursuant to paragraph (a)(1)(iii) of this Appendix, #curb level# entrances to such access facilities must be located at the #street line#. Such access facilities shall be harmonious with the design of

the #High Line# on the #zoning lot# and shall be visible and identifiable as #High Line# access facilities when viewed from Tenth Avenue. Such access facilities may be unenclosed or enclosed. When such access facilities are enclosed and located at the #street line#, any wall or façade separating the access facility from the #street# shall be substantially glazed and fully transparent from ground level to the full height of the access facility. Any wall or façade separating the access facility from the #High Line# shall be substantially glazed and fully transparent from the level of the #High Line bed# to the full height of the access facility. Stairways shall have a clear path of not less than six feet in width. Such access facilities shall be identified with signage placed at the #High Line# level and at street level that is consistent with guidelines specified in the signage plan as authorized by the City Planning Commission pursuant to the provisions of Section 98-16.

- (iii) The Stairway and Elevator Access Work shall be completed within one year following the later of June 23, 2005, or the Chairperson's review and acceptance of the plans and specifications that demonstrate compliance with the provisions of paragraph (b) (2)(ii) of this Appendix, subject to reasonable extension for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner.
- (iv) In no event however shall Owner be required to complete the Stairway and Elevator Access Work until the #High Line# improvements in the portion of the #High Line# improvement area, as shown in Appendix C of this Chapter, adjacent to the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification, pursuant to Section 98-25, paragraph (c)(3), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.

(3) #High Line# Service Facility Work pursuant to paragraph (c)(4) of Section 98-25:

(i) For #zoning lots# located between West 16th and 17th Streets, Owner shall perform #High Line# Service Facility Work subject to the provisions of this Appendix. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (c)(4), shall be of substantial completion of the work. For permanent certificates of occupancy, certification shall be of final completion of the work.

(ii) #High Line# Service Facilities shall consist of satellite maintenance and operations space for the #High Line# open space as well as public restrooms, in accordance with the following standards:

(a) Location

Such facilities shall have a component located at the level of the #High Line bed#, or within five feet of such level (hereinafter referred to as the "upper service facility"). Such facilities shall also have a component located no higher than #curb level# (hereinafter referred to as the "lower service facility"). The upper facility must be located directly above the lower facility to enable placement of a trash chute connecting the upper and lower facilities. Where the upper facility is not located exactly at the level of the #High Line bed#, a fully accessible ramp must connect such level with the level of the upper facility. Where the lower facility is not located exactly at #curb level#, a means acceptable to the City of connecting the lower service facility to a #street# frontage shall be provided.

(b) Program and dimensions

(1) Lower service facilities

Lower service facilities shall contain a room which is accessible from #street# level and is no less than 50 square feet in area. Such facility shall contain the outlet of a trash chute from the upper service facility and shall also have a minimum of one electrical outlet furnishing a wattage consistent with its intended use within a maintenance and operations facility.

(2) Upper service facilities

Upper service facilities shall be no less than 350 square feet in area and shall contain, at a minimum, one public restroom not less than 250 square feet in area with separate restroom spaces for each gender, one storage room not less than 70 square feet in area, and one waste disposal room not less than 30 square feet in area and containing a trash chute to the lower service facility

Each room within such upper service facilities shall have a minimum of one electrical outlet furnishing wattage consistent with its intended use within a maintenance and operations facility.

- (iii) The #High Line# Facility Work shall be completed within one year following the later of June 23, 2005, or the Chairperson's review and acceptance of the plans and specifications that demonstrate compliance with the standards of paragraph (b)(3)(ii) of this Appendix, subject to reasonable extension for any delays beyond Owner's reasonable control, unless such date is extended by mutual agreement between the City and Owner.
- (iv) In no event, however, shall Owner be required to complete the #High Line# Facility Work until the #High Line# improvements in the portion of the #High Line# improvement area, as shown in Appendix C of this Chapter, adjacent to the

#zoning lot#, as shown on Diagram 5 of Appendix C, are substantially complete. Notwithstanding the foregoing, in no event shall Owner be entitled to certification pursuant to Section 98-25, paragraph (c)(4), until the Chairperson determines that the Stairway and Elevator Access Work is substantially complete.

- (v) The cost to Owner of the #High Line# Facilities Work shall not exceed \$1,150,000. The amount of contribution to the #High Line# Improvement Fund under paragraph (a)(1) of this Appendix, E, made for purposes of Section 98-25, paragraph (a), shall be reduced by such at the time it is made.

(c) City performance in the event of failure to perform

- (1) 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)(1) of this Appendix), Structural Remediation Work (where Owner has exercised the option under paragraph (b)(1) of this Appendix) and the Stairway and Elevator Access Work (under paragraph (b)(3), 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, as shown in Appendix C of this Chapter, for the #zoning lot#, as shown on Diagram 4 or 5 of Appendix C, and a relevant deadline for performance of such work under paragraphs (b)(1), (b)(2) or (b)(3) of this Appendix, as applicable, has passed, subject to the provisions of such paragraphs 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.
- (2) The City may proceed with performance and/or completion of the work following such notice unless Owner:
 - (i) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total) for

completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City, unless such date is extended by mutual agreement between the City and Owner; and

(ii) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control

(3) In the event Owner does not comply with the requirements of paragraph (c)(2) of this Appendix:

(i) 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 (a)(1) of this Appendix;

(ii) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and

(iii) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor may any temporary or permanent certificates of occupancy may be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.

(11/13/12)

Appendix F
Special Regulations for Zoning Lots Utilizing the High Line
Improvement Bonus and Located Within Subarea J

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea J over which the #High Line# passes for any #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 and Lot Coverage in Subareas). The additional requirements are set forth in this Appendix, (F), in paragraphs (a), the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of

Section 98-25 (High Line Improvement Bonus); paragraph (b), the performance of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to paragraph (d) of Section 98-25; and paragraph (c), the option of the owner to offer to the City an additional #High Line# Support Easement Volume. 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# in Section 12-10.

(a) Requirements for issuance of a building permit pursuant to paragraph (a) of Section 98-25

(1) As a condition of certification:

(i) For each square foot of #floor area# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, up to the amount specified in Section 98-22, the owner shall:

(a) for the first 80,000 square feet of such #floor area#, deposit such contribution to the Affordable Housing Fund established under Section 98-262, paragraph (c), for use in accordance with the provisions of that Section; and

(b) for all such #floor area# which exceeds 80,000 square feet, subject to a deduction pursuant to other provisions of this Appendix, (F), deposit such contribution to the #High Line# Improvement Fund, or secure such contribution by letter of credit or other cash equivalent instrument in a form acceptable to the City.

Such contribution, in each case, shall be \$59.07 per square foot of #floor area# as of November 13, 2012, which contribution rate shall be adjusted July 1 of the following year and each year thereafter by the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics;

(ii) All parties-in-interest shall execute that restrictive declaration, dated October 25, 2012, and on file at the Office of the Counsel,

Department of City Planning, required in connection with environmental assessment (CEQR No. 11DCP120M) for the purpose of addressing historic resources and containing other provisions regarding the preservation of certain features of existing #buildings# and structures and related matters;

(iii) All parties-in-interest shall execute a restrictive declaration in a form acceptable to the City addressing the terms described in this paragraph, (a)(1)(iii):

(a) Hotel #use#

No #development# or #enlargement# that utilizes the provisions of Section 98-25 shall include a #transient hotel#;

(b) Retail concourse

As a condition of any #development# or #enlargement# pursuant to Section 98-25, the owner shall provide a pedestrian passageway within any #building# located on the #zoning lot# connecting the Ninth Avenue sidewalk with the Tenth Avenue sidewalk, which passageway shall be open to the public during business hours. Not less than 60 percent of the length of the frontages of such passageway shall be occupied primarily by retail uses, and in addition may be occupied by service, wholesale, production and event space identified in Use Groups 6A, 6C, 7B, 7C, 8A, 9A, 9B, 10B, 11A, 12A, 12B, 16A, 17A and such spaces shall have access to the passageway;

(c) Locations and dimensions of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall be sized and located to accommodate the following amenities, all of which shall be located within the #buildings# located within the Tenth Avenue Zone, as described in Section 98-423, paragraph (g)(iii):

- (1) exclusive easements for public restrooms for each gender with an aggregate area of no less than 560 square feet (and which need not be more than 700 square feet) located adjacent to the #High Line# with direct access to the #High Line# for each of the public restrooms;
- (2) exclusive easements for #High Line# support space with an aggregate area of no less than 2,400 square feet (and which need not be more than 3,000 square feet) of which up to 800 square feet may be located on a mezzanine level, such space to be located adjacent and accessible to the #High Line#;
- (3) exclusive easements for #High Line# support space located in the cellar level in an aggregate area no less than 800 square feet (but need not be more than 1,000 square feet);
- (4) exclusive use of a dedicated freight elevator that shall provide access to the cellar level, to a shared loading facility at #street# level, to the level of the #High Line bed# and to the level of the #High Line# support space described in paragraph (a)(1)(iii)(c)(2) of this Appendix, (F); and
- (5) non-exclusive easements for:
 - (i) access between the dedicated freight elevator and the shared loading facility at grade level and the #High Line# support space located in the cellar level; and
 - (ii) use of the shared loading facility as more particularly set forth in

paragraph (a)(1)(iii)(d) of this Appendix, (F);

(d) Use of the #High Line# Support Easement Volumes

The #High Line# Support Easement Volumes shall not be dedicated for use by the general public but rather for use by the City or its designee for storage, delivery of materials and support of #uses# within the #High Line# (and in connection therewith, the fitting-out, operating, maintaining, repairing, restoring and replacement of the #High Line# Support Easement Volumes), except that:

- (1) the public may use the public restrooms;
- (2) up to 650 square feet of space adjacent to the #High Line# may be used exclusively for educational and related programming that is at no cost to the public; and
- (3) if dedicated to the City in accordance with paragraph (d) of this Appendix, (F), the optional additional #High Line# Support Easement Volume may be accessible to the public as part of concessions or other uses that relate to the #High Line#.

The City or its designee shall at all times use, operate and maintain the #High Line# Support Easement Volumes so as not to interfere with the use and enjoyment of the #buildings# located within Subarea J.

The #High Line# support spaces described in paragraphs (a)(1)(iii)(c)(2) and (3) of this Appendix, (F), shall be accessible by a dedicated freight elevator that connects to non-exclusive portions of the #building#, including a loading facility at #curb level#, through which the City or its

designee shall be provided with a non-exclusive easement to enable reasonable and customary access;

- (e) Effective date of the #High Line# Support Easement Volumes

The City's or its designee's rights to utilize the #High Line# Support Easement Volumes shall commence on the date that the #High Line# Support Work has been completed in accordance with paragraph (b)(1) of this Appendix, (F), or in the event of default of the owner in accordance with paragraph (c) of this Appendix, (F), the date that the City has notified the owner that it intends to perform such #High Line# Support Work in accordance with paragraph (c); and

- (f) Notice by the Department of City Planning of its receipt of certified copies of the recorded restrictive declarations required pursuant to paragraph (a) (1) (ii) and (iii) of this Appendix, (F), shall be a precondition to issuance by the Commissioner of Buildings of any building permits including any foundation or alteration permit for any #development# or #enlargement# which causes the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012;
- (iv) The owner shall submit plans for the #High Line# Support Work described in paragraph (b)(1) of this Appendix, (F), that demonstrate compliance with the provisions of this Appendix and are consistent with New York City Department of Parks and Recreation standards and best practices governing material life cycle and maintenance, for review and approval by the Chairperson of the City Planning Commission;
- (v) Solely in the event the initial certification made pursuant to Section 98-25, paragraph (a), is with respect to additional #floor area# to be added to a #building# or portion of a #building#

located outside of the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), then the owner shall enter into agreements with the City or its designee, in a form reasonably acceptable to the City, to provide interim access, in accordance with such agreements, to the #High Line# through a non-exclusive loading facility and an existing freight elevator. Such agreements shall provide that any space within the existing #building# may be used by the City or its designee at no cost, except that the City or its designee shall be obligated to pay for the proportionate costs of utilities, maintenance and other building expenses associated with the use of such loading facility and elevator, and for any improvements or modifications to such space that may be requested by the City or its designee. Such interim access shall cease upon the date that the City or its designee commences utilization of the #High Line# Support Easement Volumes in accordance with paragraph (a)(1)(iii)(d) of this Appendix, (F);

- (2) The location of #floor area# which would cause the #floor area ratio# of a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, 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), the owner designates on plans submitted to the Chairperson of the City Planning Commission, subject to the concurrence of the Chairperson, an alternate location.
- (b) Requirements for issuance of certificates of occupancy pursuant to paragraph (d) of Section 98-25
 - (1) #High Line# Support Work pursuant to paragraph (d) of Section 98-25
 - (i) The owner shall perform #High Line# Support Work subject to the provisions of this paragraph, (b)(1), inclusive. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (d), shall be the substantial completion of the

work. For permanent certificates of occupancy, certification shall be of final completion of the work.

(ii) The #High Line# Support Work shall consist of the following:

- (a) the construction, fit-out and delivery in an operative condition of public restrooms described in paragraph (a)(1)(iii)(c)(1) of this Appendix, (F), furnished with restroom fixtures, including six toilet stalls for women, an aggregate of six toilet stalls and/or urinals for men and three sinks in each restroom, and provided with utility connections.
- (b) the construction of the core and shell of the #High Line# support space described in paragraphs (a)(1)(iii)(c)(2) and (3) of this Appendix, (F), including the provision of and access to separately metered gas, ventilation, water, sewer, electricity and telecommunications utilities systems commonly available in the #building# sufficient to support the anticipated uses of the support space. Within the portion of the #High Line# support space in the vicinity of the level of the #High Line bed#, the owner will install a kitchen exhaust duct from such support space to a suitable point of discharge and will provide access to the #building# sprinkler standpipe and fire alarm system. Such support space shall also include access to a storage mezzanine pursuant to a dedicated lift, and there shall be a clear path at least five feet wide from the lift to the dedicated freight elevator described in paragraph (b)(1)(ii)(c) of this Appendix, (F). The owner will not be responsible for distributing any utility services within the #High Line#

support space or for providing any ancillary equipment for the kitchen exhaust duct; and

- (c) the construction of the dedicated freight elevator described in paragraph (a)(1)(iii)(c)(4) of this Appendix, (F), with a minimum capacity of 3,000 pounds;
- (iii) Following the completion of the #High Line# Support Work described in paragraph (b)(1)(ii) of this Appendix, (F), all subsequent costs of operating, maintaining, repairing, replacing and additional fit-out of the #High Line# support space shall be exclusively the responsibility of the City and not the owner, provided that the owner shall be responsible for the repair and replacement of any defective #High Line# Support Work for a period of one year after completion thereof;
- (iv) The cost to the owner of the #High Line# Support Work pursuant to the plans approved pursuant to this paragraph, (a)(1)(iv), shall be estimated at the time of such approval by a licensed engineer selected by the owner, such estimate to be in a form reasonably acceptable to the City, at an amount not to exceed \$2,544,000, as adjusted at the time of such approval by changes in the construction cost index published by the Engineering News Record (ENR) for New York City commencing as of December 1, 2012. In the event that the City requests the owner to perform any additional work in conjunction with the #High Line# Support Work and the owner agrees to perform such additional work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix, (F);

- (v) Except as set forth in paragraph (b)(1)(v) of this Appendix, (F), no temporary or permanent certificates of occupancy may be issued pursuant to Section 98-25, paragraph (d), for #floor area# in a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012, until the #High Line# Support Work described in paragraph (b)(1) of this Appendix, (F), has been substantially completed or finally completed, as applicable;
- (vi) Notwithstanding anything to the contrary in this paragraph, (b)(1), inclusive, if certification is initially made pursuant to Section 98-25, paragraph (a), with respect to additional #floor area# to be added to a #building# or portion of a #building# located outside of the Tenth Avenue Zone, as described in Section 98-423, paragraph (g)(iii), then the conditions for certification pursuant to Section 98-25, paragraph (d), for a permanent or temporary certificate of occupancy shall not apply to such #building# or portion of a #building# and the following conditions shall apply:
 - (a) the owner shall deliver a letter of credit or other security reasonably satisfactory to the City in an amount reasonably determined by the City as sufficient for the City to perform the #High Line# Support Work described in paragraph (b)(1) of this Appendix, (F), which letter of credit or other security may be drawn or exercised by the City in the event of a default by the owner in accordance with paragraph (c)(ii) of this Appendix, (F); and
 - (b) the owner shall enter into an agreement with the City in a form reasonably acceptable to the City requiring the owner to commence the #High Line# Support Work described in paragraph

(b)(1) of this Appendix, (F), no later than September 1, 2017, subject to force majeure as determined by the Chairperson, and shall thereafter diligently prosecute the same to completion, pursuant to an agreed-upon schedule, subject to force majeure as determined by the Chairperson.

(c) In the event the owner is in default of its obligations pursuant to the agreements required by paragraph (b)(1)(vi) of this Appendix, (F):

- (1) The City shall be entitled to draw the letter of credit or exercise the other security described in paragraph (b)(1)(vi)(a) of this Appendix, (F), and to take possession of the #High Line# Support Easement Volumes following delivery of notice to the owner that the City intends to perform the #High Line# Support Work in accordance with provisions to be set forth in the restrictive declaration described in paragraph (a)(1)(iii) of this Appendix, (F);
- (2) The City shall return to the owner any contribution made to the #High Line# Improvement Fund with respect to additional #floor area# to be added to a #building# or portion of a #building# located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii);
- (3) No additional building permit may be issued pursuant to Section 98-25, paragraph (a), with respect to a #development# or #enlargement# to be located within the Tenth Avenue Zone as described in Section 98-423, paragraph (g)(iii), nor may any temporary or permanent certificates of occupancy be issued pursuant to Section 98-25, paragraph (d), for #floor area# in such a #development# or #enlargement# which causes the #floor area ratio# on a #zoning lot# to exceed the #floor area ratio# of such #zoning lot# on November 13, 2012.

(d) Option to offer an additional #High Line# Support Easement Volume:

- (1) The owner, at its sole option, may elect to offer to the City an easement comprising up to 7,500 square

feet of #floor area# within the #building# adjacent to the #High Line# and at the vicinity of the level of the #High Line bed# as an additional #High Line# Support Easement Volume by written notice to the Chairperson of the City Planning Commission, with a copy to the Commissioner of the Department of Parks and Recreation. Such written notice shall be delivered contemporaneously with the owner's first request for certification by the Chairperson, described in paragraph (a) of Section 98-25, that relates to a #building# or portion of a #building# within the Tenth Avenue Zone, as described in Section 98-423, paragraph (g)(iii);

- (2) If the owner elects to exercise such option, the owner shall provide an appraisal from an appraiser reasonably acceptable to the City who is a member of the American Institute of Real Estate Appraisers (or its successor organization) establishing the fair market value of the additional #High Line# Support Easement Volume to be so dedicated. The term "fair market value" shall mean the price at which such additional #High Line# Support Easement Volume would change hands between a willing buyer and a willing seller, both acting rationally, at arm's length, in an open and unrestricted market. The appraisal shall determine such fair market value of the additional #High Line# Support Easement Volume based on its highest and best as-of-right #uses#, valued in an unimproved core and shell physical condition (including any existing structural elements, such as the #building# wall separating the #High Line# from the additional easement volume) and considered unencumbered by any leases, mortgages or other matters that will be released or otherwise subordinate to the grant of such additional #High Line# Support Easement Volume to the City. The appraisal shall not assume that as-of-right #uses# of the additional #High Line# Support Easement Volume may enjoy any access to and from the #High Line#. Any other appraisal assumptions or instructions not set forth herein shall be subject to approval by the City.
- (3) If such option is exercised by the owner, the City shall have up to 60 days from the delivery of the written notice described in paragraph (d)(1) of this Appendix, (F), to irrevocably accept or decline the

exercise of the option by written notice to the owner. If the City does not so accept or decline the option within said 60 day period, then the option shall be deemed declined and neither the City nor the owner shall have any further rights or obligations under this paragraph, (d), inclusive;

- (4) If such option is exercised by the owner and accepted by the City, the restrictive declaration described in paragraph (a)(1)(ii) of this Appendix, (F), shall provide or shall be amended to include the additional #High Line# Support Easement Volume within the grant to the City, and the value of the additional #High Line# Support Easement Volume as set forth in the appraisal shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix, (F);
- (5) In the event that the City requests the owner to perform any work in conjunction with the dedication of the additional #High Line# Support Easement Volume and the owner agrees to perform such work, then the cost of such additional work shall be the responsibility of the City and may be deducted in whole or in part from the #High Line# Improvement Fund contribution required pursuant to paragraph (a)(1) of this Appendix, (F). All costs of fitting-out, operating, maintaining, repairing and replacing the additional #High Line# Support Easement Volume shall be exclusively the responsibility of the City and not the owner.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article IX: Special Purpose Districts

Chapter 9: Special Madison Avenue Preservation District

Effective date of most recently amended section of Article IX Chapter 9: 05/08/13

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(12/20/73)

Article IX - Special Purpose Districts

Chapter 9

Special Madison Avenue Preservation District

(12/20/73)

99-00

GENERAL PURPOSES

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

- (a) to preserve and protect the unique character and architectural quality of Madison Avenue and its surrounding area;
- (b) to preserve and enhance street life by promoting specialty shops at street level;
- (c) to introduce amenities relating to the residential character of the area; and
- (d) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

(2/2/11)

99-01

Definitions

Development

For purposes of this Chapter, a "development" includes the construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# on another #zoning lot#, and an #enlargement#.

Landmark building

A "landmark building" is any #building# designated as a landmark by the Landmarks Preservation Commission, pursuant to procedures set forth in Section 3020 of the New York City Charter and other applicable laws.

Style building

A "style building" is a #building# possessing an architectural style, as described in the Upper East Side Historic District Designation Report prepared by the New York City Landmarks Preservation Commission in 1981.

(12/20/73)

99-02

General Provisions

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

(2/2/11)

99-03

Special Use Regulations

In order to retain the existing #residential# and retail character of the area, #commercial uses# shall occupy at least the first #story# that has a floor level within five feet of #curb level#. Such #commercial uses# shall be limited to #uses# listed in Section 99-031 (Use Group MP). Notwithstanding the provisions of Article V, Chapter 2, #non-conforming uses# may only be changed to #uses# listed in Section 99-031. Such #commercial uses# shall occupy a minimum linear frontage of 75 percent of the frontage of a #zoning lot# on Madison Avenue, except that lots with a frontage of 100 feet or less on Madison Avenue may have a #commercial# frontage of less than 75 percent in order to provide a maximum 25 foot wide entrance to the #residential# portion of the #building#.

The mandatory #use# regulations of this Section may be modified for a #community facility#, pursuant to the certification provisions of Section 99-032 (Modifications of use regulations for a community facility).

(2/2/11)

99-031

Use Group MP

Use Group MP comprises a group of #commercial# establishments selected to promote and strengthen the existing #commercial# character of the Special District. The #commercial# uses# listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The #commercial# uses# listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.

Table A

A. Transient Accommodations

#Hotels, transient#

B. Retail or Service Establishments

Antique stores

Art galleries, commercial

Artist's supply stores

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment

Banks (limited to 40 linear feet of #street# frontage)

Barber shops

Beauty shops

Bicycle sales

Book stores

Candy or ice cream stores

Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment

Cigar and tobacco stores

Clothing or clothing accessory stores

Clothing rental establishments

Drug stores

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds

Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no charge and no specified showtime

Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or fewer

Electrolysis studios

Fishing tackle or equipment, rental or sales

Florist shops

Food stores, including supermarkets, grocery stores, meat markets, or delicatessen stores

Furniture stores, limited to 10,000 square feet of #floor area# per establishment

Furrier shops, custom

Gift shops

Hardware stores

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Laundry establishments, hand or automatic self-service

Leather goods or luggage stores

Loan offices (limited to 40 linear feet of #street# frontage)

Locksmith shops

Medical or orthopedic appliance stores

Meeting halls

Millinery shops

Music stores

Newsstands, open or enclosed

Optician or optometrist establishments

Package liquor stores

Paint stores

Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Post offices

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe or hat repair shops

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Stationery stores

Tailor or dressmaking shops, custom

Telegraph offices

Television, radio, phonograph or household appliance stores, limited to 10,000 square feet of #floor area# per establishment

Toy stores

Travel bureaus

Typewriter stores

Variety stores, limited to 10,000 square feet of #floor area# per establishment

Wallpaper stores

Watch or clock stores or repair shops

C. Offices

*Offices, businesses, professional or governmental

D. Public Service Establishments

*Court houses

*Clubs, non-commercial, without restrictions on activities or facilities

Table B

A. Retail or Service Establishments

*Blueprinting or photostating establishments

*Business schools or colleges

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment

*Catering

*Clothing or costume rental establishments

Department stores

*Depositories for storage of office records, microfilm, or

computer tapes, or for data processing

Dry goods or fabric stores, with no limitation on #floor area# per establishment

Eating or drinking places, without restrictions on entertainment or dancing but limited to location in hotels

Furniture stores, with no limitation on #floor area# per establishment

*Gymnasiums, used exclusively for basketball, handball, squash and tennis

*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects

*Motion picture production studios

Musical instrument repair shops

Office or business machine stores, sales or rental (limited to 40 linear feet of #street# frontage)

**#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steambaths, but other than #adult physical culture establishments#

Plumbing, heating, or ventilating equipment showrooms, without repair facilities (limited to 40 linear feet of #street# frontage)

*Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production

Public auction rooms

*Radio or television studios

Studios, art, music, dancing or theatrical

Television, radio, phonograph, or household appliance stores, with no limitation on #floor area# per establishment

*Trade, or other schools for adults, not involving any

danger of fire or explosion nor of offensive noise, vibration, smoke or particulate matter, dust, odorous matter, heat, humidity, glare, or other objectionable effects

Typewriter or other small business machine sales, rental or repairs

Umbrella repair shops

Variety stores, with no limitation on #floor area# per establishment

*Wedding chapels or banquet halls

B. Wholesale Establishments

*Hair products for headwear, wholesaling including styling

*Photographic developing or printing establishments, limited to 2,500 square feet of #floor area# per establishment

*Ship chandlers

*Wholesale establishments, with #accessory# storage limited to 2,500 square feet of #floor area# per establishment

*Wholesale offices or showrooms, with storage restricted to samples

C. Manufacturing Establishments

*Art needle work, hand weaving, or tapestries

*Books, hand binding or tooling

*Ceramic products, custom manufacturing

*Clothing, custom manufacturing or altering for retail

*Hair products, custom manufacturing

*Jewelry manufacturing from precious metals

*Medical, dental, drafting instruments, optical goods, or similar precision instruments

*Musical instruments, except pianos and organs

*Orthopedic or medical appliances, custom manufacturing

*Printing, custom, limited to 2,500 square feet of #floor area# per establishment for production

*Watch making

D. #Accessory uses#

* #Uses# marked with an asterisk (*) shall not be located within #stories# that have a floor level within five feet of #curb level# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, and with no #show window# facing on the #street#

** #Uses# in Use Group MP marked with a double asterisk (**) are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36

(2/2/11)

99-032

Modifications of use regulations for a community facility

The mandatory #use# regulations of Section 99-03 (Special Use Regulations) may be modified for a #community facility# provided the City Planning Commission certifies that the treatment of the facade preserves and enhances street life on Madison Avenue compatible with the character of the surrounding area.

(5/12/94)

99-04

Special Bulk Provisions

For the purposes of this Chapter, the maximum #floor area ratio# on a #zoning lot# shall not exceed 10.0.

(5/12/94)

99-05

Special Height and Setback Regulations

The height and setback regulations of Sections 23-63, 23-64, 23-65, 24-52, 24-53, 24-54, 33-43, 33-44 and 33-45 shall not apply. In lieu thereof, the height and setback regulations set forth in Sections 99-051 through 99-054, inclusive, shall apply.

(2/2/11)

99-051

Location, height and setback of street wall

(a) #Street walls# along Madison Avenue

For #developments# or #enlarged# portions of #buildings# with frontage on Madison Avenue or on a side #street# within 50 feet of its intersection with Madison Avenue, the following regulations shall apply:

(1) The #street wall# of the base of such #building# shall be located on the #street line# or, if there is an existing #abutting building# fronting on the same #street line# that is set back from such #street line#, the #street wall# of the base may be aligned with the #street wall# of the #abutting building# for a distance of not less than 10 feet measured horizontally from the side wall of such #abutting building#. However, such setback distance shall not exceed 15 feet from the #street line#. All #street walls# built pursuant to this paragraph shall extend along the full length of the #street line# and rise vertically without setback for:

(i) not less than 110 feet but not more than 120 feet above #curb level#; or

(ii) the full height of the #building#;

whichever is less.

(2) Above the base, a setback is required for all portions of a #building# which exceed a height of 120 feet above #curb level#. Such setback shall be provided at a height not lower than 110 feet above #curb level#, and shall have a minimum depth of 10 feet from a #wide street line# and a minimum depth of 15 feet from a #narrow street line#.

(3) No portion of a #building# may exceed the height

limitations of Section 99-054 (Maximum building height).

(b) #Street walls# along side #streets#

For #developments# or #enlarged# portions of #buildings# with frontage on a side #street# beyond 50 feet of its intersection with Madison Avenue, the following regulations shall apply:

- (1) The #street wall# of the base of such #building# shall be located on the #street line# or, if there is an existing #abutting building# fronting on the same #street line# that is set back from such #street line#, the #street wall# of the base shall be aligned with the #street wall# of the #abutting building# for a distance of not less than 10 feet measured horizontally from the side wall of such #abutting building#. However, such setback distance need not exceed 10 feet from the #street line#. All #street walls# built pursuant to this paragraph shall extend along the full length of the #street line# and rise vertically without setback for:

- (i) a height of 60 feet above #curb level#; or

- (ii) the height of a #street wall# before setback, if applicable, of that portion of an existing #building# nearest the #development# or #enlargement#, fronting on the same #street line#, and located on the same or an adjoining #zoning lot#;

whichever is higher.

- (2) Alternatively, the #street wall# location provisions of paragraph (a) of this Section may apply to the base of a #building# along a side #street# beyond 50 feet of its intersection with Madison Avenue, up to a distance of 70 feet from its intersection with Madison Avenue.
- (3) Above the base, a setback is required for all portions of a #building#. Such setback shall have a minimum depth of 10 feet from a #wide street line# and a minimum depth of 15 feet from a #narrow street line#.
- (4) No portion of a #building# may exceed the height limitations of Section 99-054 (Maximum building height).

(c) #Street walls# in Historic Districts

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section shall be modified as follows:

- (1) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section.
- (2) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(2/2/11)

99-052

Recesses, balconies and dormers

(a) Recesses

Recesses are permitted to provide #outer courts#, balconies or articulation of #street walls# at the intersection of two #street lines#. In addition, recesses may be required or prohibited due to the width of the #zoning lot# or the location of the #street wall# of an adjacent #building#. For the purposes of this Section, the provisions of Section 23-842 (Wide outer courts) shall not apply. In lieu thereof, the width of any such #court# shall be at least one and one-third times its depth. All recesses shall be provided in accordance with the following provisions:

- (1) Above a height of 20 feet above #curb level#, or above the level of the second #story#, whichever is lower, up to 30 percent of the #street wall# of a base may be recessed from the #street line#. However, no recesses shall be permitted within 30 feet of the intersection of two #street lines#, unless such recesses are provided within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.
- (2) Where the #development# or #enlarged# portion of a

#building# is adjacent to an existing #building# located on a #zoning lot# having frontage on the same #street line#, no recesses shall be provided in the #street wall# of the #development# or #enlargement# for a distance of 10 feet from the adjacent corner of the existing #building# to a height equal to the height of the existing #building#.

- (3) Except for a #zoning lot# with less than 50 feet of frontage, or a #zoning lot# with less than 100 feet of frontage and located entirely in a Historic District designated by the Landmark Preservation Commission, recesses are required on the #street walls# of #buildings# facing Madison Avenue, in accordance with the following provisions:

- (i) above a height of 20 feet above #curb level#, or above the level of the second #story#, whichever is lower, at least 25 percent of the length of the #street wall# of a base at the level of every #story# shall be recessed from the #street line# to a depth of at least five feet. Such recesses shall be unobstructed from their lowest level to the sky; and
- (ii) above the base, the #street wall# shall be articulated with recesses that occupy at least 20 percent of the length of the #street wall# at the level of every #story# to a depth of at least five feet. Such recesses shall be unobstructed from their lowest level to the sky.

(b) Balconies

Balconies shall comply with the following provisions:

- (1) No balconies shall be permitted to extend beyond the #street wall# of the base built in accordance with the height and setback regulations of Section 99-051 (Location, height and setback of street wall), paragraph (a).
- (2) Balconies shall be permitted in recesses that are not required to be unobstructed from their lowest level to the sky.

(c) Dormers

For the purposes of this Section, a dormer shall be a vertical extension of the #street wall# of a base allowed as

a permitted obstruction within a required setback area. A dormer may be located anywhere on a #wide street#, and on a #narrow street# within 70 feet of its intersection with a #wide street#. However, a dormer shall not be located within 10 feet of a #side lot line# unless it fully abuts an adjoining #building#.

On any #street# frontage, the aggregate width of all dormers at the required setback level shall not exceed 60 percent of the width of the #street wall# of the highest #story# of the base. For each foot of height above the base, the aggregate width of all dormers at that height shall be decreased by one percent of the #street wall# width of the highest #story# of the base.

(2/2/11)

99-053

Special provisions for narrow buildings

If the width of a #street wall#, built pursuant to Section 99-051 or 99-052, is 45 feet or less, then the #building# shall comply with the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements).

(2/2/11)

99-054

Maximum building height

The height of all #buildings or other structures# shall comply with the following provisions:

- (a) Except as otherwise provided in paragraph (b) of this Section, the height of all #buildings or other structures# shall not exceed 170 feet above #curb level#. However, such #buildings or other structures# may exceed 170 feet, to a height of 19 #stories# or 210 feet, whichever is less, provided that the gross area of each #story# located above 170 feet does not exceed 80 percent of the gross area of the #story# directly below it.
- (b) For the purposes of this Section, the Midblock Transition Portion shall be that portion of a #zoning lot# located within the area between 70 feet and 100 feet from the Madison Avenue #street line#, except for a #zoning lot#

which has frontage on a #wide street# not located in a historic district. Within the Midblock Transition Portion, a #building or other structure# shall not penetrate an imaginary plane that begins above a line 100 feet from the Madison Avenue #street line# at a height of 20 feet above the height of a #street wall# built pursuant to Section 99-051, paragraph (b), and rises over the Midblock Transition Portion to a height of 120 feet above #curb level# at a distance of 70 feet from the Madison Avenue #street line#.

(5/8/13)

99-06

Off-Street Parking Regulations

Within the portion of the #Special Madison Avenue District# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply. For all other portions of the #Special Madison Avenue District#, the provisions of this Section shall apply.

Where #accessory# off-street parking is provided, in no case shall curb cuts for vehicular access be located on Madison Avenue or on a #street# within 50 feet of its intersection with the #street line# of Madison Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District.

(2/2/11)

99-07

Authorization to Waive Midblock Transition Portion Height Limitation

For a #zoning lot# in the Upper East Side Historic District, which #zoning lot# also contains a #landmark building# or #style building# to be preserved or, where a #zoning lot# is not located in the Upper East Side Historic District and the #zoning lot# contains a #building# to be preserved which the Landmarks Preservation Commission has designated as a landmark or certifies in a report by the staff or the Commission to be comparable to a #style building#, the City Planning Commission may authorize the waiver of the requirements of Section 99-054 (Maximum building height), paragraph (b), provided the City Planning Commission

finds that:

- (a) the #development# or #enlargement# complies with the goals and purposes of the #Special Madison Avenue Preservation District#, as specified in Section 99-00 (GENERAL PURPOSES);
- (b) the #development# or #enlargement# will not alter either the character of the neighborhood or the character sought to be achieved by the Special District;
- (c) the #development# or #enlargement# will have a harmonious relationship with the #building# to be preserved; and
- (d) the Landmarks Preservation Commission reports that a program for continued maintenance of the #building# to be preserved has been established.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article X: Special Purpose Districts Chapter 1: Special Downtown Brooklyn District

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(7/26/01)

Article X
Special Purpose Districts

Chapter 1
Special Downtown Brooklyn District

(2/2/11)

101-00
GENERAL PURPOSES

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

- (a) to strengthen the business core of Downtown Brooklyn by improving the working and living environments;
- (b) to foster development in Downtown Brooklyn and provide direction and incentives for further growth where appropriate;
- (c) to create and provide a transition between the Downtown commercial core and the lower-scale residential communities of Fort Greene, Boerum Hill, Cobble Hill and Brooklyn Heights;
- (d) to encourage the design of new buildings that are in character with the area;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the vitality of Downtown Brooklyn;
- (f) to improve the quality of development in Downtown Brooklyn by fostering the provision of specified public amenities in appropriate locations;
- (g) to improve visual amenity by establishing special sign regulations within the Fulton Mall and Atlantic Avenue Subdistricts; and

- (h) to promote the most desirable use of land and building development for Downtown Brooklyn and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

(12/10/12)

101-01 Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 101-302 (Definitions Specific to the Atlantic Avenue Subdistrict) or in this Section.

Automated parking facility

An "automated parking facility" shall refer to an #accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system, and shall not refer to a parking facility with parking lift systems that require an attendant to operate the vehicle that is to be parked.

Development or to develop

For purposes of this Chapter, "development" includes a #development#, an #enlargement# or an #extension#.

To "develop" is to create a #development#.

(2/2/11)

101-02 General Provisions

The provisions of this Chapter shall apply within the #Special Downtown Brooklyn District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the

provisions of this Chapter shall control.

Whenever a #zoning lot# is divided by the boundary of the #Special Downtown Brooklyn District#, the requirements set forth in this Chapter shall apply, and shall apply only to that portion of the #zoning lot# within the #Special Downtown Brooklyn District#.

(4/30/08)

101-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Downtown Brooklyn District# Plan.

The District Plan includes the following seven maps:

- | | |
|-------|--|
| Map 1 | Special Downtown Brooklyn District and Subdistricts |
| Map 2 | Ground Floor Retail Frontage |
| Map 3 | Ground Floor Transparency Requirements |
| Map 4 | Street Wall Continuity and Mandatory Sidewalk
Widenings |
| Map 5 | Curb Cut Restrictions |
| Map 6 | Height Limitation Areas |
| Map 7 | Subway Station Improvement Areas |

The maps are located within Appendix E (Special Downtown Brooklyn District Maps) of this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

(6/28/04)

101-04

Subdistricts

In order to carry out the provisions of this Chapter, two subdistricts are established within the #Special Downtown Brooklyn District#. In each of these subdistricts, certain special regulations apply that do not apply within the remainder of the #Special Downtown Brooklyn District#. The

subdistricts are outlined on Map 1 (Special Downtown Brooklyn District and Subdistricts) in Appendix E of this Chapter. Special regulations set forth in Sections 101-60 through 101-632, inclusive, shall apply to the Fulton Mall Subdistrict. Special regulations set forth in Sections 101-70 through 101-75 and Appendices A, B, C and D, inclusive, shall apply to the Atlantic Avenue Subdistrict. The subdistricts are also subject to all other regulations of the #Special Downtown Brooklyn District# and the underlying districts except as otherwise specified in the subdistrict regulations.

(6/28/04)

101-10 SPECIAL USE REGULATIONS

(2/2/11)

101-11 Special Ground Floor Use Regulations

Map 2 (Ground Floor Retail Frontage), in Appendix E of this Chapter, specifies locations where the special ground floor #use# regulations of this Section apply.

#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 50 feet of the #street line#, shall be limited to #commercial uses# listed in Use Groups 5, 6A, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C, where such #uses# are permitted by the underlying district. In addition, libraries, museums and non-commercial art galleries shall be permitted. A #building's street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations. However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage provided such #street# frontage is not subject to curb cut restrictions as shown on Map 5 (Curb cut restrictions) in Appendix E of this Chapter.

In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 30 feet or 50 percent of the #building's# total #street# frontage, whichever is less.

The regulations of this Section are modified as follows:

(a) Fulton Mall Subdistrict

For #buildings# in the Fulton Mall Subdistrict, Use Group 6A shall not include post offices, dry cleaning, laundry, or shoe and hat repair establishments. Use Group 6C shall not include automobile supply establishments, electrolysis studios, frozen food lockers, loan offices or locksmiths. Use Group 8A shall not include billiard parlors, pool halls, bowling alleys or model car hobby centers. Use Group 9 shall be prohibited except for typewriter stores. Use Group 10 shall not include depositories for office records, microfilm or computer tapes. Use Groups 6D, 7A, 7B, 8B, 8D, 11, 12A and 12C shall be prohibited. Furthermore, no bank or off-track betting establishment shall occupy more than 30 feet of frontage at the ground floor of any #building# along the #street line# of Fulton Street. Any establishment that fronts on the #street line# of Fulton Street for a distance greater than 15 feet shall provide an entrance on Fulton Street.

(b) Atlantic Avenue Subdistrict

Automotive service stations are not permitted. No bank, loan office, business or professional office or individual #use# in Use Group 9 shall occupy more than 50 feet of linear frontage on Atlantic Avenue. Moving and storage uses in Use Group 7 are permitted on the ground floor of a #building# only if such #use# is located at least 50 feet from the front wall of the #building# in which the #use# is located. Any #buildings developed# after June 28, 2004, or portions of #buildings enlarged# on the ground floor level after June 28, 2004, on a #zoning lot# of 3,500 square feet or more shall have a minimum of 50 percent of the ground #floor area# of the #building# devoted to permitted #commercial uses# in Use Groups 6, 7 or 9, except that this requirement shall not apply to any #development# occupied entirely by #community facility use#.

In any #building# within the Atlantic Avenue Subdistrict, the provisions of Section 32-421 (Limitation on floors occupied by non-residential uses) restricting the location of non-#residential uses# listed in Use Groups 6, 7, 8, 9 or 14 to below the level of the first #story#

ceiling in any #building# occupied on one of its upper stories by #residential# or #community facility uses#, shall not apply. In lieu thereof, such non-#residential uses# shall not be located above the level of the second #story# ceiling.

(2/2/11)

101-12

Transparency Requirements

Map 3 (Ground Floor Transparency Requirements) in Appendix E of this Chapter specifies locations where the following transparency requirements apply.

For any #buildings developed# after June 28, 2004, or portions of #buildings enlarged# on the ground floor level after June 28, 2004, each ground floor #street wall# shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk. Where such glazed area is required to occupy at least 70 percent of the area of the ground floor #street wall#, up to 20 percent of the area of the ground floor #street wall# may be glazed with translucent materials. #Show windows# shall have a sill height not more than 2 feet, 6 inches above #curb level#.

For all locations specified on Map 3 in Appendix E of this Chapter, security gates installed after June 28, 2004, that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.

(6/28/04)

101-13

Sign Regulations

In the #Special Downtown Brooklyn District#, except as modified by the provisions of Section 101-131 (Permitted projection), the regulations of Section 32-60, et. seq.,

pertaining to #signs#, shall apply. Further regulations for the Fulton Mall Subdistrict and the Atlantic Avenue Subdistrict are set forth in Section 101-60, inclusive, and Section 101-70, inclusive.

(6/28/04)

101-131

Permitted projection

The provisions of Section 32-652 (Permitted projection in all other Commercial Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.

No permitted #sign# shall project across a #street line# more than 12 inches, except as otherwise provided in this Section.

Banners for theaters may project across a #street line# for a maximum distance of four feet, provided such banners are separated at least 25 feet apart, and further provided that such banners are located between 12 feet and 40 feet above #curb level#.

For each establishment located on the ground floor, non-#illuminated# double-faced #signs# may project perpendicularly across a #street line# for a maximum distance of 40 inches, provided that no more than two such #signs#, separated at least 25 feet apart, are permitted along each #street# on which such establishment fronts, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches, and shall not be located above the sill level of the second #story# windows.

(6/28/04)

101-20

SPECIAL BULK REGULATIONS

(2/2/11)

101-21

Special Floor Area and Lot Coverage Regulations

R7-1 C6-1 C6-4.5

(a) In R7-1 Districts

In R7-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Sections 23-142, 23-143 and 23-144 shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 4.0, except that for #non-profit residences for the elderly# the maximum #floor area ratio# shall be 5.01. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #non-profit residences for the elderly# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 80 percent.

(b) In C6-1 Districts

In C6-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings#, pursuant to Sections 23-142, 23-143 and 23-144, shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 3.44, except that for #non-profit residences for the elderly#, the maximum #floor area ratio# shall be 5.01. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #non-profit residences for the elderly#, the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 80 percent. For #Quality Housing buildings#, the underlying #floor area ratio# and #lot coverage# regulations shall apply.

(c) In C6-4.5 Districts

In C6-4.5 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0. No #floor area# bonuses for #commercial#

or #community facility uses# shall be permitted.

(2/2/11)

101-211

Special permit for subway station improvements

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

The total additional #floor area# permitted on the #zoning lot# shall not exceed 20 percent of the basic maximum #floor area ratio# permitted by the underlying district regulations.

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

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

Station	Line
Borough Hall	Eastern Parkway
Court Street	Montague Street Tunnel
Dekalb Avenue	4th Avenue/Brighton
Hoyt Street	Eastern Parkway
Hoyt-Schermerhorn Street	Crosstown/Fulton Street
Jay St.-MetroTech	Culver/Fulton Street
Lawrence Street	Montague Street Tunnel
Nevins Street	Eastern Parkway
Atlantic Ave-Pacific Street	4th Avenue/Brighton

(2/2/11)

101-22
Special Height and Setback Regulations

The height of all #buildings or other structures# shall be measured from the #base plane#. The provisions of Section 101-221 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#.

In R7-1, C5-4, C6-1 and C6-4 Districts, except C6-1A Districts, the underlying height and setback regulations shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the provisions of Section 101-222 (Standard height and setback regulations) or, as an option where applicable, Section 101-223 (Tower regulations). #Buildings or other structures# within the Flatbush Avenue Extension and Schermerhorn Street Height Limitation Areas shall comply with the provisions of Section 101-30 (SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS). However, the underlying height and setback regulations shall apply to any #Quality Housing building#, except that Quality Housing height and setback regulations shall not be applicable within any R7-1 District mapped within a C2-4 District.

(4/30/12)

101-221
Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

(6/28/04)

101-222**Standard height and setback regulations**

R7-1

C5-4 C6-1 C6-4

In the districts indicated, except C6-1A Districts, a #building or other structure# shall not exceed the applicable maximum #building# height set forth in the table in this Section. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

MAXIMUM BASE HEIGHTS AND MAXIMUM BUILDING HEIGHTS
IN C2-4/R7-1, C5-4, C6-1 AND C6-4 DISTRICTS

District	Maximum Base Height		Maximum #building# Height	
	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#
C2-4/R7-1	85	85	160	160
C5-4 C6-1 C6-4	125	150	185	210
C6-4.5	125	150	250	250

(2/2/11)

101-223**Tower regulations**

C5-4 C6-1 C6-4

In the districts indicated, except C6-1A Districts, the provisions of this Section shall apply as an alternative to the provision of Section 101-222 (Standard height and setback regulations).

(a) Setback requirements for #residential# towers

For #buildings# that contain #residential floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet. Such portions of #buildings# shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

- (b) Setback requirements for #commercial# or #community facility# towers

For #buildings# that contain #commercial# or #community facility floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet.

For #zoning lots# that do not exceed a #lot area# of 15,000 square feet, such portions of #buildings# shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#. For #zoning lots# that exceed an area of 15,000 square feet, such portions shall be set back at least 20 feet from any #street line#.

However, setbacks shall not be required for any portion of a #building# fronting upon the south side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, or upon that portion of the Flatbush Avenue Extension between Willoughby Street and DeKalb Avenue within 250 feet of Willoughby Street, provided that this exemption shall not be applicable to portions of #buildings# above 85 feet that contain #residential floor area#.

- (c) #Lot coverage# requirements for towers

All #buildings#, or portions thereof, shall have a maximum #lot coverage# of 65 percent of the #lot area# of the #zoning lot# above a height of 150 feet, up to a height of 300 feet. Above a height of 300 feet, all #buildings#, or portions thereof, shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#. However, any portion of a #building# containing #residential floor area# above a height of 150 feet shall have a maximum #lot coverage# of 40 percent of the #lot area# of the #zoning lot# or, for #zoning lots# less than 20,000 square feet, the percentage set forth in the table in this Section:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in sq. ft.)	Maximum Percentage of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

(d) Maximum #building# height

In C6-1 Districts, the maximum height of a #building or other structure# shall be 495 feet. No height limit shall apply within a C5-4 or C6-4 District.

(2/2/11)

101-30

SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS

The provisions of this Section shall apply within the Flatbush Avenue Extension and Schermerhorn Street Height Limitation Areas, as shown on Map 6 in Appendix E of this Chapter.

(a) Flatbush Avenue Extension Height Limitation Area

Within the Flatbush Avenue Extension Height Limitation Area, no #building or other structure# shall exceed a height of 400 feet.

(b) Schermerhorn Street Height Limitation Area

Within the Schermerhorn Street Height Limitation Area, the provisions of this paragraph, (b), shall apply:

(1) #Public plaza# prohibition

No #public plazas# shall be permitted within Area B of Map 6.

(2) Height and setback regulations

The tower provisions of Section 101-223 shall not apply. The standard height and setback regulations of Section 101-222 shall apply within Area A of Map 6, and are modified to limit maximum #building# height to 140 feet within Area B, and to permit a maximum #building# height of 250 feet within Area C of Map 6. For #Quality Housing buildings#, the underlying height and setback regulations shall apply, except that the maximum height of a #building# shall be as specified on Map 6 or as specified pursuant to the Quality Housing Program, whichever is less.

(3) #Rear yard# modification

The provisions of Section 23-532 (Required rear yard equivalents) shall not apply to any #through lot#. In lieu thereof, an open area with a minimum depth of 60 feet, midway, or within 10 feet of being midway between the two #street lines# upon which such #through lot# fronts, shall be provided. Such #rear yard# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(6/28/04)

101-40

MANDATORY DISTRICT PLAN ELEMENTS

(2/2/11)

101-41

Special Street Wall Location Regulations

Map 4 (Street Wall Continuity and Mandatory Sidewalk Widening) in Appendix E of this Chapter specifies locations where the special #street wall# location regulations of this Section apply. However, such regulations shall not apply along the #street# frontage of that portion of any #zoning lot# occupied by existing #buildings# to remain.

(a) Fulton Mall Subdistrict

Within the Fulton Mall Subdistrict, the #street wall# of any #building# shall be located on the #street line# and shall extend along the full length of the #street line# for that portion of the #building# within the Subdistrict, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. Such required #street walls# shall extend to a minimum height of 60 feet above #curb level# or the height of the #building#, whichever is less, and a maximum height of 85 feet. Above a height of 85 feet, the provisions of Section 101-222 (Standard height and setback regulations) or 101-223 (Tower regulations) shall apply.

(b) Atlantic Avenue Subdistrict

Within the Atlantic Avenue Subdistrict, the underlying height and setback regulations shall apply, except that the front wall of any #building# shall be coincident with the #street line# for a minimum height of 16 feet above #curb level# and, in a C2-4 District mapped within an R6A District, a maximum height of 50 feet above #curb level# or, in a C2-4 District mapped within an R7A District, a maximum height of 60 feet above #curb level#.

(c) Willoughby Square

For #buildings# fronting upon Willoughby Square, at least 70 percent of the #street wall# of that portion of the #building# fronting upon Willoughby Square shall be located on the #street line# and extend to a minimum height of 80 feet and a maximum height of 85 feet. Above a height of 85 feet, the provisions of Section 101-223 shall apply.

(d) All other areas

On all other #streets# shown on Map 4, at least 70 percent of the #aggregate width of street walls# of any #building# shall be located within eight feet of the #street line# and extend to at least a height of 40 feet in R7-1 Districts mapped within C2-4 Districts and at least a height of 60 feet in all other districts, or the height of the #building#, whichever is less, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less.

(2/2/11)

101-42

Mandatory Sidewalk Widening

Map 4 (Street Wall Continuity and Mandatory Sidewalk Widening) in Appendix E of this Chapter specifies locations where the sidewalk widening regulations of this Section apply. Such regulations shall apply to all #developments# and to those horizontal #enlargements# where the #enlarged# portion of the #building# contains a #floor area ratio# of 3.0 or more.

All #buildings# that front upon the southerly #street line# of Willoughby Street between Adams Street and the Flatbush Avenue Extension shall provide a five foot deep sidewalk widening along the full frontage of the #zoning lot# along Willoughby Street. Such sidewalk widening shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. For the purposes of applying the height and setback regulations of Section 101-22, inclusive, and the #street wall# location requirements of Section 101-41, the sidewalk widening line shall be considered to be the #street line#.

(2/2/11)

101-43

Off-Street Relocation or Renovation of a Subway Stair

Where a #development# 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#. For the purposes of this Section, a #development# shall not include an #extension#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-40 (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.

Station	Line
Court Street-Borough Hall	Eastern Parkway/ Montague Street Tunnel
Dekalb Avenue	4th Avenue/Brighton
Hoyt Street	Eastern Parkway
Hoyt-Schermerhorn Street	Crosstown/Fulton Street
Jay Street-MetroTech	Culver/Fulton Street
Lawrence Street	Montague Street Tunnel
Nevins Street	Eastern Parkway
Atlantic Avenue-Pacific Street	4th Avenue

(12/10/12)

101-50

OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The provisions of Article II, Chapter 5, and Article III, Chapter 6 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), shall apply, except as modified in this Section, inclusive.

(12/10/12)

101-51

Minimum Parking Requirements

The provisions of this Section shall apply to all districts within the #Special Downtown Brooklyn District#, except R6B Districts.

- (a) The #accessory# parking requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require #accessory# off-street parking spaces for at least 20 percent of the total number of new #dwelling units#.
- (b) There shall be no minimum parking requirement for #affordable housing units# as defined in Section 23-91, or for #dwelling units# eligible for reduced parking pursuant to Section 25-25 (Modification of Requirements for Public, Publicly-Assisted and Government-Assisted Housing or for Non-profit Residences for the Elderly).

(6/28/04)

101-52

Curb Cut Restrictions

Along the #streets# specified on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter, no curb cuts for parking facilities or loading berths shall be permitted.

However, the City Planning Commission may, by authorization, permit a curb cut, on a #street# specified on Map 5, for parking facilities and loading berths on a #zoning lot# that does not have access or egress on another #street#, provided that such curb cut will not unduly inhibit surface traffic or result in conflict between pedestrian and vehicular circulation, and will result in a good overall site plan.

(12/10/12)

101-53

Reservoir Spaces

The provisions of this Section shall apply to parking facilities created after December 10, 2012, or for parking facilities enlarged by 50 or more spaces after December 10, 2012. For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered one reservoir space.

(a) Attended parking facilities

Attended #accessory# parking facilities, #public parking garages# or #public parking lots# with more than 25 parking spaces shall provide the following amount of off-street reservoir space at the vehicular entrance:

- (1) for parking facilities with more than 25 parking spaces and up to 50 parking spaces: five percent of the total number of parking spaces;
- (2) for parking facilities with more than 50 parking spaces and up to 100 parking spaces: ten percent of the total number of parking spaces;
- (3) for parking facilities with more than 100 parking spaces and up to 200 parking spaces: ten parking spaces; and
- (4) for parking facilities with more than 200 parking spaces: five percent of the total number of parking spaces. However, such number of reservoir spaces need not exceed 50.

(b) #Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided as set forth in paragraph (a) of this Section.

Each individual parking location where a driver is permitted to leave a vehicle for transfer to a mechanized automobile storage and retrieval unit shall constitute one reservoir space. Additional reservoir spaces may be located where drivers queue to access such locations for vehicle transfer.

In addition, the number of reservoir spaces required pursuant to paragraph (a) of this Section may be reduced where the Commissioner of Buildings determines that the

operational characteristics of such #automated parking facility# warrant such a reduction.

(c) Self-parking facilities

For self-parking #accessory# parking facilities, #public parking garages# and #public parking lots#, where entering vehicles are required to stop at a mechanically-operated barrier before entering the parking facility, such barrier shall be placed a minimum of 20 feet beyond the #street line#.

(12/10/12)

101-54
Garages

(12/10/12)

101-541
Public parking garages

#Public parking garages# with 225 or fewer spaces shall be permitted as-of-right, provided that such garages are, except for entrances and exits, entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts. In addition to a maximum number of 225 public parking spaces, such garages may include required #accessory# parking spaces, which may be provided at any level. Any #accessory# parking spaces that are not required shall be included with all other public parking spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number or location of parking spaces in such #public parking garage#.

(12/10/12)

101-542
Off-site accessory parking spaces in public garages

Section 36-57 (Accessory Off-Street Parking Spaces in Public

Garages) shall be modified to allow #accessory# off-street parking spaces in any #public parking garage developed# after December 10, 2012, provided such off-site spaces comply with the provisions of Section 101-56 (Location of Off-Site Parking Spaces).

(12/10/12)

101-543

Pedestrian safety

The provisions of this Section shall apply to parking facilities created after December 10, 2012, or for parking facilities enlarged by 50 or more spaces after December 10, 2012. For all #accessory# parking garages and #public parking garages#, the following safety features shall be provided at all vehicular exit points:

- (a) a 'stop' sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and
- (b) a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:
 - (1) span the entire width of such exit lane;
 - (2) have a minimum of two inches in height, as measured from the adjoining grade of the exit lane, and a maximum depth of 12 inches; and
 - (3) be located a minimum of four feet beyond the #street line#, as measured perpendicular to the #street line#.

(12/10/12)

101-544

Stackers in garages

Within an enclosed attended parking facility with parking lift systems, for individual lifted trays upon which a vehicle is

stored, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except if located in portions of a #building# exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

(12/10/12)

101-545

Automated parking facilities

For an #automated parking facility#, the minimum size of spaces regulated in Sections 25-62 (Size and Location of Spaces) and 36-351 (Size of spaces) shall not apply.

For the purpose of calculating parking spaces in #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one off-street parking space. However, auxiliary parking trays may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are needed to routinely store and retrieve vehicles for the efficient operation of such #automated parking facility#.

Within an #automated parking facility#, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except if located in portions of a #building# exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

(12/10/12)

101-546

Special permit for public parking garages

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall not apply to #public parking garages#. In lieu thereof, the City Planning Commission may permit:

- (a) a #public parking garage# that does not comply with the provisions of Section 101-541 (Public parking garages), provided that such garage complies with all other applicable regulations set forth in Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS); and

- (b) floor space on one or more #stories#, 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.

In order to grant a special permit for such #use# or #floor area# exemption, the Commission shall find that:

- (1) such #use# will be compatible with the surrounding area, and will not adversely affect the growth and development of #uses# comprising vital and essential functions in the general area within which such #use# is to be located;
- (2) the proposed materials and articulation of the #street wall# of the parking facility are compatible with #buildings# in the surrounding area;
- (3) the ground floor level of such parking facilities that front upon #streets# with a width of 60 feet or more, or that front upon public access areas, is occupied by #commercial#, #community facility# or #residential uses# that generate activity on all such adjoining #streets# or public areas, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from such adjoining #streets# or public access areas with a strip at least five feet deep, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen, at least six feet high, within three years. Where such screening is not desirable, a total of at least 50 percent of the exterior #building# wall with adjacent parking spaces shall consist of opaque materials that include graphic or sculptural art, or living plant material;
- (4) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential floor area#, so as to minimize the visibility of the parking facility from adjoining #streets# with a width of 60 feet or more, or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

- (5) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow and that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
- (6) such #use# and its vehicular entrances and exits are so located as to draw a minimum of vehicular traffic to and through residential #streets# in nearby areas; and
- (7) if any floor space is exempted from the definition of #floor area#, such additional floor space is necessary to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, or locations of entrances and exits.

(12/10/12)

101-55

Restrictions on Use of Accessory Off-Street Parking Spaces

The provisions of Section 36-46 (Restrictions on Use of Accessory Off-Street Parking Spaces) shall apply, provided that all #Commercial Districts# within the #Special Downtown Brooklyn District# shall be considered a C6 District for the purposes of such Section, inclusive. However, the provisions of this Section shall not apply within the Atlantic Avenue Subdistrict.

(12/10/12)

101-56

Location of Off-Site Parking Spaces

Sections 25-50 and 36-40 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply, except that where the #use# generating the parking requirement and the #zoning lot# providing the parking spaces are both within the #Special Downtown Brooklyn District#, Sections 25-521 and 36-

421 (Maximum distance from zoning lot) shall be modified to permit #accessory# parking spaces to be located up to 2,500 feet from the #zoning lot# occupied by the #residences# to which they are #accessory#.

(6/28/04)

101-60

FULTON MALL SUBDISTRICT

(6/28/04)

101-601

General purposes of the Fulton Mall Subdistrict

The general goals of the Fulton Mall Subdistrict include, among others, the following purposes:

- (a) to foster and promote the orderly expansion of retail development so that Downtown Brooklyn will enhance its position as a major regional shopping center, provide an increasing number of employment opportunities and encourage the development of a desirable shopping and working environment;
- (b) to complement public improvements in the area implemented either directly or indirectly by the City of New York by encouraging private investment in signs, facades and new development that will enhance the visual appearance and character of structures in the vicinity of Fulton Mall;
- (c) to create an attractive shopping environment in the vicinity of the Fulton Mall, the construction of which will implement a plan for improved pedestrian and vehicular circulation; and
- (d) to encourage a desirable urban design relationship between each building and the Fulton Mall.

(6/28/04)

101-602

General provisions for the Fulton Mall Subdistrict

Within the Fulton Mall Subdistrict, any change of #use# to another #use# listed in the same or another Use Group shall be subject to the special #use# regulations of Section 101-10, the special #sign# regulations of Section 101-61, inclusive, and the special transparency provisions of Section 101-12.

On application, the City Planning Commission may authorize minor modifications of the regulations of Sections 101-61, inclusive, and 101-12 and 101-62, inclusive, governing #signs#, transparency and facades within the Fulton Mall Subdistrict, upon the Commission's finding that the proposed modifications are in conformity with the principles of good design and are not inconsistent with the purposes of this Chapter.

(6/28/04)

101-61

Special Sign Regulations for the Fulton Mall Subdistrict

Any erection of a new #sign#, or alteration (including a change in graphic representation on an existing #sign#), reconstruction or replacement of an existing #sign#, shall be subject to the special #sign# regulations of this Section, inclusive.

(6/28/04)

101-611

Area of permitted signs

Except for projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection), all permitted #signs# in the Fulton Mall Subdistrict shall be subject to the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions), Section 101-612 (Sign band) and this Section.

(2/2/11)

101-612

Sign band

(a) #Sign# located within the #sign# band

A #commercial# establishment located on the ground floor of a #building# may have one #sign# located on each #street# frontage within a #sign# band as defined in this Section.

The #sign# band shall have a lower limit of 10 feet, 0 inches above #curb level# and an upper limit coincident with the bottom of the lowest window sill on the second floor of a #building#, but in no event more than 15 feet, 0 inches above #curb level#. A #sign# located within the #sign# band may be applied directly to the surface of a #building# or to a #sign# board affixed to the surface of a #building#. If a #sign# board is employed, such #sign# board shall be entirely within the #sign# band, shall be mounted horizontally, shall have a uniform color over its entire surface excluding perimeter frame or trim and shall extend the full length of the #street wall# of the establishment to which it is #accessory#, except that such #sign# board may be interrupted by vertical architectural elements such as columns, pilasters or other integral architectural elements. Any background material shall be considered as a #sign# board, unless it extends the full length of the #street wall# of a #building# (or that portion of a #building# occupied by the establishment) and the full height of the #building# up to the topmost cornice. On #corner lots#, a #sign# or #sign# boards shall be the same vertical dimension and shall be mounted at the same height above the #curb level# on both #street# frontages.

If more than one #commercial# establishment is located on the ground floor of a #building#, the #signs# located within the #sign# band #accessory# to each such establishment shall consist of letters and symbols of approximately the same size for each establishment, either applied directly to the surface of the #building# or to a common #sign# board affixed to the surface of a #building#.

As of March 16, 1978, the owner or lessee of a #building# with more than one ground floor establishment shall be responsible (unless the #sign# is applied directly to the surface of the #building#) for specifying the

requirements of a common #sign# board, which shall include but are not limited to, vertical dimension, mounting height, background color, material, whether illuminated and method of illumination (if applicable) which shall be the same for each establishment and shall be adhered to by each establishment employing a #sign# board.

A #sign accessory# to #uses# on the upper floors of a #building# may be located within the #sign# band when it directs attention to a ground floor entrance of an establishment located on the upper floors of a #building#.

(b) #Signs# located below the #sign# band

#Signs accessory# to #commercial# establishments located on the ground floor of a #building# may be located between #curb level# and 10 feet, 0 inches above #curb level#. #Signs# in #show windows#, on doors, or on transoms above doors, shall not occupy more than 20 percent of the total area of such #show windows#, doors or transoms above doors in which they are displayed, and are limited to writing (including letter, word or numeral) not more than eight inches high. Such #sign# shall be applied directly to #show windows#, doors or transoms above doors, without background, or to a transparent panel hung behind the plane of the #show window# surface, door or transom above a door. Non-flashing #illuminated signs# (such as neon, etc.) shall be permitted providing that such #signs# are essentially transparent, i.e., without background or enclosure.

Incidental #signs#, identifying store name, address and hours of operation shall not exceed ten square feet (including background) for an individual #sign# and shall not exceed, in aggregate (square feet), one-fifth the #street# frontage of the establishment but in no event more than 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#.

An establishment located above the ground floor of a #building# that has an entrance on the ground floor may have one #sign# directing attention to the entrance.

(c) #Signs# located above the #sign# band

#Signs accessory# to #commercial# establishments which

occupy space above the ground floor of a #building# may be located between 20 feet, 0 inches and 40 feet, 0 inches above #curb level#. Such establishments may have #signs# in windows provided that such #sign# does not occupy more than 30 percent of the window to which it is applied, that the remainder of the window is transparent, and that all such #signs# for an establishment have similar size and style of writing, pictorial representation, emblem or any other figure of similar character. #Commercial# establishments which occupy space above the ground floor may have one #sign# located above the #sign# band which is applied directly to the surface of a #building# or to a #sign# board affixed to the surface of a #building#. If a #sign# board is employed, such #sign# board shall be mounted horizontally, shall have a uniform color over its entire surface, excluding perimeter frame and trim, and shall not be located between windows. The total #surface area# of all #signs# located above the #sign# band shall not exceed three times the #street# frontage of the #zoning lot# (in feet) but in no event more than 200 square feet on each frontage.

No #sign# or #sign# board shall extend above the parapet wall or shall obscure any cornice or window.

(6/28/04)

101-613

Special sign content regulations

Except as further defined by the regulations of the #Special Downtown Brooklyn District#, permitted #signs# are limited to the following message:

store name;

symbol or logo;

address;

date of establishment; and

description of product or service offered.

(6/28/04)

101-614

Sign illuminations

#Signs# may be illuminated by either:

- (a) internal illumination; or
- (b) an external source that shall be so arranged that it projects no more than 12 inches from the #sign# it illuminates, and so that no direct rays of light are projected into adjoining #buildings# or the #street#. No #flashing signs# are permitted nor are flashing or rotating light sources except #illuminated signs# that indicate the time, temperature, weather or other similar information, pursuant to the definition of #flashing sign# in Section 12-10.

(6/28/04)

101-615

Temporary signs

Temporary #signs# relating to sales or events of limited duration not to exceed 45 days may be displayed in a #show window# of a #building#. Such #signs# must be removed after the last day of the sale or event to which they pertain. Temporary #signs# shall not occupy more than 20 percent of the surface area of the window in which they are displayed.

(6/28/04)

101-616

Removal of existing signs with change of use

When a change of #use# or occupancy occurs within the Fulton Mall Subdistrict, all #signs# pertaining to the previous #use# or occupancy shall be removed within 45 days of the date such change takes place.

(6/28/04)

101-617

"For sale" or "for rent" signs

"For sale" or "for rent" #signs#, with an area not exceeding 12 square feet, are permitted.

(6/28/04)

101-618

Termination of certain non-conforming signs

In the Fulton Mall Subdistrict, Section 52-80 (REGULATIONS APPLYING TO NON-CONFORMING SIGNS) shall not apply. In lieu thereof, certain #non-conforming signs# may be continued until June 30, 1980, providing that after that date such #non-conforming signs# shall terminate and shall be removed in their entirety, including any supporting structure, frame or device. Such #signs# shall include:

#advertising signs#;

#flashing signs#;

#signs# located more than 40 feet above #curb level#;

roof #signs#;

#signs# extending above a parapet;

#signs# obscuring cornices and windows;

double or multi-faced #signs#; and

#signs# that project across a #street line# more than 12 inches.

Any #sign#, as of January 1, 1978, that forms an integral part of the surface of a #building or other structure# (such as a #sign# carved in stone, cast in metal or molded in terra cotta on a #building# whose facade is of such material) shall not be subject to the provisions of this Section.

(6/28/04)

101-62
Special Bulk Regulations

(6/28/04)

101-621
Special regulations concerning building facades

Any alteration to, or reconstruction of, the facade of an existing #building# shall be subject to the regulations of this Section, inclusive, but only to the extent of such work.

(6/28/04)

101-622
Special provisions for building facades above the ground floor

Any alteration, #incidental alteration# or minor work done to the #street wall# of any #building# or portion of any #building# shall be accomplished in such matter that:

- (a) such #street wall# is treated with consistent materials, color and texture from the top of any ground floor windows or #sign# board to the top or the parapet, or to the bottom of a cornice if a cornice exists (access doors or panels, grilles or similar features shall be as inconspicuous as possible); and
- (b) where such #street wall# treatment covers any window opening, it shall completely cover all window openings in the #street wall#; or
- (c) where window openings remain uncovered, all windows shall be treated in a similar manner or, if sealed, all windows shall be covered by a panel set at least two inches behind the plane of the wall. Except where the material used to seal window openings is the same as the wall of the #building#, the window panel shall have a single color over its entire surface. All such window panels shall have the same color.

(12/10/12)

101-63

Modification of Accessory Off-Street Parking and Loading Requirements

The parking regulations of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) shall apply, except as set forth in this Section, inclusive.

(6/28/04)

101-631

Restricted access and prohibition on curb cuts

In no case shall vehicular access and egress for #accessory# off-street parking, public parking facilities, permitted or required #accessory# off-street loading berths or the service entrance to a #building#, be located within 50 feet of Fulton Street or DeKalb Avenue within the Fulton Mall Subdistrict. No curb cuts are permitted within the Fulton Mall Subdistrict within 50 feet of Fulton Street or DeKalb Avenue.

(6/28/04)

101-632

Waiver of off-street parking and loading requirements

The Commissioner of Buildings may waive any requirement in this Chapter that #accessory# off-street parking or loading berths be provided where the Commissioner finds that the required parking or loading cannot be provided consistent with Section 101-631 (Restricted access and prohibition on curb cuts).

(6/28/04)

101-70

ATLANTIC AVENUE SUBDISTRICT

(6/28/04)

101-701

General purposes

The general goals of the Atlantic Avenue Subdistrict include, among others, the following purposes:

- (a) to protect the existing scale and form of development on Atlantic Avenue, characterized by three- and four-story attached buildings with shops, built in the 19th century;
- (b) to preserve and enhance street life by maintaining a mix of residential and commercial uses, encouraging a variety of retail and service uses while limiting automotive service uses; and
- (c) to protect desirable architectural features of certain buildings by establishing design guidelines for renovation or alteration.

(6/28/04)

101-702

Definitions specific to the Atlantic Avenue Subdistrict

For purposes of Sections 101-70 through 101-75, inclusive, concerning the Atlantic Avenue Subdistrict, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 101-01 or in this Section.

Specified building type

Any #building# within the Atlantic Avenue Subdistrict erected prior to 1900, that has:

- (a) a front wall for the full width of the #zoning lot# for a height of from two to five #stories#;
- (b) a front wall of brick or stone, erected coincident with, or within five feet of, the #street line#, with windows at each #story# and a cornice at the parapet level; and
- (c) a storefront at the #basement# or ground floor.

A list of the #buildings# within the Atlantic Avenue

Subdistrict that conform to the definition of #specified building type# appears in Appendix A of this Chapter.

Specified storefront type

Any storefront which is part of a #building# of the #specified building type# that has:

- (a) #show windows# projecting beyond the front wall of the #building#, occupying a total area of at least 35 square feet and a sill height of not more than 3 feet, 0 inches and a total height of not less than 8 feet, 0 inches, measured from #curb level#; and
- (b) a projecting cornice above the storefront for its full width.

A list of #buildings# within the Atlantic Avenue Subdistrict having storefronts that conform to the definition of #specified storefront type# appears in Appendix B of this Chapter.

(6/28/04)

101-71

Sign Regulations

In order to enhance the visual quality of the Atlantic Avenue Subdistrict, the following additional regulations shall apply to all #signs# within the Subdistrict.

(6/28/04)

101-711

Total surface area of signs

The total #surface area# and number of all permitted #signs#, including non-#illuminated# and #illuminated signs#, shall not exceed the limitations set forth for non-#illuminated signs# in Section 101-712 (Area of non-illuminated signs).

(2/2/11)

101-712

Area of non-illuminated signs

The total #surface area# (in square feet) of non-#illuminated signs# on a #zoning lot# shall not exceed three times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 150 square feet for #interior# or #through lots# or 150 square feet on each frontage for #corner lots#. Each #commercial# establishment shall be permitted not more than one #sign#. The vertical dimension of any #sign# shall not exceed 3 feet, 0 inches. The provisions of this Section shall not apply to projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection).

(6/28/04)

101-713

Area of illuminated signs

The total #surface area# (in square feet) of #illuminated signs# on a #zoning lot# shall not exceed two times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#. The vertical dimension on any #illuminated sign# shall not exceed 2 feet, 6 inches, nor shall #illuminated signs# project more than 10 inches from the surface to which they are affixed.

(6/28/04)

101-714

Permanent window graphics

Permanent window graphics may not occupy more than 20 percent of the total area of the window in which they are displayed. If such a permanent window graphic has letters more than three inches high, it shall count as a #sign#.

(6/28/04)

101-715

Location of signs

If more than one #commercial# establishment is located on the same floor of a #building#, the #signs accessory# to all such establishments, except for projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection), shall be of equal height and mounted or painted on a common #sign# board. All #signs# or common #sign# boards shall be located as follows:

- (a) if #accessory# to #uses# on the ground floor of a #building#, the #sign# or common #sign# board shall be located within a band extending the full length of the #street wall#, which band shall have a lower limit of 8 feet, 0 inches above the ground floor and an upper limit coincident with the bottom of the lowest window sill on the second floor, but in no event more than 16 feet, 0 inches above #curb level#;
- (b) if #accessory# to #uses# on the upper floor of a #building#, the #sign# or common #sign# board shall be located between the highest window lintel of the floor on which the #use# is located and the lowest window sill of the floor above, but in no case more than 25 feet above #curb level#;
- (c) no #sign# may be located so as to obscure any cornice, except that a non-#illuminated sign# may be attached to a cornice if such #sign# consists of individual letters, emblems or figures mounted on open metal mesh attached to the cornice and finished to match the cornice, providing that the cornice remains visible; and
- (d) no #sign# or common #sign# board shall extend above the parapet wall or roof of the #building# on which it is displayed.

(6/28/04)

101-716

Sign materials and colors

#Signs# may be fabricated of any opaque material that does not have a glossy or reflective surface, except that glossy translucent material may be used:

- (a) in areas where the intent is to imitate or replace glass, as in transoms; or
- (b) for individual letters in internally-lit #illuminated signs#.

Background colors for #signs# or common #sign# boards shall be limited to black, navy blue, dark green, maroon or bronze.

(6/28/04)

101-72

Modification of Bulk Regulations

(2/2/11)

101-721

Height and setback

The underlying height and setback regulations shall apply, except that the front wall of any #building# shall be coincident with the #street line# for a minimum height above #curb level# of 16 feet and, in a C2-4 District mapped within an R6A District, a maximum height above #curb level# of 50 feet or, in a C2-4 District mapped within an R7A District, a maximum height above #curb level# of 60 feet.

(6/28/04)

101-73

Special Provisions

(2/2/11)

101-731

Special provisions for certain existing buildings

Any alteration, #incidental alteration# or minor work (including any change in, addition to, or removal from, the

parts or materials of a #building#, including finishes) done to the front wall of any #building# of the #specified building type# shall comply with the following standards:

- (a) Alteration or reconstruction of storefronts shall comply with the provisions of Section 101-734.
- (b) Front walls which are replaced shall be erected to the same height and at the same location as the original walls. Replacement or repair of front walls shall be done with the same material as the original walls, except that stone may be replaced by another material finished in such a manner as to match the appearance of the original walls. Finishes and colors of front walls shall be of an approved type, as indicated in Appendix C of this Chapter.
- (c) Front walls which are replaced shall have windows at each floor, the area of which shall comply with the provisions of Section 101-733 (Special provisions for development and enlargement). Such windows shall have stone or precast lintels and sills having a minimum height of six inches and extending at least four inches beyond the window opening on either side. Existing window openings above the ground floor may not be reduced in size but may be completely sealed if the window area provisions of Section 101-733 are met. Such openings shall be completely sealed with masonry recessed at least two inches behind the wall and finished to match the wall. New windows shall be double-hung, fixed or casement sash finished in an approved manner, as indicated in Appendix D of this Chapter.
- (d) No existing cornice shall be removed unless required by the Department of Buildings. A cornice that must be removed shall be replaced by a new cornice having the same height, length and projection beyond the surface of the wall and finished in an approved color, as indicated in Appendix D of this Chapter.

(2/2/11)

101-732

Special provisions for other existing buildings

Any alteration, #incidental alteration# or minor work done to

the front wall of any #building# not of the #specified building type#, shall comply with the following standards:

- (a) alteration or replacement of storefronts shall comply with the provisions of Section 101-734; and
- (b) alteration or replacement of front walls shall comply with the provisions of Sections 101-721 (Height and setback) and 101-733 (Special provisions for development and enlargement).

(2/2/11)

101-733

Special provisions for development and enlargement

The front wall of any #development# or #enlargement#, or the front wall of any #building# where the height or width of a #street wall# is proposed to be increased, shall be built to comply with the following standards:

- (a) The front wall shall extend along the full length of the Atlantic Avenue #street line#. It may be interrupted at the ground level by entrances or exits for off-street parking or loading spaces permitted pursuant to Section 101-744 (Special permit for public parking garages or public parking lots).

Front wall recesses are permitted for architectural purposes provided that the aggregate length at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted. The depth of such recesses shall not exceed three feet. No recesses are permitted within 20 feet of the intersections of two #street lines# forming an angle of 100 degrees or less.

- (b) Windows shall occupy at least 35 percent of the wall area at the level of any #story# above the ground floor. (For the purposes of calculation, the wall height at any #story# shall be measured between the floor and ceiling of that #story#).
- (c) Window and door framing trim shall be finished in an approved color as indicated in Appendix D of this Chapter.

(2/2/11)

101-734

Special provisions for storefronts

No storefront of the #specified storefront type# shall be demolished unless its demolition is required by the Department of Buildings. Reconstruction or repair of storefronts of the #specified storefront type# shall be done in such a manner as to retain or restore the original design and materials, except that plate glass may be replaced by transparent plastic. Such storefronts shall be finished in an approved manner, as indicated in Appendix D of this Chapter.

New storefronts installed in any existing or new #building# shall comply with Section 101-12 (Transparency Requirements) and the following standards:

- (a) A storefront installed in a #building# of the #specified building type# shall occupy at least the same area of the front wall as the original storefront. A storefront installed in any other #building# shall occupy the entire frontage of the front wall devoted to #commercial uses#.
- (b) Storefront entrance doors shall be set back a minimum of 2 feet, 0 inches behind the vertical surface of the #show windows#. A minimum of 50 percent of the door area shall be transparent glazed.
- (c) In the case of existing #buildings#, no existing cornice above a storefront shall be demolished unless required by the Department of Buildings. A cornice which is removed shall be replaced by a cornice having the same length, height and projection beyond the surface of the front wall. In any #building# of the #specified building type# where the original cornice above the storefront has been previously removed, any new storefront shall incorporate a cornice or fascia extending the full length of the store front and having a minimum height of 2 feet, 0 inches.
- (d) All framing elements, trim elements, doors, etc., of the storefront shall be finished in an approved manner, as indicated in Appendix D.

- (e) Any awning or canopy attached to a #building# with a storefront which incorporates a cornice shall be attached in such manner as not to obscure or cover the cornice.

(12/10/12)

101-74

Modification of Accessory Off-Street Parking and Loading Requirements

The provisions of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, shall not apply within the Atlantic Avenue Subdistrict.

(2/2/11)

101-741

Accessory off-street parking

No #accessory# off-street parking facilities are required for any #residential# or #commercial development#, or portion thereof, within the Atlantic Avenue Subdistrict. In no case shall the number of permitted #accessory# off-street parking spaces for #residential use# exceed 40 percent of the number of #dwelling units#. All #accessory# parking spaces shall be designed and operated exclusively for the long term storage of private passenger motor vehicles used by the occupants of such #residences#.

In no case shall curb cuts for vehicular access be located on Atlantic Avenue or on a #street# within 50 feet of its intersection with the #street line# of Atlantic Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Atlantic Avenue Subdistrict.

The parking requirements set forth in Section 25-31 or 36-21 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

(6/28/04)

101-742
Screening

Any permitted #accessory# off-street parking area, regardless of size or location, shall be screened from all adjoining #zoning lots# and #streets# by screening that complies with the provisions of Section 36-56 (Screening) and which, in the case of a wall or barrier or uniformly-painted fence, is finished in an approved color as indicated in Appendix D of this Chapter.

(2/2/11)

101-743
Accessory off-street loading

Curb cuts for vehicular access to #accessory# off-street loading berths shall not be located on Atlantic Avenue or on a #street# within 50 feet of its intersection with the #street line# of Atlantic Avenue. However, the City Planning Commission may, by authorization, permit a curb cut on Atlantic Avenue, provided that:

- (a) such curb cut is a relocation of an existing curb cut on the #zoning lot#; and
- (b) such curb cut will not unduly inhibit surface traffic and pedestrian flow along Atlantic Avenue.

The loading berth requirements of Section 25-72 or 36-62 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required loading berths with access to a #street# in conformity with the provisions of this Section.

All #accessory# off-street loading berths shall be enclosed within a #building#.

(2/2/11)

101-744
Special permit for public parking garages or public parking

lots

The City Planning Commission may grant a special permit for #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening), are met and that no roof parking is permitted. The Commission 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# set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (b) such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 automobiles or 20 percent of the spaces so provided, whichever amount is less; and
- (c) where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

(2/2/11)

101-75

Special Provisions for Demolition of Buildings

Except in the case of #buildings# that are unsafe and the demolition of which is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code, no demolition permit shall be issued by the Department of Buildings for any #development# within the Special District until:

- (a) the owner of the property has obtained a building permit for the new #development# or #enlargement#; and
- (b) the owner shall have presented evidence of having a commitment from a domestic bank, insurance company or

real estate investment company, for construction financing, which shall be in the form of a letter trust.

(6/17/13)

**101-80
SPECIAL PERMITS**

(6/17/13)

**101-81
Special Permit for Use and Bulk Modifications for Cultural Use
in Certain C6-2 Districts**

In order to support a concentration of cultural #uses# and public open spaces in the C6-2 District bounded by Flatbush Avenue, Hanson Place, St. Felix Street and Lafayette Avenue, for #buildings# intended to be occupied in whole or in part by cultural #uses#, the City Planning Commission may permit the maximum #community facility floor area ratio# to be increased from 6.5 to 7.0, may permit modifications of the special #street wall# location regulations of Section 101-41, and the height and setback regulations of Section 23-632 as applied to the #residential# portion of a #building#, and modifications of applicable #sign# regulations in accordance with this Section.

For the purposes of this Section, "cultural use" shall be defined as public or non-profit libraries, theaters, museums, visual or performing arts spaces, or art, music, dance, theatrical studios or other comparable #uses# and space occupied by such cultural #use# shall qualify as #community facility floor area#.

In order to grant such special permit, the conditions of paragraph (a) and the findings of paragraph (b) shall be met. In addition, special regulations pertaining to the certificate of occupancy of such #building# shall apply as set forth in paragraph (c).

(a) Conditions

- (1) A letter from the Office of the Mayor shall be submitted certifying that:

- (i) a preliminary agreement has been executed providing for a cultural facility consisting of at least 40,000 square feet of interior gross square feet in the #building# to be transferred for cultural #uses# and for the construction of the core and shell of such cultural facility by the applicant; and
 - (ii) floor plans have been provided to the Office of the Mayor which demonstrate that the cultural facility is well-suited for cultural #uses#; and
 - (2) A legal commitment in the form of a declaration of restrictions shall be executed and delivered to the City for recording upon the approval of the permit, restricting use of the #floor area# to be occupied by cultural #uses# to cultural #use# for the life of the related #development#, provided, that in the event the majority of the #zoning lot# containing such #floor area# is in the ownership of a not-for-profit corporation under contract with the City to provide economic development services at the time of the grant of such permit, execution and recordation of such declaration of restrictions shall be made at the time of the transfer of ownership of the majority of such #zoning lot# for purposes of facilitating the related #development#.
- (b) In order to grant such permit, the Commission shall find that:
- (1) the #building#, including such cultural #uses#, is designed and arranged on the #zoning lot# in a manner that results in ample visibility of and access to the cultural #uses# from surrounding #streets#;
 - (2) any #street wall# modifications will facilitate access to #open space# on the lot and result in a #development# that activates the pedestrian environment;
 - (3) any #bulk# modifications will result in a better distribution of #bulk# on the #zoning lot# by providing for increased light and air to #open space# on the #zoning lot#;

- (4) the appearance of #bulk# is minimized through an enhanced articulation of the base and tower elements of the #building#, an enhanced relationship between the #building# and the #open space# on the #zoning lot#, and an enhanced amount and arrangement of the fenestration of the #building#; and
- (5) any modifications to #sign# regulations will result in greater visibility for the cultural #uses# provided on the #zoning lot#.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

(c) Certificate of occupancy

The Commissioner of Buildings shall not issue a temporary or permanent certificate of occupancy for more than an amount of #floor area# in the #building# equal to the #floor area# to be occupied by non-cultural #uses# minus 40,000 square feet of #floor area# unless the Department of Buildings has received a letter from the Office of the Mayor certifying that a deed transferring ownership of a majority of the #zoning lot# has been recorded and that such deed or other recorded document provides for:

- (1) the construction by transferee of the core and shell of the cultural facility described in paragraph (a)(1)(i) of this Section;
- (2) the creation of a condominium unit for such cultural facility and the transfer of ownership thereof to the City; and
- (3) a right of the transferor to re-enter and re-acquire the #zoning lot# should the applicant fail to complete the construction of the core and shell of the cultural facility.

Should the certification by the Office of the Mayor not be issued within 30 days of the recording of the deed or other document with the stated provisions, a copy of such deed or document may be provided to the Department of Buildings in satisfaction of such certification.

(6/28/04)

Appendix A

Atlantic Avenue Subdistrict: Buildings Conforming to the Specified Building Type

The following is a list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# that conform to the definition of #specified building type# contained in Section 101-702.

Block 176

Atlantic Avenue (NS): 305, 311, 313, 315, 317, 321, 323, 325, 327, 329

Block 177

Atlantic Avenue (NS): 347, 349, 351, 355, 365-7, 369, 371, 373, 375, 377, 377A, 385, 387, 389, 395
Hoyt Street (ES): 75, 77

Block 178

Atlantic Avenue (NS): 405, 407, 409

Block 179

Atlantic Avenue (NS): 455, 457, 477, 479, 481, 483, 485, 487, 491, 495, 497, 499, 501
Third Avenue (ES): 31-31A

Block 180

Atlantic Avenue (NS): 565, 567, 569, 571, 573
Times Plaza: 2, 6, 8, 10, 12
Flatbush Avenue: 112, 114, 116, 118, 122

Block 181

Atlantic Avenue (SS): 214, 220, 228, 232, 234

Block 182

Atlantic Avenue (SS): 294, 296, 298, 300, 302, 304-6, 308, 320, 322, 324, 326, 334, 336, 338, 340

Block 183

Atlantic Avenue (SS): 348, 352, 356, 358, 360, 362, 364-64A, 370, 372, 374, 376, 378, 380, 394, 396, 398, 400, 402

Block 184

Atlantic Avenue (SS): 404, 406, 408, 410, 412, 414, 416, 418,

420, 426, 442, 444, 446, 448, 450

Block 185

Atlantic Avenue (SS): 490, 492, 514

Block 186

Atlantic Avenue (SS): 558, 560

Block 278

Atlantic Avenue (SS): 278, 290

Court Street (ES): 141, 143, 145

(SS) - south side

(NS) - north side

(ES) - east side

(6/28/04)

Appendix B

Atlantic Avenue Subdistrict: Storefronts Conforming to the Specified Storefront Type

The following list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# which contain storefronts conforming to the definition of #specified storefront type# contained in Section 101-702.

Block 177

Atlantic Avenue (NS): 371, 375, 377, 377A

Hoyt Street (ES): 75, 77

Block 178

Atlantic Avenue (NS): 405, 407, 409

Block 179

Atlantic Avenue (NS): 483, 501, (easterly of 2 storefronts)

Block 181

Atlantic Avenue (SS): 232

Block 182

Atlantic Avenue (SS): 302 (westerly of 2 storefronts), 322, 340

Block 183

Atlantic Avenue (SS): 358, 360, 362, 364-364A, 370, 372, 394, 396, 398, 402

Block 189

Atlantic Avenue (SS): 404, 406, 408, 410, 412, 416, 420, 426

Block 185

Atlantic Avenue (SS): 492

Block 278

Atlantic Avenue (SS): 278

(SS) - south side

(NS) - north side

(ES) - east side

(2/2/11)

Appendix C

Atlantic Avenue Subdistrict: Permitted Wall Finishes for Street Walls

Brick: New brick shall be red or dark brown, unglazed, with normal variation in color permitted. Existing brick shall either be cleaned and left unfinished or painted one of the colors listed below.

Stucco: Stucco shall have a smooth troweled finish and shall be painted one of the colors listed below.

Stone: Stone shall be left natural or painted one of the colors listed below.

Paint Colors: Paints shall be limited to the colors listed.

White Limestone

Red Brick

Green

Blue

Light Yellow

Dark Yellow

(2/2/11)

Appendix D

Atlantic Avenue Subdistrict: Permitted Trim Finishes (for storefronts, cornices, window sash, shutters or trim)

Wood: All wood should be painted one or more of the colors listed below.

Metal: All metal should be painted one or more of the colors listed below, except that aluminum may have a dark bronze or black duranodic finish.

Paint Colors: Paints shall be limited to the colors listed, and should be of the semi-gloss low luster variety.

White Cream

Dark Red

Ochre

Dark Blue

Dark Brown

(4/30/08)

Appendix E Special Downtown Brooklyn District Maps

Map 1 Special Downtown Brooklyn District and Subdistricts

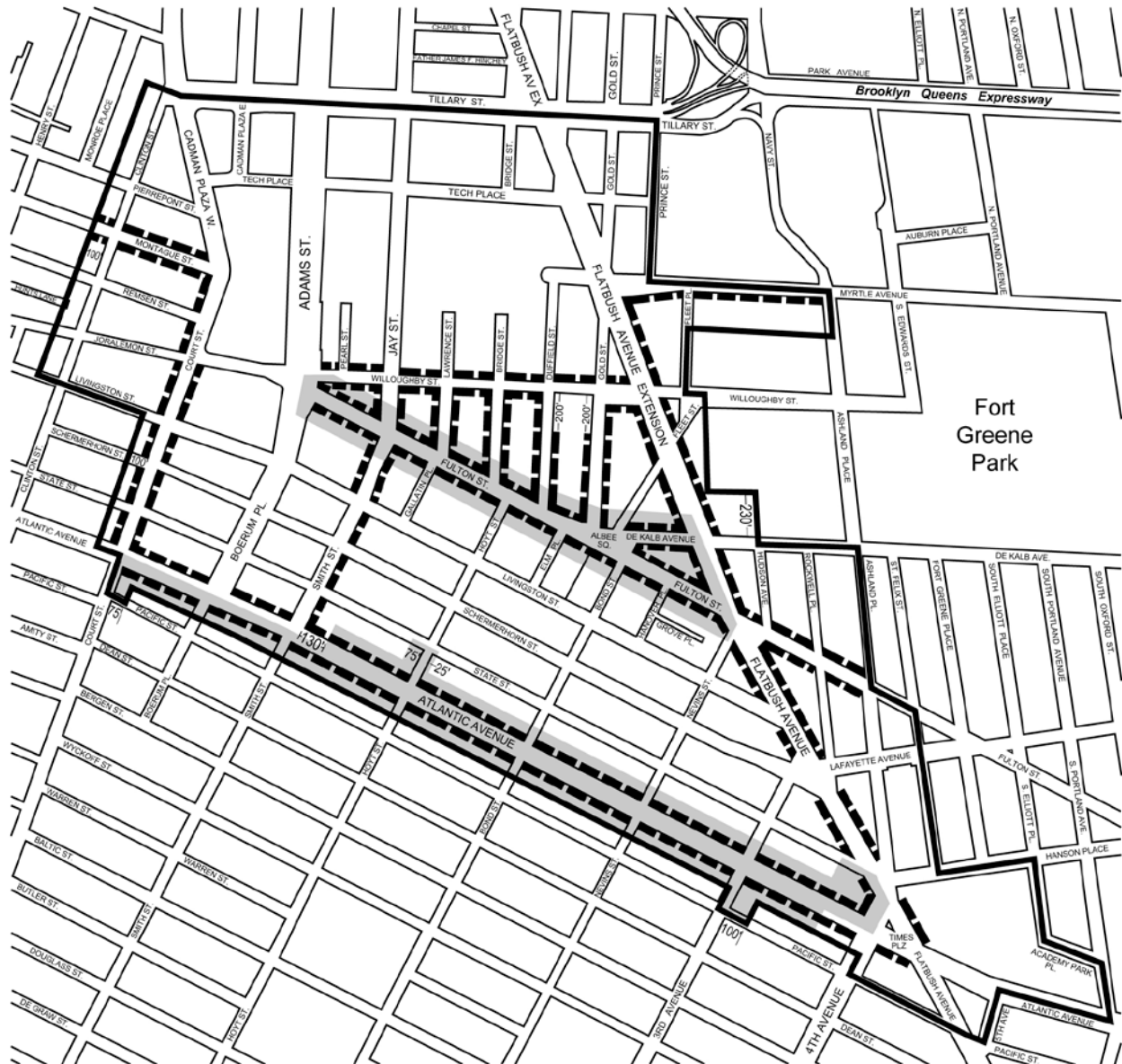


Special Downtown Brooklyn District

AA Atlantic Avenue Subdistrict

FM Fulton Mall Subdistrict

Map 2 Ground Floor Retail Frontage



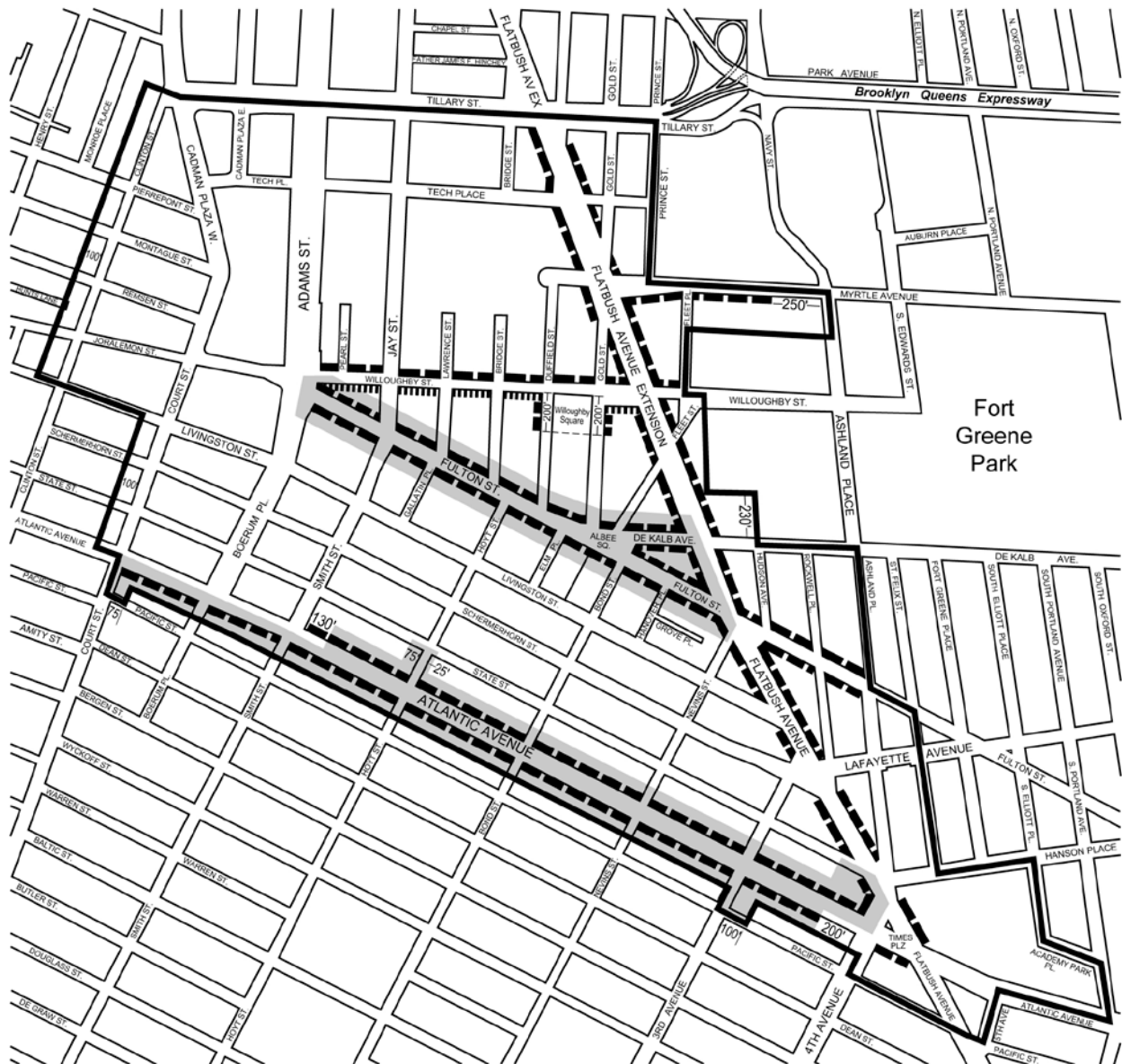
- Special Downtown Brooklyn District
- Retail Continuity Required
- Subdistricts

Map 3 Ground Floor Transparency Requirements



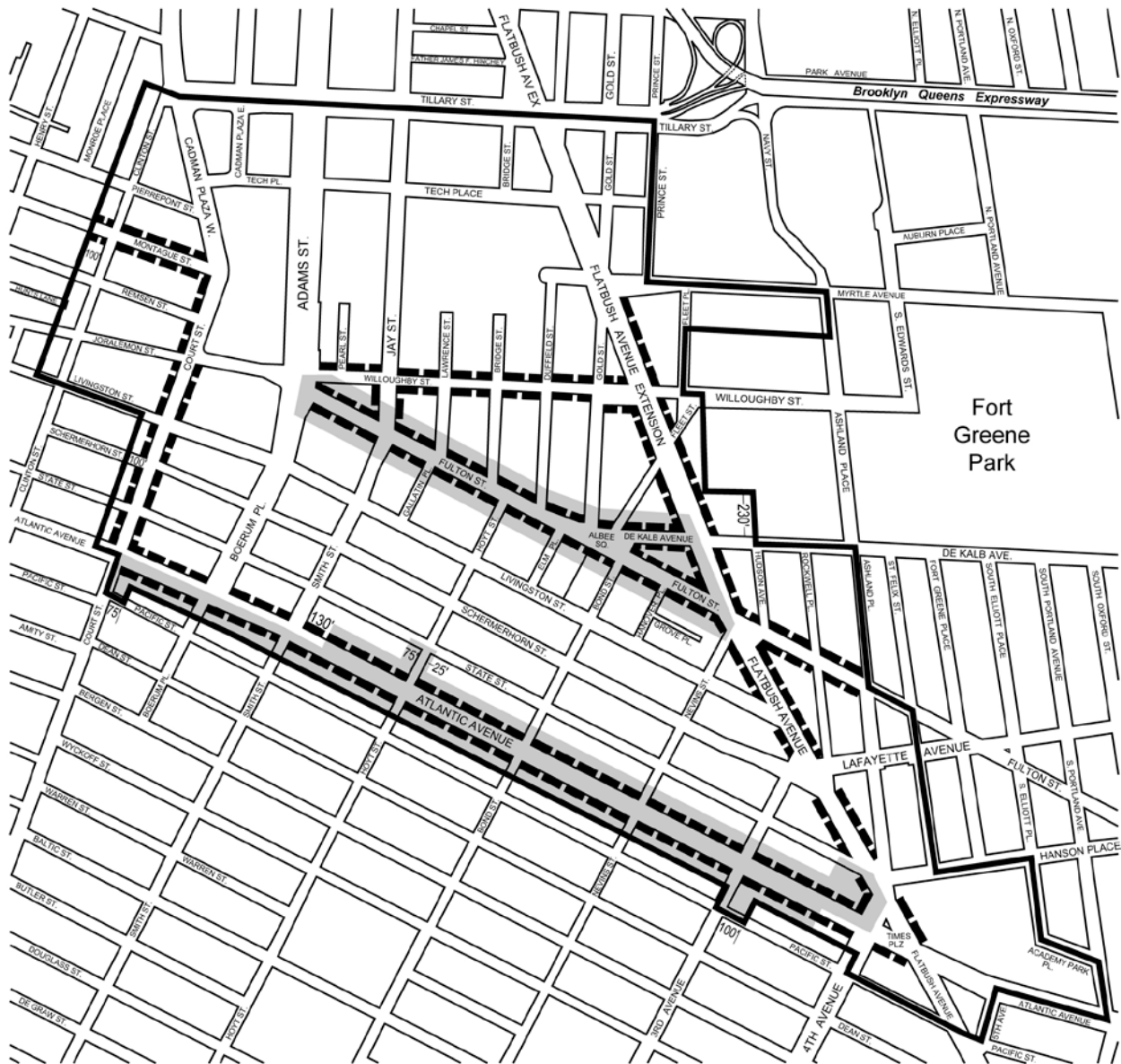
- Special Downtown Brooklyn District
- - -** 50% of the Area of the Ground Floor Street Wall to be Glazed
- |||||** 70% of the Area of the Ground Floor Street Wall to be Glazed
- Subdistricts

Map 4 Street Wall Continuity and Mandatory Sidewalk Widening



- Special Downtown Brooklyn District
- Street Wall Continuity Required
- Street Wall Continuity Required, subject to the requirements of the Atlantic Avenue Subdistrict or Fulton Mall Subdistrict
- ||||| Street Wall Continuity and Sidewalk Widening Required

Map 5 Curb Cut Restrictions



- Special Downtown Brooklyn District
- - - Curb Cut Prohibition
- - - Curb Cut Prohibitions, subject to the requirements of the Atlantic Avenue Subdistrict or Fulton Mall Subdistrict













Map 6 Height Limitation Areas



- Special Downtown Brooklyn District**
- (A)** Schermerhorn Street Height Limitation Area: Height Restriction of 210 Feet
- (B)** Schermerhorn Street Height Limitation Area: Height Restriction of 140 Feet
- (C)** Schermerhorn Street Height Limitation Area: Height Restriction of 250 Feet
- Flatbush Avenue Extension Height Limitation Area: Height Restriction of 400 Feet**

Map 7 Subway Station Improvement Areas (2/2/11)



-  *Special Downtown Brooklyn District*
 -  Subway Station
 -  Subway Entrance
 - ① Court St.-Borough Hall Station
 - ② DeKalb Ave. Station
 - ③ Hoyt St. Station
 - ④ Hoyt-Schermerhorn Streets Station
 - ⑤ Jay St.-Borough Hall-Lawrence St. Station
 - ⑥ Nevins St. Station
 - ⑦ Atlantic Ave.-Pacific St. Station
 -  6th Ave. Line
 -  Broadway-60th St. Line
 -  4th Ave. Line
 -  Brighton Line
 -  Crosstown Line
 -  Culver Line
 -  Fulton St. Line
 -  Montague St. Tunnel Line
 -  Eastern Parkway Line

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article X: Special Purpose Districts Chapter 2: Special Scenic View District

Effective date of most recently amended section of Article X Chapter 2: 02/02/11

Correction 102-10

Date of file creation: Web version of Article X Chapter 2: 01/15/15

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(10/24/74)

Article X - Special Purpose Districts

Chapter 2

Special Scenic View District

(10/24/74)

102-00

GENERAL PURPOSES

The "Special Scenic View District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) to preserve, protect and prevent obstruction of outstanding scenic views as seen from a mapped public park or an esplanade or a mapped public place directly accessible to the public; and
- (b) to promote the most desirable use of land and direction of building development, to assure the maintenance and enhancement of the aesthetic aspects of scenic views, to conserve the value of land and buildings and to protect the City's tax revenues.

(2/2/11)

102-01

Definitions

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

Scenic view

A "scenic view" is an outstanding or unique view from a mapped #public park# or an esplanade or a mapped public place which is protected by the regulations of this Chapter. #Scenic views# shall be limited to:

- (a) distant landscapes of scenic grandeur which contain natural features such as hills, palisades or similar features;
- (b) outstanding views of large bodies of water such as rivers, streams, lakes, harbors, waterfalls or similar aquatic features; or
- (c) panoramic views of the waterfront profile of the skyline formed by built and natural elements.

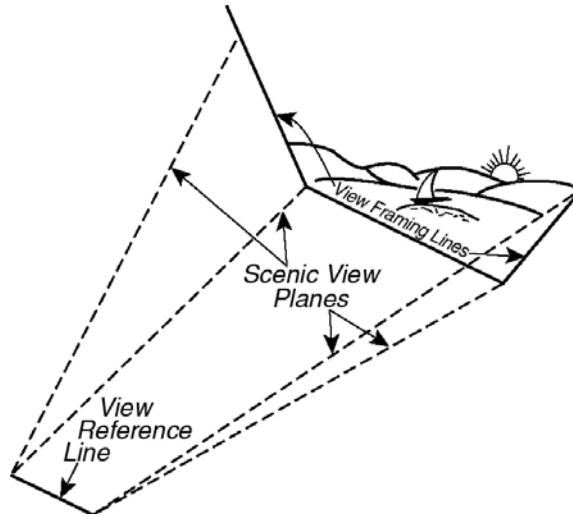
The minimum horizontal distance between the #scenic view# and a #view reference line# shall be at least 1,500 feet and shall not contain distractions which reduce the quality of such view. The specific view to be preserved under the regulation of this #Special Scenic View District# shall be described and made part of this Chapter.

View framing line

The "view framing line" is a line or lines which establish the outer edge of the #scenic view# to be protected. For each #scenic view#, the #view framing line# or #lines# and their elevation are to be located and identified and made part of this Chapter.

View plane

A "view plane" is an imaginary plane above which no obstruction shall be permitted within a #Special Scenic View District# unless authorized by the City Planning Commission. Position of the #view plane# may be conical surfaces. Such #view plane# or #planes# are established by joining the #view reference line# with the #view framing lines# as illustrated below:



#View planes# and their elevation, length and slopes applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

View reference line

The "view reference line" is a line within a mapped #public park# or an esplanade or a mapped public place from which at any point an outstanding #scenic view# may be observed. A #view reference line# and its elevation applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

The mapped #public park# or an esplanade or a mapped public place in which such #view reference line# is located shall be directly accessible from a #street#.

(2/2/11)

102-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Scenic View District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as so modified, all the

applicable regulations of the underlying districts shall be in effect.

#Special Scenic View Districts# may be mapped only in areas where the control of the height of a #building or other structure#, including #signs#, is necessary to preserve outstanding #scenic views# from a mapped #public park# or an esplanade or a mapped public place.

(2/2/11)

102-021

Requirement for application

An application to the City Planning Commission for a special permit pursuant to Section 102-30, shall include maps, plans or other documents showing topography, elevations, and site plans showing arrangement and spacing of #buildings or other structures#, and other information necessary to determine the impact of the proposal on the #scenic view# to be protected.

(2/2/11)

102-023

Relationship to public improvement projects

In all cases, the City Planning Commission shall deny a special permit application whenever the proposal will interfere with a public improvement project (including highways, public #buildings# and facilities), redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities) which is approved by or pending before the Board of Estimate, the City Planning Commission, or the Site Selection Board as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

(2/2/11)

102-10

HEIGHT REGULATIONS FOR BUILDINGS, SIGNS OR STRUCTURES

Notwithstanding any other provisions of this Resolution, no portion of any #building or other structure# hereafter

constructed, or of any #sign# hereafter erected, or of any existing #building or other structure# hereafter relocated, #enlarged# or reconstructed, shall penetrate a #view plane# unless authorized by the City Planning Commission, pursuant to Section 102-30 (SPECIAL PERMIT PROVISIONS).

(10/24/74)

102-11

Damage, Destruction or Demolition

If an existing #building or other structure# which penetrates the #view plane# of a #Special Scenic View District# is damaged, destroyed or demolished by any means, such #building or other structure# may be reconstructed provided that such reconstruction shall not create a new #non-compliance# nor increase the pre-existing degree of #non-compliance#.

(10/24/74)

102-20

MANDATORY LANDSCAPING PLAN

The requirements of this Section shall apply to #zoning lots#, any portion of whose finished ground elevation is within 30 feet of the elevation of the #view plane# located above the #zoning lot#. At the time of filing with the Department of Buildings, for any application for an excavation permit or a building permit for a #development# or #enlargement# or site improvement on such #zoning lots# within a #Special Scenic View District#, a landscaping plan shall be submitted to the City Planning Commission indicating that future landscaping on the site will not impair #scenic views# from the #view reference line#. Such plan shall indicate existing topography, trees, shrubs, #buildings or other structures# and proposed landscaping. All future landscaping on the site shall be in accordance with the approved landscaping plan on file with the Commission. The Commission shall submit a copy of the approved landscaping plan to the Department of Buildings or other appropriate city agency having jurisdiction.

(2/2/11)

102-30

SPECIAL PERMIT PROVISIONS

On all #zoning lots# located entirely or partially within a #Special Scenic View District#, the City Planning Commission, by special permit, may allow penetration by a #sign# or #building or other structure# of a #view plane# and grant minor modifications of #open space#, #lot coverage#, #yards# and height and setback regulations of the underlying district. As a condition for such modifications, the Commission shall find:

- (a) that any penetration of a #view plane# shall not significantly obstruct the #scenic view# which is to be protected by the provisions of this Chapter;
- (b) that any penetration of a #view plane# will cause the minimal obstruction consistent with reasonable development and #bulk# distribution on the #zoning lot#; and
- (c) that any #bulk# modifications on a #zoning lot# will not affect adversely any other #zoning lots# outside the development, by restricting access of light and air.

In reaching a determination for such modifications, the Commission shall be guided by the description of the #scenic view# to be made part of this Chapter at the time of the designation of a #Special Scenic View District#.

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

(10/24/74)

102-40

SPECIAL DISTRICT DESIGNATION ON PUBLIC PARKS

When a #Special Scenic View District# is designated on a #public park# or portion thereof, any future landscaping, erection of new #signs# or #buildings or other structures#, thereon, shall not penetrate a #view plane# unless authorized by the City Planning Commission. As a condition for such authorization, the Commission shall find that any penetration of a #view plane# shall not significantly obstruct the #scenic view# which is to be protected by the provisions of this Chapter.

(10/24/74)

102-50

SPECIAL PROVISIONS FOR CITY-OWNED LANDS

For any #development# or site improvement on a city-owned #zoning lot# located within a #Special Scenic View District#, the provisions of this Chapter shall apply except that modifications permitted under Section 102-30 (SPECIAL PERMIT PROVISIONS) may be approved by authorization of the City Planning Commission.

(10/24/74)

102-60

SPECIAL SCENIC VIEW DISTRICTS SPECIFIED

(10/24/74)

102-61

SV-1 Brooklyn Heights Scenic View District

The SV-1 "Brooklyn Heights Scenic View District" is hereby established. The regulations of Sections 102-00 to 102-50, inclusive, as well as the regulations of this Section, inclusive, shall be applicable in this Special District.

(10/24/74)

102-611

District boundary description

The boundaries of the SV-1 District as shown on the #zoning maps# shall be interpreted in accordance with the following description.

The SV-1 District is bounded by:

- (a) the #view reference line# located along the westerly face of the Brooklyn Heights Promenade;
- (b) the northwesterly edge of the #view plane# which forms an angle of 160 degrees measured in a horizontal plane with respect to the #view reference line# at point A;

- (c) the southwesterly edge of the #view plane# which forms an angle of 145 degrees, measured in a horizontal plane, with respect to the #view reference line# at point A1; and
- (d) the pierhead line which is located between the intersection of the northwesterly and southwesterly #view framing lines# and the pierhead line.

(10/24/74)

102-612

View reference line

The #view reference line# of the SV-1 Special District is a line at an elevation of 66 feet located along the westerly vertical face of the Brooklyn Heights Promenade and which is approximately 4 feet above the Promenade. The #view reference line# is formed by joining two end points, A and A1, as shown in Diagram 1.

Point A is located at the intersection of the westerly face of the Promenade and the prolongation of the north side of Orange Street.

Point A1 is located 50 feet north of the intersection of the westerly face of the Promenade and the prolongation of the north side of Remsen Street.

(10/24/74)

102-613

View framing line

The #view framing line# of the SV-1 Special District is a line which establishes the outer edge of the #scenic view# to be protected. The two extreme ends of the #view framing line# are points B and B4 (Diagram 1).

The elevation of the #view framing line# at all points between B and B1 is 2.5 feet as shown in Diagram 2.

(10/24/74)

102-614

View plane

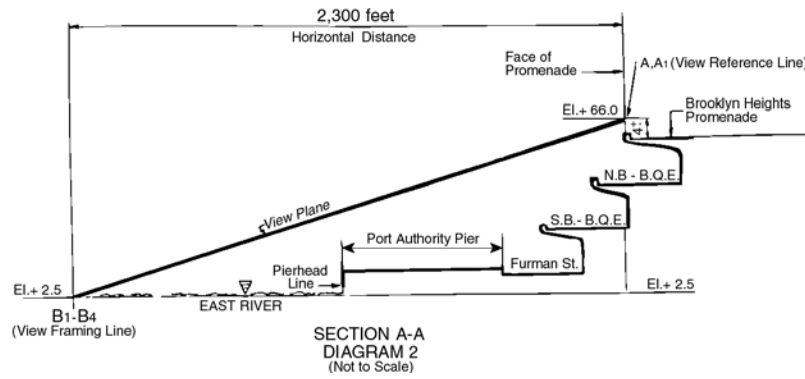
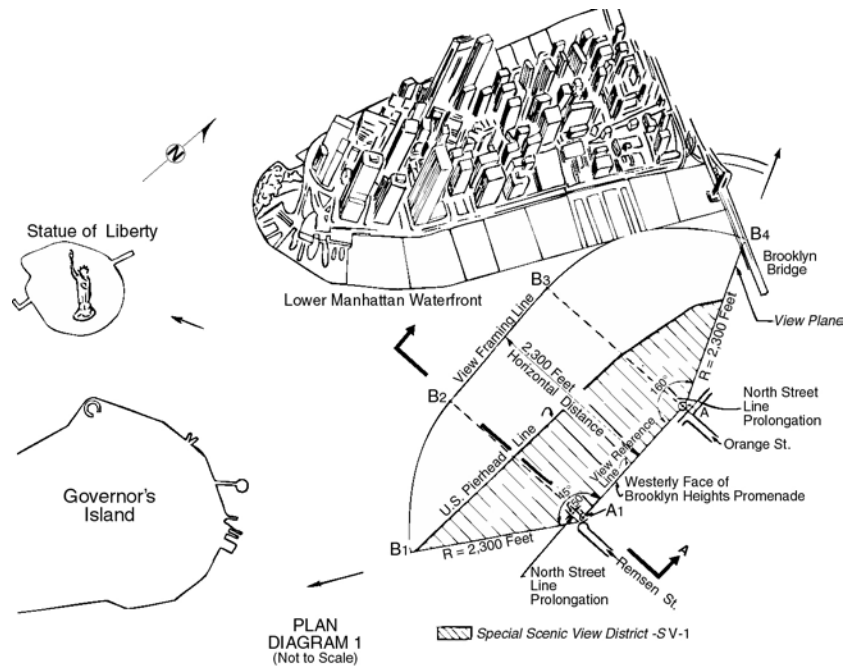
The #view plane# of the SV-1 Special District is an imaginary plane formed by joining the elevation of the #view reference line# with the elevation of the #view framing line# as shown in Diagram 2. The horizontal distance between the #view reference line# and the #view framing line# is 2,300 feet. Those portions of the plane formed by points A, B3, B4 and A1, B1, B2 are conical surfaces.

(10/24/74)

102-615

Description of scenic view

The #scenic view# to be protected pursuant to the provisions of this Section includes: the panoramic view of the lower Manhattan skyline which includes such landmarks as the Brooklyn Bridge archway, the South Street Seaport, the Whitehall Ferry Terminal, and the vistas of the Statue of Liberty and Governor's Island.



SV-1 BROOKLYN HEIGHTS SCENIC VIEW DISTRICT

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article X: Special Purpose Districts

Chapter 3: Special Planned Community Preservation District

Effective date of most recently amended section of Article X Chapter 3: 02/02/11

Date of file creation: Web version of Article X Chapter 3: 02/10/14

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(7/18/74)

Article X - Special Purpose Districts

Chapter 3

Special Planned Community Preservation District

(6/10/09)

103-00

GENERAL PURPOSES

The "Special Planned Community Preservation District" (hereinafter referred to as the "Special District"), established in this Resolution, is designed to promote and protect the public interest, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to preserve and protect the Special Districts as superior examples of town planning or large-scale development;
- (b) to preserve and protect the character and integrity of these unique communities which, by their existing site plan, pedestrian and vehicular circulation system, balance between buildings and open space, harmonious scale of the development, related commercial uses, open space arrangement and landscaping add to the quality of urban life;
- (c) to preserve and protect the variety of neighborhoods and communities that presently exist which contribute greatly to the livability of New York City;
- (d) to maintain and protect the environmental quality that the Special District offers to its residents and the City-at-large; and
- (e) to guide development within each of the Special Districts that is consistent with the existing character, quality and amenity of the Special Planned Community Preservation District.

(2/2/11)

103-01

Establishment of Special Planned Community Preservation District

The City Planning Commission has established the #Special Planned Community Preservation District# in areas that:

- (a) have a land area of at least 1.5 acres;
- (b) contain a minimum of three #buildings#;
- (c) were designed and substantially #developed# as a unit under the regulations of the Zoning Resolution prior to December 15, 1961; and
- (d) include considerable clustered #open space# and related #commercial uses# available to all residents of the District.

The Commission has found that existing site plans resulted in superior functional relationships of #buildings#, #open spaces#, pedestrian and vehicular circulation systems, including parking facilities, and other amenities all together creating an outstanding planned residential community.

(6/10/09)

103-02

Special Planned Community Preservation District Areas

The #Special Planned Community Preservation District# areas are as follows, and are each indicated by the letters "PC" on the #zoning maps#:

Fresh Meadows in the Borough of Queens

The Harlem River Houses in the Borough of Manhattan

Parkchester in the Borough of the Bronx

Sunnyside Gardens in the Borough of Queens.

(2/2/11)

103-10

GENERAL PROVISIONS

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community

Preservation District#, no #development#, #enlargement#, or substantial alteration of landscaping or topography, shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, except by special permit of the City Planning Commission, pursuant to Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications). No demolition of #buildings# shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, of the New York City Administrative Code, or its successor, except that such demolition may be permitted pursuant to a development plan for which a special permit has been granted under the provisions of Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).

Special regulations for the Sunnyside Gardens area are set forth in Section 103-20, inclusive.

(2/2/11)

103-11

Special Permits for Bulk and Parking Modifications

- (a) For any #development# or #enlargement#, either of which may include demolition, within a #Special Planned Community Preservation District#, the City Planning Commission, by special permit, may allow:
 - (1) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the development to be distributed without regard for #zoning lot lines#;
 - (2) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lots# within the development to be distributed without regard for #zoning lot lines#;
 - (3) minor variations in the #yard# regulations required by the applicable district regulations;
 - (4) minor variations in the height and setback regulations required by the applicable district regulations;

- (5) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Lot); or
 - (6) permitted or required #accessory# off-street parking spaces, driveways or curb cuts to be located anywhere within the development, without regard to #zoning lot lines# or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to the findings of Section 78-41 (Location of Accessory Parking Spaces).
- (b) In order to grant such special permits, the City Planning Commission shall make the following findings:
- (1) that the #development# or #enlargement# relates to the existing #buildings or other structures# in scale and design, and that the #development# will not seriously alter the scenic amenity and the environmental quality of the community;
 - (2) that the #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing development, the landscaping surrounding the new landscaping arrangement, and conditions of the community;
 - (3) that the #development# or #enlargement# be sited in such a manner that it will not require at that time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic that will diminish the environmental quality of the community; and
 - (4) that minimal landscaping be removed during construction and such areas will be fully restored upon completion of construction.
- (c) Notwithstanding the provisions of paragraph (a)(6) of this Section, where the requirement for #accessory# off-street parking spaces, driveways or curb cuts can only be accommodated in such a manner that the functioning of the existing planned community is substantially injured, the City Planning Commission shall authorize waiver of all or

part of the required parking.

The City Planning Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations of any special permit in order to minimize adverse effects on the character and quality of the community. The Commission may advise and recommend special conditions or modifications in the plans submitted by applicants in order to conform to the intentions of the #Special Planned Community Preservation District#.

(6/10/09)

103-12

Special Permit for Landscaping and Topography Modifications

No substantial modifications of existing topography or landscaping, including plantings, shall be permitted within the Special District except where such modifications are approved by special permit of the City Planning Commission.

(6/10/09)

103-13

Requirements for Application

An application to the City Planning Commission for the grant of a special permit respecting any #development# or #enlargement# or substantial modification of landscaping or topography to be made within the Special District, shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, building sections and elevation and an appropriate model of the planned community.

(2/2/11)

103-14

Recordation

At the time of any transfer of development rights which has been authorized by special permit under Section 103-11, the owners of #zoning lots# to which and from which development rights are transferred shall submit to the City Planning Commission a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer.

Notice of the restrictions upon further development of the lots to which development rights and from which development rights are transferred shall be filed by the owners of the respective lots in the place and county designated by law for the filing of deeds and restrictions on real property, a certified copy of which shall be submitted to the Commission.

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

(6/10/09)

103-20

SPECIAL REGULATIONS FOR SUNNYSIDE GARDENS

In order to further protect and enhance the character of the Sunnyside Gardens area within the #Special Planned Community Preservation District#, the regulations of this Section, inclusive, shall supersede the regulations of the #Special Planned Community Preservation District# and the underlying zoning districts, as applicable.

The special permit provisions of Sections 103-11 (Special Permits for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications) shall not apply within the Sunnyside Gardens area of the Special District.

(2/2/11)

103-21

Special Bulk Regulations

Notwithstanding any other provisions of this Resolution, #bulk# regulations applicable to the underlying #Residence# and #Commercial Districts#, or modified within the Special District, are hereby further modified to the extent set forth in this

Section, inclusive.

(2/2/11)

103-211

Special floor area regulations

In the Sunnyside Gardens area of the Special District, the #floor area# regulations of the underlying #Residence# and #Commercial Districts# shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #residential#, #commercial# and #community facility uses#, separately or in combination, shall be 0.75, which may be increased by up to 20 percent to a maximum #floor area ratio# of 0.9, provided that any such increase in #floor area# is located under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance, and the structural headroom of such #floor area# is between five and eight feet.

(2/2/11)

103-212

Special density regulations

In the Sunnyside Gardens area of the Special District, the density regulations of the underlying #Residence# and #Commercial Districts# shall not apply. In lieu thereof, the density factor for #dwelling units# shall be 900.

(2/2/11)

103-213

Special height regulations

In the Sunnyside Gardens area of the Special District, the height and setback regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply in #Residence# and #Commercial Districts#.

(2/2/11)

103-214

Special yard regulations

In the Sunnyside Gardens area of the Special District, the #yard# regulations for R4 Districts as set forth in Article II, Chapter 3, shall apply in #Residential# and #Commercial Districts#

(6/10/09)

103-22

Special Parking Regulations

In the Sunnyside Gardens area of the Special District, the off-street parking regulations of Article II, Chapter 5, pertaining to R4 Districts, shall be applicable for all #residential# and #community facility uses#, subject to the provisions of Section 103-23 pertaining to curb cuts.

(6/10/09)

103-23

Curb Cuts

Curb cuts shall not be permitted within the Sunnyside Gardens area of the Special District, except on the east side of 50th Street, within 100 feet of its intersection with 39th Avenue.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article X: Special Purpose Districts

Chapter 4: Special Manhattanville Mixed Use District

Effective date of most recently amended section of Article X Chapter 4: 10/09/13

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(12/19/07)

Article X - Special Purpose Districts

Chapter 4

Special Manhattanville Mixed Use District

(12/19/07)

104-00

GENERAL PURPOSES

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

- (a) encourage the development of a mixed use neighborhood that complements a revitalized community-oriented waterfront;
- (b) support a variety of community facility, commercial and manufacturing uses;
- (c) provide opportunities for the expansion of large academic, scientific and mixed use facilities in a manner that benefits the surrounding community;
- (d) strengthen the retail and service character and economic vitality of the neighborhood by encouraging active ground floor uses along Broadway, West 125th Street and 12th Avenue;
- (e) facilitate the maximum amount of design flexibility while fulfilling the goals of the mixed use district;
- (f) improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design;
- (g) strengthen the visual corridors along West 125th Street and other east-west corridors that connect the community to the waterfront;
- (h) expand local employment opportunities;

- (i) recognize, preserve and promote the existing historic transportation infrastructure of the neighborhood;
- (j) promote the most desirable use of land in this area and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

(12/19/07)

104-01

Definitions

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

Lower street wall

"Lower street wall" is that portion of the #street wall# of a #building# that extends from grade to the height set forth in Section 104-33, paragraph (a).

Mandatory widened sidewalk

A "mandatory widened sidewalk" is a paved area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. #Mandatory widened sidewalks# are shown on Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter.

Mandatory widened sidewalk line

A "mandatory widened sidewalk line" is the line shown on Map 3 in Appendix A of this Chapter.

Upper street wall

"Upper street wall" is that portion of the #street wall# of a #building# that extends from the #lower street wall# to the maximum #building# height set forth for each Parcel in the Base Plane and

Building Height Table in Appendix B of this Chapter, or the height of the #building#, whichever is less.

(10/9/13)

104-02

General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply within the Special District. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

(12/19/07)

104-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Manhattanville Mixed Use District# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendix A of this Chapter:

- | | |
|-------|--|
| Map 1 | Special Manhattanville Mixed Use District and Subdistricts |
| Map 2 | Subdistrict A Block Plan |
| Map 3 | Widened Sidewalk Lines |
| Map 4 | Street Wall Types and Locations |
| Map 5 | Parcel Designation and Maximum Building Heights |

Map 6 Ground Floor Use and Frontage

Map 7 Mandatory Open Areas

The District Plan includes the following table in Appendix B of this Chapter:

Base Plane and Building Height Table

These maps, diagrams and table are hereby incorporated and made part of this Resolution for the purpose of illustrating requirements or specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

(12/19/07)

104-04 Subdistricts

In order to carry out the provisions of this Chapter, three subdistricts are established, as follows:

Subdistrict A - Academic Mixed Use Area

Subdistrict B - Waterfront Area

Subdistrict C - Mixed Use Development Area

The location of the subdistricts of the #Special Manhattanville Mixed Use District# is specified on Map 1 in Appendix A of this Chapter.

(12/19/07)

104-10 SPECIAL USE REGULATIONS

The #use# regulations of the underlying C6 Districts are modified in Sections 104-11 through 104-18, inclusive.

(2/2/11)

104-11

Residential Use Modifications

The #residential use# regulations of the underlying C6-1 District are modified, as follows.

In Subdistrict A, a #residential use# may locate in the same #building#, or #abut# a #building# containing a #use# listed in Section 104-132 (Use Groups 16, 17 and 18), only in accordance with the certification provisions of Section 104-14.

(2/2/11)

104-12

Community Facility Use Modifications

The #community facility use# regulations of the underlying C6-1 and M1-2 Districts are modified, as follows:

- (a) in Subdistrict A, a #community facility use# with sleeping accommodations, as listed in this Section, may locate in the same #building#, or #abut# a #building# containing a #use# listed in Section 104-132 (Use Groups 16, 17 and 18), only in accordance with the certification provisions of Section 104-14:

College or school student dormitories or fraternity or sorority student houses

Domiciliary care facilities for adults

Monasteries, convents or novitiates

Non-profit hospital staff dwellings without restriction as to location on the same #zoning lot#

Non-profit or voluntary hospitals and related facilities

Nursing homes and health-related facilities

Philanthropic or non-profit institutions with sleeping accommodations;

- (b) in Subdistrict B, #uses# listed in Use Groups 3 and 4 permitted in the underlying M1-2 District, pursuant to Sections 42-10

(Uses Permitted As-of-Right) and 74-921 (Use Group 3A and 4A community facilities), shall be limited to 5,000 square feet of #floor area# per establishment.

(12/19/07)

104-13

Commercial and Manufacturing Use Modifications

In Subdistricts A and C, the #commercial# and #manufacturing use# regulations of the underlying C6 Districts are modified as set forth in Section 104-132 (Use Groups 16, 17 and 18).

In Subdistrict B, the #commercial use# regulations of the underlying M1 District are modified as set forth in Section 104-131 (Use Group 6A).

(12/19/07)

104-131

Use Group 6A

In Subdistrict B, the provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16), shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.

(2/2/11)

104-132

Use Groups 16, 17 and 18

In Subdistricts A and C, the following #uses# in Use Groups 16, 17 and 18 are permitted, subject to the performance standards for an M1 District set forth in Section 42-20 (PERFORMANCE STANDARDS).

Such #uses# may locate in the same #building#, or in an #abutting building# containing a #residential use# or a #community facility use# with sleeping accommodations listed in Section 104-12

(Community Facility Use Modifications), only in accordance with the certification provisions of Section 104-14.

From Use Group 16A:

Animal hospitals or kennels

Automobile, motorcycle, trailer or boat sales, enclosed only

Carpentry, custom woodworking or custom furniture making shops

Motorcycle or motor scooter rental establishments, enclosed only

Trade schools for adults

From Use Group 16B:

Automobile, truck, motorcycle or #trailer# repairs

Automobile laundries, provided that the #zoning lot# contains reservoir space for not less than ten automobiles per washing lane

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a #completely enclosed building#

From Use Group 16C:

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps

Public transit yards, open or enclosed, including #accessory# motor fuel pumps

From Use Group 16D:

Moving or storage offices, with no limitation as to storage or #floor area# per establishment

Warehouses

Wholesale establishments, with no limitation on #accessory# storage

From Use Group 17A:

Produce or meat markets

From Use Group 17B:

Advertising displays

Apparel or other textile products, from textiles or other materials, including hat bodies or similar products

Ceramic products, including pottery, small glazed tile or similar products

Food products, except slaughtering of meat or preparation of fish for packing

Leather products, including shoes, machine belting or similar products

Luggage

Musical instruments, including pianos or organs

Optical equipment, clocks or similar precision instruments

Perfumes or perfumed soaps, compounding only

Printing or publishing, with no limitation on #floor area# per establishment

Scenery construction

Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage

Toys

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works or similar products

From Use Group 17C:

Public transit, railroad or electric utility substations, open or enclosed, with no limitation as to size

From Use Group 18A:

Manufacturing of beverages, alcoholic or breweries

(2/2/11)

104-14

Certification Requirements

In Subdistrict A, a #use# listed in Section 104-132 (Use Groups 16, 17 and 18) and a #residential use# or a #community facility use# with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications) may locate in the same #building#, or in an #abutting building#, only upon certification by a licensed architect or a professional engineer to the Department of Buildings stating that the #commercial# or #manufacturing use#:

- (a) does not have a New York City or New York State environmental rating of "A," "B" or "C" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
- (b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

(12/19/07)

104-15

Ground Floor Use and Frontage Regulations

For the purposes of this Section, ground floor level shall mean the floor of a #building#, the level of which is located at, or within five feet of, the finished level of the adjacent sidewalk, or the adjacent #mandatory widened sidewalk#, as applicable. In the locations specified on Map 6 (Ground Floor Use and Frontage) in Appendix A of this Chapter, the ground floor #use# and frontage regulations of this Section shall apply to any #development# or change of #use# located on the ground floor level of a #building# or other structure#, or any #enlargement# that increases the #floor area# of the ground floor level of a #building# by more than 25 percent.

A minimum of 75 percent of the length of a #street wall# on the ground floor level measured to a depth of at least 30 feet from the #street wall#, or the depth of the #building#, whichever is less,

shall be limited to #uses# listed in Section 104-16 (Use Group MMU). Such #uses# shall be located at the #street wall#. In no event shall the length of #street# frontage occupied solely by lobby space or entryways exceed, in total, 40 feet.

All such #developments#, #enlargements# and changes of #use# on the ground floor of a #building or other structure# (other than a change of #use# on the ground floor of a #building# located on Parcels E2 or G2, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A) shall comply with the transparency requirements of Section 104-41.

(12/19/07)

104-16

Use Group MMU

Use Group MMU comprises a group of #uses# selected from Use Groups 3, 4, 6, 7, 8, 9, 10, 12 and 17, as modified, including any of such #uses# that are #accessory# to a college or university and open to the public.

From Use Group 3:

Libraries, museums or non-commercial art galleries

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities

Community centers or settlement houses

Non-commercial recreation centers

From Use Group 6A:

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment

Barber shops

Beauty parlors

Drug stores

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified show time

Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores

Hardware stores

Laundry establishments, hand or automatic self-service

Liquor stores, package

Post offices

Shoe or hat repair shops

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 10,000 square feet of #floor area# per establishment

From Use Group 6B:

Veterinary medicine for small animals, provided all activities are conducted within a #completely enclosed building#

From Use Group 6C:

Antique stores

Art galleries, commercial

Artists' supply stores

Automobile supply stores, with no installation or repair services

Banks

Bicycle sales

Book stores

Candy or ice cream stores

Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment

Cigar or tobacco stores

Clothing or clothing accessory stores, limited to 10,000 square feet of #floor area# per establishment

Clothing rental establishments, limited to 10,000 square feet of #floor area# per establishment

Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment

Eating or drinking establishments with entertainment, but not dancing, with a capacity of 200 persons or fewer

Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or fewer

Electrolysis studios

Fishing tackle or equipment, rental or sales

Florist shops

Furniture stores, limited to 10,000 square feet of #floor area# per establishment

Furrier shops, custom

Gift shops

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Leather goods or luggage stores

Loan offices

Locksmith shops

Medical or orthopedic appliance stores

Millinery shops

Music stores

Newsstands, open or enclosed

Optician or optometrist establishments

Paint stores

Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Telegraph offices

Television, radio, phonograph or household appliance stores, limited to 10,000 square feet of #floor area# per establishment

Toy stores

Travel bureaus

Typewriter stores

Wallpaper stores

Watch or clock stores or repair shops

From Use Group 7B:

Bicycle rental or repair shops

Moving or storage offices, with storage limited to items for retail sale and to 1,500 square feet of #floor area# per establishment

Refreshment stands

Sign painting shops, limited to 2,500 square feet of #floor area# per establishment

Venetian blind, window shade or awning shops, custom, limited to 2,500 square feet of #floor area# per establishment

From Use Group 8A:

All #uses#

From Use Group 8B:

Lumber stores, limited to 5,000 square feet of #floor area# per establishment, exclusive of that #floor area# used for office and display areas, and provided that not more than 400 square feet of #floor area# shall be used for cutting of lumber to size

Television, radio, phonograph or household appliance repair shops

Upholstering shops dealing directly with consumers

From Use Group 9A:

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery

Clothing or costume rental establishments

Musical instrument repair shops

Plumbing, heating or ventilating equipment showrooms, without repair facilities

Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production

Public auction rooms

Studios, art, music, dancing or theatrical

Typewriter or other small business machine sales, rental or repairs

Umbrella repair shops

From Use Group 10A:

Clothing or clothing accessory stores, limited to 20,000 square feet of #floor area# per establishment

Office or business machine stores, sales or rental

Variety stores, limited to 20,000 square feet of #floor area# per establishment

From Use Group 12B:

Antique stores

Art gallery, commercial

Book stores

Candy or ice cream stores

Cigar and tobacco stores

Delicatessen stores

Drug stores

Gift shops

Jewelry or art metal craft shops

Music stores

Newsstands

Photographic equipment stores

Record stores

Stationery stores

Toy stores

From Use Group 17A:

Produce or meat markets, wholesale

From Use Group 17B:

Ceramic products, including pottery, small glazed tile, or similar products

#Accessory uses# to all the above #uses# are permitted.

#Physical culture or health establishments# are subject to a special permit, pursuant to Section 73-36.

(12/19/07)

104-17

Modification of Article VII, Chapter 4 (Special Permits by the City Planning Commission)

The provisions of Section 74-48 (Scientific Research and Development Facility) shall not apply in the #Special Manhattanville Mixed Use District#.

(2/2/11)

104-20

SPECIAL BULK REGULATIONS

In Subdistricts A, B and C, the #bulk# regulations of the underlying C6 and M1 Districts, as modified in this Chapter, shall apply.

The #floor area ratio#, #open space ratio# and #lot coverage# regulations applicable in the underlying C6 Districts are modified as set forth in Sections 104-21 through 104-25.

The #floor area ratio# regulations applicable in the underlying M1 District are modified as set forth in Section 104-22. No #floor area# bonuses shall be permitted.

Special provisions regulating change of #use# in #non-complying buildings# are set forth in Section 104-26.

The height and setback regulations of the underlying C6 Districts are superseded as set forth in Sections 104-30 through 104-34, inclusive.

The special maximum #building# height regulations for the M1-2 District are set forth in Section 104-31.

Notwithstanding the special #bulk# regulations of this Chapter, any #development# containing #dwelling units#, or college or school student dormitories as listed in Use Group 3, on Parcel H, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, shall comply with the height and setback regulations for an R8A District as set forth in Article II of this Resolution.

(12/19/07)

104-21

Maximum Floor Area Ratio, Open Space Ratio and Lot Coverage for Residential Uses

In Subdistricts A and C, the #bulk# regulations for #residential use# are modified in accordance with the provisions of this Section.

For all #zoning lots#, or portions thereof, the maximum #floor area ratio#, #open space ratio# and #lot coverage# regulations shall not apply. In lieu thereof, the provisions of this Section shall apply.

In Subdistrict A, the maximum #floor area ratio# for #residential use# shall be 3.44.

In Subdistrict C, the maximum #floor area ratio# for #residential use# shall be 6.02.

For #interior# or #through lots#, or portions thereof, the maximum #lot coverage# shall not exceed 70 percent. For #corner lots#, the maximum #lot coverage# shall not exceed 80 percent. However, there shall be no maximum #lot coverage# for any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCES BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

(12/19/07)

104-22

Maximum Floor Area Ratio and Lot Coverage for Community Facility Uses

In Subdistricts A and C, the maximum #floor area ratio# permitted for #community facility uses# shall be 6.0. #Lot coverage# requirements for #community facility uses# shall not apply.

In Subdistrict B, the maximum #floor area ratio# permitted for #community facility uses# shall be 2.0.

(12/19/07)

104-23

Maximum Floor Area Ratio for Commercial Uses

In Subdistricts A and C, the maximum #floor area ratio# permitted for #commercial uses# shall be 6.0, except that the maximum #floor area ratio# for #uses# in Use Group 16 listed in Section 104-132 (Use Groups 16, 17 and 18) shall be 2.0.

(12/19/07)

104-24

Maximum Floor Area Ratio for Manufacturing Uses

In Subdistricts A and C, the maximum #floor area ratio# permitted for #manufacturing uses# shall be 2.0.

(2/2/11)

104-25

Maximum Floor Area Ratio for Multiple Uses on a Zoning Lot

When more than one #use# is located on a #zoning lot#, the maximum #floor area ratio# permitted for any #use# on such #zoning lot# shall not exceed the maximum permitted for such #use#, as set forth in Sections 104-21 through 104-24, inclusive, provided that 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#.

(2/2/11)

104-26

Change of Use

(a) Change to #residential use#

Notwithstanding the provisions set forth in Section 34-222 (Change of use) and in the last paragraph of Section 35-31 (Maximum Floor Area Ratio) regarding the applicability of #floor area ratio# and #open space ratio# regulations to a change from a non-#residential use# to a #residential use# in a #building# in existence on December 15, 1961, such #conversions# of #non-residential buildings# shall be permitted only if such #buildings# comply with all of the #bulk# regulations for #residential# or #mixed buildings#.

(b) Change to non-#residential use#

In Subdistrict A, the provisions of Section 54-31 (General Provisions) shall not apply. In lieu thereof, a #use# listed in Use Groups 16, 17 or 18 located in a #non-complying building or other structure# may be changed to:

- (1) a #use# listed in Section 104-132 (Use Groups 16, 17 and 18), subject to the performance standards for an M1 District set forth in Section 42-20, and subject to Section 104-14 (Certification Requirements), if applicable; or
- (2) a #community facility use#, or an office #use# listed in Use Group 6B.

The #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the regulations set forth in Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS) shall not apply to the changes of #use# set forth in paragraph (b) of this Section.

The provisions of paragraph (b) of this Section shall apply to Blocks A and C, as shown on Map 2 (Subdistrict A Block Plan) in Appendix A of this Chapter, and to Parcel D4, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, through December 31, 2015, and to all other Parcels and Blocks in Subdistrict A through December 31, 2030. Beginning on January 1, 2016, with respect to Blocks A and C and Parcel D4, and beginning on January 1, 2031, with respect to Parcels D1, D2, and D3, as shown on Map 5, and Blocks E, F, G, and H, as shown on Map 2, the provisions of paragraph (b) of this Section shall lapse, and the #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the requirements set forth in Section 104-40, shall apply to the changes of #use# set forth in paragraph (b) of this Section.

(10/9/13)

104-30

SPECIAL HEIGHT AND SETBACK REQUIREMENTS

In the #Special Manhattanville Mixed Use District#, the height and setback regulations of the underlying C6 Districts shall not apply. In lieu thereof, the height and setback provisions of this Section, inclusive, shall apply in C6 Districts. In Subdistrict B, special height regulations for the underlying M1-2 District are set forth in Section 104-31, et seq.

In Subdistrict A, the height of all #buildings or other structures# shall be measured from the #base plane#. However, the provisions for establishing #base planes# set forth in Section 12-10 (DEFINITIONS) shall not apply. In lieu thereof, #base planes# are specified for each Parcel as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter. The level of the #base plane# is designated for each such Parcel in Appendix B of this Chapter. However, in #flood zones#, the level of the #base plane# shall be the #flood-resistant construction elevation#.

Wherever a #mandatory widened sidewalk line# is shown on Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter, such line shall be used instead of the #street line# for all purposes of Section 104-30, et seq.

The City Planning Commission may modify, by special permit, the special height and setback requirements of this Section pursuant to Section 104-60 (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT).

(2/2/11)

104-31

Maximum Building Height

In Subdistrict A, the maximum #building# height, by Parcel, is shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter and specified in Appendix B of this Chapter. In Subdistricts B, C and the Other Area east of Broadway, the maximum #building# heights are shown on Map 5. No #building# shall exceed the maximum #building# height set forth in such Map or Appendix B of this Chapter.

(12/19/07)

104-32

Rooftop Regulations

The special rooftop regulations of Section 104-32, inclusive, shall apply in Subdistricts A and C.

(2/2/11)

104-321

Mechanical equipment

Mechanical equipment, open or enclosed, may be located on the roof of a #building# in accordance with the following provisions:

- (a) Mechanical equipment shall not exceed the maximum height of mechanical equipment specified for each Parcel as set forth in

Appendix B of this Chapter and shall be measured from the roof level of the highest #story# of the #building#. Such mechanical equipment may penetrate the maximum #building# height specified for each Parcel as set forth in Appendix B.

- (b) Such mechanical equipment shall be set back at least 10 feet from the #upper street wall# of the #building#. In addition, such equipment shall not penetrate a #sky exposure plane# that begins at the point of intersection of the roof and the #upper street wall# of the #building#, and rises over the #building# at a slope of 2.7 feet of vertical distance for each foot of horizontal distance, except for permitted obstructions set forth in Section 104-322. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#.
- (c) Such mechanical equipment shall not overhang any recess in the #building# wall that is open to the sky.

(4/30/12)

104-322

Permitted Obstructions

The following shall not be considered obstructions and thus may penetrate the applicable maximum #building# height and the applicable maximum height for mechanical equipment set forth in Appendix B of this Chapter, and may also penetrate the #sky exposure plane# set forth in Section 104-321 (Mechanical equipment). Within 50 feet of the #upper street wall#, the width of such obstructions shall be limited in total to 10 percent of the #aggregate width of street walls# of a #building#, per #street# frontage, at any level above the maximum level of mechanical equipment as set forth in Section 104-321. Beyond 50 feet from the #upper street wall#, the permitted obstructions may occupy an area not to exceed 30 percent of the #building# coverage at the ground level. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#. However, in no event shall such obstructions be located within 10 feet of the #upper street wall#.

- (a) Antennae and structural support thereto;
- (b) Chimneys, flues, intake and exhaust vents limited to a #lot coverage# of 900 square feet with neither length nor width of any single such obstruction, nor the total length or width of all such obstructions, greater than 30 feet;
- (c) Decks, and other surfaces for recreational activities, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (d) Elevator and stair bulkheads to a maximum height of 15 feet above the permitted maximum height of mechanical equipment;
- (e) Flagpoles or aerials;
- (f) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such #sky exposure plane#;
- (g) Parapet walls, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. A guardrail with a surface at least 70 percent open or with an opacity of not more than 30 percent (as viewed in elevation), shall be permitted above a parapet wall or within two feet of a parapet wall, provided such guardrail is not more than four feet above the accessible level of a roof. Such restriction on guardrail height shall not apply when located beyond two feet from a parapet wall;
- (h) Pipes and supporting structures;
- (i) Railings;
- (j) Roof thickness, up to eight inches, to accommodate the addition of insulation, for #buildings# or portions of #buildings# constructed prior to April 30, 2012. For a #building# that has added roof thickness pursuant to this paragraph, (j), an #enlargement# may align with the finished roof surface of such #building#, provided the #enlarged# portion does not exceed the maximum height limit by more than eight inches;
- (k) Rooftop greenhouses, permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);

(l) Skylights, clerestories or other daylighting devices, not more than four feet in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. Such devices shall be limited to a #lot coverage# not greater than 10 percent of the #lot coverage# of the roof and be located at least eight feet from the #street wall# edge. However, such devices shall not be permitted obstructions above a roof with a slope greater than 20 degrees;

(m) Solar energy systems:

(1) on the roof of a #building#, up to four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher;

(2) on the roof of a #building#, greater than four feet in height, as measured from the maximum height limit, or the finished level of the roof, whichever is higher, provided that all such portions above four feet are set back at least six feet from a #street wall#, limited to a #lot coverage# not greater than 25 percent of the #lot coverage# of the roof and do not exceed:

(i) a height of 15 feet; and

(ii) when located on a bulkhead or other obstruction, pursuant to paragraph (d) of this Section, a height of six feet;

(3) on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects;

However, any installation on a roof with a slope greater than 20 degrees shall be limited to 18 inches in height, as measured perpendicular to the roof surface;

(n) Spires or belfries;

(o) Vegetated roofs, not more than 3 feet, 6 inches in height excluding vegetation, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher. On roofs with slopes greater than 20 degrees, vegetated roofs shall be limited to a height of 12 inches measured perpendicular to such roof surface;

- (p) Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum height limit, or the finished level of the roof as it existed on April 30, 2012, whichever is higher;
- (q) Window washing equipment mounted on the roof;
- (r) Wire, chain link or other transparent fences.

(2/2/11)

104-33

Mandatory Street Walls

Six types of mandatory #street walls# are established in the #Special Manhattanville Mixed Use District#, the regulations for which are set forth in Sections 104-331 through 104-336. Map 4 (Street Wall Types and Locations) and Map 5 (Parcel Designation and Maximum Building Heights), in Appendix A of this Chapter, specify locations where such regulations apply. The mandatory #street wall# requirements shall apply to any #development# and the #enlarged# portion of an existing #building#, except as set forth in paragraph (c) of this Section.

In Subdistrict A, the mandatory #street walls# specified as Street Wall Types 1, 3 and 4 consist of a #lower street wall# and an #upper street wall#, except that for #buildings# fronting on a #wide street# that do not exceed a height of 85 feet, and for #buildings# fronting on a #narrow street# that do not exceed a height of 60 feet, such #street wall# may in its entirety comply with the rules for an #upper street wall#.

(a) #Lower street wall#

- (1) For Parcels D1, E1, F1, G1, G2 and H, the #lower street wall# is that portion of the #street wall# that extends from grade to a minimum height of 15 feet above the highest elevation of the #street# frontage of the #building# on Broadway and a maximum height of 55 feet above such elevation for each #street# frontage. For #buildings# without frontage on Broadway, the #lower street wall# shall be measured from the highest elevation of each such #street# frontage of such #building#;

- (2) For Parcels A, C1, C4, D4, E4 and F4, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 55 feet above the highest elevation of such #street# frontage of such #building#;
- (3) For Parcels C2, C3, D2, E2, E3, F2 and F3, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 45 feet above the highest elevation of such #street# frontage of such #building#. For the purposes of this Section, Parcel C2 shall be considered to have frontage only on West 130th Street.

(b) #Upper street wall#

For all Parcels, the #upper street wall# is that portion of the #street wall# that extends from the #lower street wall# to the maximum #building# height set forth in Appendix B or the height of the #building#, whichever is less.

- (c) The mandatory #street wall# requirements shall not apply to vertical #enlargements# of one #story# not exceeding 15 feet in height.
- (d) Where a #building# is located on more than one Parcel, the requirements of Sections 104-331 through 104-336, with respect to the locations of the #upper street wall# and the #lower street wall#, may apply to the entire #street frontage# of the Parcels.
- (e) On Parcels C3 and C4, the applicable #lower street wall# provision may be applied to the entire #building#.
- (f) For a #building# within Subdistrict A, located on a portion of a Parcel where no required #street wall# is shown on Map 4, such #building# shall comply with the #street wall# requirements for a #building# on the same Parcel. For a #building# on Parcel C3, the #street wall# requirements shall be those provisions applicable to Parcel D2.

104-331

Type 1 street wall location

Type 1 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

- (a) The #upper street wall# shall be located anywhere within five feet of the #street line# for at least 70 percent of the #street frontage# of the Parcel and shall rise without setback to a minimum height of 85 feet above #curb level#, or the height of the #building#, whichever is less.
- (b) The #lower street wall# shall be set back at least two feet but no more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 70 percent of the #street# frontage of the Parcel. For Parcels D1, E1, F1, G1, G2 and H, the height of the #lower street wall# shall be not less than twice the depth of the setback of the #lower street wall# from the #upper street wall#, but not less than 15 feet.
- (c) No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of a Parcel.
- (d) At least 20 percent of the area of an #upper street wall# facing Broadway shall be recessed to a minimum depth of 10 feet.
- (e) The #street wall# provisions of this Section may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

(12/19/07)

104-332

Type 2 street wall location

Type 2 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of either paragraph (a) or (b) of this Section.

- (a) The #street wall# shall be located within two to five feet of the #street line# or the #mandatory widened sidewalk line#, whichever is applicable, and shall rise without setback to a

minimum height of 45 feet. A #street wall# fronting on West 125th Street shall extend along at least 70 percent of the length of the #street line# of the Parcel; a #street wall# fronting on West 130th Street shall extend along at least 50 percent of the length of the #mandatory widened sidewalk line#. No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of the Parcel on West 125th Street, or to the remaining 50 percent of the #street# frontage of the Parcel on West 130th Street; or

- (b) Where the #lower street wall# is set back from the #upper street wall#:
 - (1) the provisions of Section 104-334 (Type 4 street wall location) shall apply to #street walls# facing West 130th Street;
 - (2) the provisions of Section 104-331 (Type 1 street wall location) shall apply to #street walls# facing West 125th Street; and
 - (3) for #street walls# facing 12th Avenue, the #upper street wall# shall be located within five feet of the #mandatory widened sidewalk line# and the #lower street wall# shall be set back not more than 30 feet from the #upper street wall#.

(12/19/07)

104-333

Type 3 street wall location

Type 3 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

- (a) The #upper street wall# shall be located within two feet of the 12th Avenue #mandatory widened sidewalk line#, and shall extend along no more than 70 percent of the length of the #mandatory widened sidewalk line# of the Parcel. Any #upper street wall# located on the remaining portion of the #street# frontage of the Parcel shall be set back from the 12th Avenue #widened sidewalk line# by a minimum distance of either:
 - (1) 20 feet, if such setback area faces both 12th Avenue and a #narrow street#; or

(2) 10 feet, if such setback area faces only 12th Avenue.

- (b) The #lower street wall# shall be located at the same distance from the #mandatory widened sidewalk line#, or set back not more than ten feet from the #upper street wall# required pursuant to paragraph (a) of this Section, and shall extend along at least 80 percent of the length of such required #upper street wall#. No #street wall# location regulations shall apply to the remaining portion of the #lower street wall# frontage of a Parcel.
- (c) The #street wall# provisions of this Section may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

(12/19/07)

104-334

Type 4 street wall location

Type 4 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of this Section.

- (a) The #upper street wall# shall be located within five feet of the #street line# or #mandatory widened sidewalk line#, as applicable. Such #street wall# shall extend along at least 50 percent of the length of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable, and shall rise without setback to a minimum height of 60 feet above #curb level#, or the height of the #building#, whichever is less.
- (b) The #lower street wall# shall be set back at least two feet but no more than ten feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 50 percent of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable.
- (c) No #street wall# location regulation shall apply to the remaining 50 percent of the #street# frontage of a Parcel.

(12/19/07)

104-335

Type 5 street wall location

Type 5 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall comply with the provisions of paragraph (a) or (b) of this Section:

- (a) The #street wall# shall be located within two feet of the #street line# or the #mandatory widened sidewalk line#, as applicable, and shall rise without setback to a minimum height of 45 feet or the height of the #building#, whichever is less. Such required #street walls# shall extend along at least 50 percent of the length of the #street line# or the #mandatory widened sidewalk line# of the Parcel, as applicable; or
- (b) Where the #lower street wall# is set back from the #upper street wall#, the provisions of Section 104-334 (Type 4 street wall location) shall apply.

No #street wall# location regulations shall apply to the remaining 50 percent of the #street# frontage of a Parcel.

(12/19/07)

104-336

Type 6 street wall location

Type 6 #street walls#, as shown on Map 4 in Appendix A of this Chapter, shall be located at or within 10 feet of the #street line# and shall extend along at least 70 percent of the length of the #street line# of the Parcel, and may rise to a maximum height of 120 feet. No #street wall# location regulations shall apply to the remaining 30 percent of the #street# frontage of a Parcel.

(12/19/07)

104-34

Street Wall Recesses

Recesses are permitted for architectural, decorative or functional purposes, provided that such recesses comply with the provisions of this Section.

For portions of the #lower street wall# required pursuant to the provisions of Section 104-33, the maximum area of recesses shall not exceed 30 percent of the area of such required #lower street wall# and the maximum depth of such recesses shall not exceed three feet.

For that portion of the #upper street wall# required pursuant to the provisions of Section 104-33, and located below a height of 85 feet on a #wide street# and 60 feet on a #narrow street#, the maximum area of recesses shall not exceed 30 percent of the area of such portion of the #upper street wall# and the maximum depth of such recesses shall not exceed three feet. However, the regulation limiting the maximum depth of such recesses to three feet, set forth in this paragraph, shall not apply to the recesses required in paragraph (d) of Section 104-331.

(12/19/07)

104-40

SPECIAL URBAN DESIGN REGULATIONS

The special urban design regulations of this Chapter include ground floor transparency requirements, and requirements for six different types of open areas that are accessible to the public, as described in Sections 104-42 and 104-43, inclusive, and shown on Maps 3 (Widened Sidewalk Lines) and 7 (Mandatory Open Areas) in Appendix A of this Chapter.

(12/19/07)

104-41

Street Wall Transparency Requirements

Within Subdistrict A, the transparency requirements of paragraph (a) of this Section, subject to the modifications of paragraph (b) of this Section, as applicable, shall apply to #developments#, changes of #use# on the ground floor of a #building or other structure#, and #enlargements# that increase the #floor area# of the ground floor by more than 25 percent, but shall not apply to a change of #use# on the ground floor of a #building# located on Parcels E2 or G2, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter.

- (a) On all #streets#, at least 70 percent of the surface of the #street wall# shall be glazed, and at least 50 percent of the area of each such #street wall# shall be transparent to a minimum height of the ceiling of the ground floor, or not less than 15 feet above the finished level of the adjacent sidewalk, whichever is lower. The glazing material shall be highly transparent, with low reflectivity. Above this height, and to the top of the #lower street wall#, the #street wall# surface shall be at least 50 percent glazed and at least 30 percent transparent. Door or window openings within such walls shall be considered as transparent. Each such opening shall have a minimum width of two feet.
- (b) For #street walls# where the provisions of Section 104-332 (Type 2 street wall location) apply, the required glazing at the ground floor shall apply to the minimum height of the ceiling of the ground floor, or not less than 20 feet above the finished level of the adjacent sidewalk, whichever is lower.

(12/19/07)

104-42

Open Areas

All mandatory open areas as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter and all open areas adjacent thereto up to the #street wall# required pursuant to the provisions of Section 104-33 (Mandatory Street Walls) shall comply with the urban design regulations of Section 104-42 through 104-43, inclusive, and shall be open and unobstructed except as specified.

(12/19/07)

104-421

Mandatory widened sidewalks and adjacent areas

- (a) Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter specifies the locations of #mandatory widened sidewalks#. The depth of such #mandatory widened sidewalks# shall be as indicated on Map 3 and specified in this Section, and shall be measured perpendicular to the #street line#. #Mandatory widened sidewalks# shall be constructed at the same level as the adjoining public sidewalks and shall be accessible to the

public at all times. The portions of all #mandatory widened sidewalks# used for pedestrian circulation shall be improved as sidewalks to Department of Transportation standards.

(b) Within #mandatory widened sidewalks#, landscaping and other amenities shall be permitted. #Mandatory widened sidewalks# shall be considered #streets# for the purposes of applying the provisions of the New York City Building Code governing cornices, eaves, sills and other architectural elements that project over #streets#. However, no fences shall be permitted, no planters shall be higher than two feet above the finished level of the adjacent sidewalk, and all trees shall be planted flush to grade.

(c) Adjacent area at grade between #lower street wall# and sidewalk

Where the #lower street wall#, or the #street wall# if no #lower street wall# is required, is set back from the #mandatory widened sidewalk line# or the #street line#, whichever is applicable, the entire surface area of the ground located between the #street wall# and the public sidewalk shall comply with the standards of paragraphs (a) and (b) of this Section. Such areas may be covered and may include columns and other elements not specifically excluded pursuant to paragraph (b) of this Section.

(d) Additional regulations shall apply to the following areas and conditions:

(1) Narrow #streets#

The #mandatory widened sidewalks# located along #narrow streets# shall be five feet wide. A paved walking path not less than 10 feet wide, which may include the public sidewalk, shall be provided. The paving surface shall be of a non-skid material, whether wet or dry.

(2) 12th Avenue

The #mandatory widened sidewalks# located along 12th Avenue, as shown on Map 7 in Appendix A of this Chapter, shall be 30 feet wide and include a 15 foot wide area adjacent to the #street line# for the provision of an open market and a walking surface with a minimum clear path of 15 feet adjacent to the market area. The walking surface shall be of a non-skid material, whether wet or dry.

(i) Permanent, fixed elements, such as landscaping and seating, with a minimum coverage of five percent of the market area, shall be required.

(ii) The following obstructions shall be permitted:

Temporary, moveable elements with a maximum coverage of 30 percent of the market area per #zoning lot#, such as carts, kiosks or pavilions, open or enclosed; market umbrellas; retail structures, open; and seating and other street furniture.

(2/2/11)

104-422

Midblock Open Areas

Midblock Open Areas shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. However, no Midblock Open Area is required on any #block# that is not developed as a single #zoning lot#. The Midblock Open Areas shall have a minimum width of 50 feet clear and open to the sky.

All Midblock Open Areas shall have a minimum clear path of 15 feet and shall be improved as paved surfaces of a non-skid material, whether wet or dry. A minimum of 20 percent and a maximum of 50 percent of each Midblock Open Area shall be improved with landscape treatment, including planting and other amenities. No fences shall be permitted. No walls or planters shall be higher than two feet above the finished level of the nearest adjoining sidewalk.

The full width of each Midblock Open Area shall be improved and open to the public prior to applying for and receiving a temporary certificate of occupancy for any #development# adjacent to such area. However, up to 10 feet of the width of a Midblock Open Area may be temporarily enclosed within a construction fence for the shortest period of time reasonably necessary to permit construction in the adjacent area.

For #buildings# adjacent to the Midblock Open Areas, other than a #building# located on Parcel E2 as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, #building# walls fronting on such Midblock Open Areas shall be transparent for at least 50 percent of the area of each such

wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

(2/2/11)

104-423

East/West Open Area

An East/West Open Area shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. The East/West Open Area shall have:

- (a) a minimum width of 60 feet and shall be open to the sky;
- (b) a minimum clear path of 15 feet, which shall be improved as a paved surface of a non-skid material, whether wet or dry; and
- (c) a minimum of 20 percent of its area improved with landscape treatment, including planting and other amenities. No walls or planters shall be higher than two feet above the finished level of the adjacent sidewalk.

Air intake grilles, flush to grade, shall be permitted, provided such intake grilles do not exceed 10 percent of the area of the East/West Open Area, and are concealed from public view by planting or other design features.

The full width of the East/West Open Area shall be improved and open to the public, prior to applying for and receiving a temporary certificate of occupancy for any #development# adjacent to such area.

(2/2/11)

104-424

The Square

Area of the Square

If Block D is developed as a single #zoning lot#, an open area known as "the Square," with a minimum area of 40,000 square feet, shall be provided, connecting West 130th and West 131st Streets, as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. This

minimum area shall not include either the Midblock Open Area on Block D, or the area of the #mandatory widened sidewalks# on the West 130th and 131st Street frontages adjacent to the Square.

The Square shall be used for open space accommodating both passive recreation and limited active recreation.

#Building# transparency

The bounding #building# wall on the west side of the Square shall be transparent for 50 percent of the area of such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

Circulation and access

No fences or gates shall be permitted anywhere in the Square.

An unimpeded pedestrian access, with a minimum width of 15 feet, shall be provided across the Square in a generally diagonal direction in the north/south orientation, connecting the two narrow streets, with both ends located a minimum of 100 feet from the Midblock Open Area on Block D.

The Square shall provide unobstructed access from the adjoining sidewalks for at least 50 percent of the length of each street frontage of the Square. No single fixed element, within 15 feet of the #street line# of the Square, shall have a dimension greater than 15 feet or be higher than 30 inches, measured from the finished level of the adjacent sidewalk. The clear path between obstructions shall be at least three feet; however, to qualify as an unobstructed access that contributes to the 50 percent requirement set forth in this paragraph, a minimum width of five feet is required.

Elevation of the Square

The elevation of the Square shall generally follow the adjacent topography. Within fifteen feet of the #street line#, the elevation of the Square, for a minimum of 50 percent of the length of each frontage on a #street#, shall have a maximum slope of 1:15. Beyond fifteen feet from the #street line#, all open areas in the Square, including rolling or bermed lawn areas, may vary but shall not be more than five feet above or one foot below the level of the nearest sidewalk or natural topography. Paved areas shall not be higher than two feet above the level of the nearest sidewalk.

Permitted obstructions

No walls or planters shall be higher than two and one half feet above the finished level of the nearest adjoining sidewalk. No planters or planter walls shall be higher than 18 inches above the level of the adjacent grade.

Permanent structures, such as food or information kiosks, pavilions or public restrooms, may be placed in the Square, provided they do not exceed a height of 20 feet, or occupy more than three percent of the area of the Square.

Temporary or movable amenities, including elements such as trellises, movable tables, game tables, play equipment and performance facilities, are permitted, not to exceed 10 percent of the area of the Square.

Seating

A minimum of one linear foot of seating shall be provided for each 50 square feet of the Square. A minimum of 75 percent of the required seating shall be fixed; up to 25 percent may be movable. Every two and one half linear feet of fixed seating shall be considered as seating for one person.

The following standards shall apply to all required seating:

- (a) fixed seating may be provided in the form of double-sided benches, which shall be a minimum of 36 inches deep;
- (b) 50 percent of the fixed seats shall have backs; such backs shall be not less than 14 inches high;
- (c) fixed seating shall be between 16 inches and 18 inches in height, with a minimum depth of 18 inches measured from the edge to the back; and
- (d) all seating shall be made of durable material and shall be comfortable to sit on, with rounded edges of at least one inch radius.

However, other types of seating, such as the edges of planters and fountains, may count toward the required amount of seating if such seating has a minimum depth of 22 inches and is between 16 and 18 inches in height.

At least 20 percent of the required seating shall be provided within 15 feet of the #street line# of the Square fronting all #streets#

and the adjacent Midblock Open Area, and arranged to encourage a variety of uses. If such Midblock Open Area is provided with seating, that frontage of the Square may be exempt from this requirement.

General requirements for trees and planting

A minimum of 50 percent of the Square shall be landscaped with soft ground cover. Soft ground cover shall include trees, grasses, shrubs and other ornamental planting material. The remaining 50 percent of the Square may be paved as hard surface.

At least 30 percent of the area of the Square shall contain a continuous planting area, with minimum soil depth of five feet. Berming is allowed provided that the height of the berm is not greater than five feet above the level of the adjoining sidewalk.

Trees

A minimum of 38 trees is required. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet. Trees shall be planted in continuous planted areas that have a minimum depth of four feet and a minimum area of 500 square feet of soil. All trees shall be planted flush to grade. The requirements of this paragraph, (a), shall be in addition to the requirements of Section 104-422 (Midblock Open Areas).

Planting

Seasonal planting is encouraged but not required. When planting beds are provided, they can be counted towards meeting the requirement for soft ground cover. Planting beds shall have a minimum soil depth of two feet for grass or other similar ground cover and three feet for shrubs.

Other required amenities

Racks shall be provided for a minimum of 16 bicycles. Such racks shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Four drinking fountains, two of which shall be fully accessible for children and people with disabilities, shall be provided in the Square or on the sidewalks, #mandatory widened sidewalks# or Midblock Open Area adjacent to the Square.

Not less than 40 cubic feet of trash receptacles shall be provided. Individual containers shall not be smaller than 25 gallons each. There shall be ten containers, at least three of which shall be for used for recycling paper, plastic and metal waste. Such recycling containers shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Permitted amenities

Permitted amenities include such elements as artwork and water features, which may occupy up to 10 percent of the area of the Square.

Public space signage

At least four entry and two information plaques shall be provided. The content and design of such #signs# shall comply with the standards for public space #signs# set forth in the Zoning Resolution. Information about the Square may be provided on the entry plaques.

Vents facing the square

On any #building# wall adjacent to and facing the Square, exhaust or air intake vents shall be located higher than 15 feet above the level of the Square.

Vents and stairs in the Square

Exhaust or air intake vents and stair bulkheads shall not be permitted in the Square, except as authorized by the City Planning Commission, subject to the following conditions:

- (a) the top of the exhaust or intake vent shall be a minimum of 20 feet above the finished level of the adjacent grade;
- (b) no single element shall be more than 200 square feet; and
- (c) the aggregate area occupied by all vents and stair bulkheads shall not exceed one percent of the area of the Square.

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

- (1) placement of such elements cannot be reasonably accommodated elsewhere on the #zoning lot#; and

- (2) such vents and stair bulkheads are located so as to minimize impact on the visibility, accessibility and public use and enjoyment of the Square.

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

(2/2/11)

104-425

The Small Square

If Block C is developed as a single #zoning lot#, an open area known as the "Small Square," with a minimum area of 10,000 square feet, shall be provided as a passive open space, connecting West 129th and West 130th Streets. It shall be improved with paved surfaces of a non-skid material, whether wet or dry. No fences or walls shall be permitted in the Small Square.

The bounding #building# walls on all #buildings abutting# the Small Square shall be transparent for 50 percent of the area of the portion of each such wall measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

The Small Square shall be landscaped with a minimum of eight trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be planted in soil with a minimum depth of four feet. All trees shall be planted flush to grade.

A minimum of 30 moveable seats shall be provided at all times; additional moveable or fixed seating may be provided.

(2/2/11)

104-426

The Grove

If Block A is developed as a single #zoning lot#, an open area known as "the Grove," with a minimum area of 400 square feet, shall be

provided as a passive open space connecting West 125th and West 129th Streets. It shall contain seating at the western portion of the Block and a grove of trees with a minimum of four trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be planted in soil with a minimum depth of four feet.

The Grove shall be improved with paved surfaces of a non-skid material, whether wet or dry. It shall be landscaped with trees planted flush to grade and may include additional planting. The Grove may contain fixed or moveable seating.

No fences, walls or planters are permitted in the Grove.

(12/19/07)

104-43

Open Area Standards

(12/19/07)

104-431

Access and hours of public accessibility

All open areas shall be accessible directly from an adjoining public sidewalk, except as otherwise provided in this Chapter. No fences or gates shall be permitted anywhere within the open areas, except as permitted in Section 104-42 (Open Areas).

All open areas except the Square and the East/West Open Area shall be accessible to the public twenty-four hours per day, seven days a week.

The Square and the East/West Open Area shall be accessible to the public seven days per week, from the hours of 7:00 a.m. to 8:00 p.m., from November 1 through April 14, and from 7:00 a.m. to 11:00 p.m. from April 15 through October 31.

All open areas may be closed not more than one day each year, on a non-holiday weekend day in January, to preserve the private ownership of such areas, except the Square and the East/West Open Area may each be closed by its respective owner for private events

and activities for a maximum of 12 days in each calendar year, which days shall not include public holidays. Advance notice of such closing shall be posted at the perimeter of the Square and the East/West Open Area and shall be provided to the Chairperson of the City Planning Commission not less than 24 hours prior to each such closing.

(12/19/07)

104-432
Lighting

All paved areas shall be illuminated with a minimum level of illumination not less than two horizontal foot candles (lumens per foot) throughout. All other areas shall have a minimum level of illumination not less than 0.5 horizontal foot candles (lumens per foot). Such level of illumination shall be maintained from one hour before sunset to one hour after sunrise. 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 the open space.

(12/19/07)

104-433
Maintenance and operation

The owner of each open area within Subdistrict A shall be responsible for its maintenance and operation. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner of an open area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent Parcels. The owner may establish and enforce rules of conduct for the use of the open areas and standards for permits for events and activities in an open area. Rules and regulations for the open areas will be subject to review and approval by the Chairperson of the City Planning Commission.

No vehicles shall be stored on any of the open areas.

(12/19/07)

104-44

Street Trees on Narrow Streets and Broadway

On #narrow streets# and Broadway, #street# trees with a minimum caliper of four inches shall be provided for the entire length of the #street# frontage of the #zoning lot#, except adjacent to the Midblock Open Areas and the Grove. Such trees shall be planted at maximum intervals of 25 feet on center. The location and/or spacing of trees may be waived by the Commissioner of Parks and Recreation to the extent that these requirements are determined to be infeasible. All trees shall be planted flush to grade and in accordance with the applicable standards of the Department of Parks and Recreation, and shall be located within a soft surface, landscaped strip at least five feet wide adjacent to the curb, which landscaped strips need not be continuous. Other planted landscape treatment and amenities may be permitted within such landscaped strip. Such trees shall be maintained by the owner of the adjacent #development# or #enlargement#.

(2/2/11)

104-50

PERMITTED TRANSFER OF FLOOR AREA

Transfers of #floor area# may be made from granting sites to receiving sites, within Subdistrict A, subject to the requirements of this Section.

For the purposes of this Section, a "granting site" shall mean any #zoning lot# in Subdistrict A that comprises a #block# as identified by letter on Map 2 (Subdistrict A Block Plan) in Appendix A of this Chapter, or the portion of the #block# identified as Block H on Map 2, from which #floor area# is to be transferred pursuant to the provisions of this Section, and a "receiving site" shall mean a #zoning lot# in Subdistrict A that comprises a #block#, as identified by letter on Map 2, or the portion of the #block# identified as Block H on Map 2, to which #floor area# is transferred.

#Floor area# may be transferred as follows:

- (a) by notice, in accordance with the provisions of Section 104-52 (Transfer of Floor Area by Notice);
- (b) by authorization, in accordance with the provisions of Section 104-53 (Transfer of Floor Area by Authorization); or
- (c) by special permit, in accordance with the provisions of Section 104-60 (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT), where the proposed #development# or #enlargement# on the receiving site requires modification of the #bulk# regulations of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS).

(12/19/07)

104-51

General Requirements for Transfer

For any transfer of #floor area# by notice or by authorization pursuant to Section 104-50, inclusive, the requirements of this Section shall apply.

(a) Notification

Prior to any transfer of #floor area#, pursuant to Sections 104-52 (Transfer of Floor Area by Notice) or 104-53 (Transfer of Floor Area by Authorization), the owners of the granting site and the receiving site(s) shall jointly notify or apply to the Department of City Planning, as applicable, in writing, of such intent to transfer #floor area#. Such notification or application shall be signed by the owners of the granting site and the receiving site(s) and shall include site plans.

(b) Notices of restriction

Notices of restrictions shall be filed by the owners of the granting site and the receiving site(s) in the Office of the Register of the City of New York, indexed against the granting site and the receiving site(s), certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a condition to issuance by the Commissioner of Buildings of a building permit for a #building# on the receiving site containing any such transferred #floor area#.

(c) #Floor area#

The amount of #floor area# to be transferred from a granting site shall not exceed the maximum amount of #floor area# permitted on the #block# containing the granting site for #community facility uses#, pursuant to Section 104-12 (Community Facility Use Modifications), less the total floor area of all existing #buildings# on such #block#. The transfer of #floor area#, once completed, shall irrevocably reduce the maximum #floor area# permitted on the granting site for any #use# by the amount of #floor area# transferred.

(d) #Use#

#Floor area# transferred pursuant to the provisions of Section 104-50 through 104-53, inclusive, shall only be used for #community facility uses# and shall be in addition to the #floor area# permitted for #community facility uses# on the receiving site.

(e) Height and setback

Any #building# on a receiving site that uses the #floor area# so transferred shall comply with the special #bulk# regulations of this Chapter.

(12/19/07)

104-52

Transfer of Floor Area by Notice

For any transfer of #floor area# from a granting site which comprises any of Blocks A, C or D to one or more receiving sites on Blocks B, E, F, G or H, the general requirements of Sections 104-50 and 104-51 shall apply as well as the following:

- (a) the site plan submitted for the granting site under the provisions of paragraph (a) of Section 104-51 shall show the conditions and #floor area# calculations for the granting site and the receiving site, before and after the transfer;
- (b) no building permit shall be issued by the Department of Buildings for a #building# on a receiving site containing any such transferred #floor area# until the Chairperson of the City Planning Commission has certified to the Department of

Buildings that plans submitted to the Department of City Planning for the Square, the Small Square or the Grove, as applicable, on the granting site, conform with the requirements of Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS); and

- (c) no temporary certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public open area which is required to be provided on the granting site pursuant to the provisions of Sections 104-424 (The Square), 104-425 (The Small Square) or 105-426 (The Grove), as applicable, has been constructed substantially in accordance with the plan certified by the Chairperson of the City Planning Commission pursuant to paragraph (a) of this Section and is substantially complete and may be opened to the public, and no permanent certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson of the City Planning Commission certifies to the Department of Buildings that construction of the public open space which is required to be provided on the granting site is complete.

(12/19/07)

104-53

Transfer of Floor Area by Authorization

Within Subdistrict A, the City Planning Commission may authorize the transfer of #floor area# from a granting site other than Blocks A, C or D to a receiving site, subject to the general requirements of Sections 104-50 and 104-51, provided the Commission finds that such transfer:

- (a) will permit better site planning; and
- (b) will not unduly increase the #bulk# of #buildings# in any #block# to the detriment of the occupants or users of #buildings# on #blocks# outside Subdistrict A.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

(12/19/07)

104-60

**MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA
BY SPECIAL PERMIT**

The City Planning Commission may, by special permit:

- (a) modify the special height and setback requirements of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS), inclusive, provided the Commission finds that such modifications are necessary to:
 - (1) meet programmatic and mechanical requirements;
 - (2) achieve a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets#, #buildings# and properties;
 - (3) provide flexibility of architectural design and encourage more attractive #building# forms; and
 - (4) result in a #development# or #enlargement# that is compatible with #development# in the surrounding area.
- (b) permit the transfer of #floor area# from any granting site to a receiving site for a #development# that requires modification of the special height and setback requirements of Section 104-30, inclusive, provided the Commission finds:
 - (1) such transfer complies with the general requirements set forth in paragraphs (a), (b), (c) and (d) of Section 104-51;
 - (2) the distribution of #floor area# on the receiving site does not adversely affect the character of the surrounding area by unduly concentrating #floor area# in any portion of Subdistrict A; and
 - (3) where such transfer is from a granting site on Blocks A, C or D, it shall also comply with the provisions of paragraphs (b) and (c) of Section 104-52 (Transfer of Floor Area by Notice).

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

(12/19/07)

104-70

PARKING AND LOADING REGULATIONS AND CURB CUT LOCATIONS

In the #Special Manhattanville Mixed Use District#, the #accessory# off-street parking and loading regulations of the underlying zoning districts shall apply, except as set forth in this Section, inclusive.

(12/19/07)

104-71

Accessory Off-Street Parking

In Subdistrict B, the regulations regarding required #accessory# off-street parking spaces set forth in Section 44-20, shall not apply.

In Subdistrict A, the #accessory# off-street parking and loading regulations in Article III, Chapter 6, pertaining to the underlying C6 District shall be modified, as follows:

- (a) #accessory# parking spaces at or above grade shall be completely enclosed;
- (b) #accessory# parking garages at or above grade shall not be located:
 - (1) within 60 feet of the #lot line# on Broadway of any #zoning lot# or within 90 feet of the #lot line# on 12th Avenue of any #zoning lot#;
 - (2) on Parcels E2 or G2; or
 - (3) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter or within 10 feet of any such Mandatory Open Area, except that access to and egress from

#accessory# parking garages shall be permitted in such areas; and

- (c) parking spaces provided below grade shall not be subject to the provisions of Section 36-12 (Maximum Size of Accessory Group Parking Facilities).

(12/19/07)

104-711

Accessory parking below grade

Required and permitted #accessory# off-street parking spaces may be located below grade, without regard to #zoning lot lines#.

- (a) Such #accessory# group parking facilities shall not exceed the following maximum number of spaces:

Blocks C, D and E combined:	up to 1,800 spaces in total
Block F:	up to 1,000 spaces in total
Blocks G and H combined:	up to 600 spaces in total

- (b) Such #accessory# group parking facilities are subject to the following requirements:

- (1) the location of the curb cuts shall be subject to the provisions of Section 104-73;
- (2) such #accessory# off-street parking spaces shall not be located further than 1,000 feet from the nearest boundary of the #zoning lot# to which they are #accessory#; and
- (3) such #accessory# off-street parking facilities shall provide adequate reservoir spaces at the vehicular entrances to accommodate either ten automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir spaces be required for more than 50 automobiles at each entrance.

(12/19/07)

104-72

Public Parking Garages

In Subdistrict A, #public parking garages# shall not be located:

- (a) within 60 feet of the #lot line# on Broadway of any #zoning lot# or within 90 feet of the #lot line# on 12th Avenue of any #zoning lot#;
- (b) on Parcels E2 or G2; or
- (c) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter, or within 10 feet of any such Mandatory Open Area.

(12/19/07)

104-73

Permitted Curb Cut Locations

The following curb cut regulations shall apply to any #development# or #enlargement#:

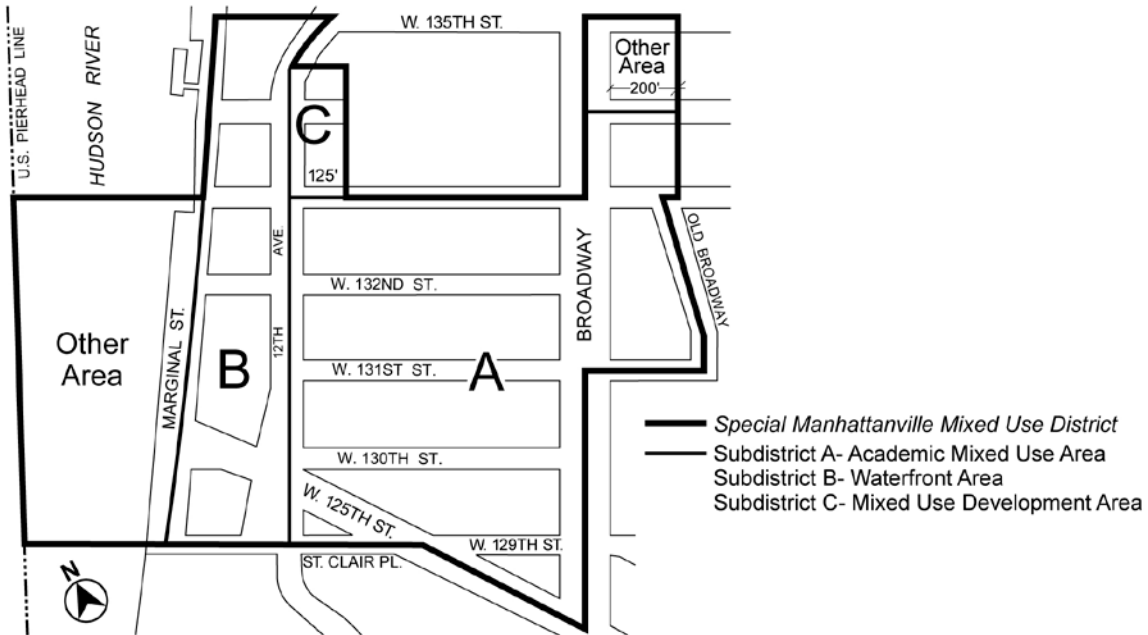
- (a) existing curb cuts on #wide streets# may remain until such time as a #community facility use# is located on that portion of the #zoning lot#;
- (b) no new curb cuts are permitted on #wide streets# or within 50 feet of the intersection of any two #street lines#. Furthermore, no curb cuts are permitted on Block B. However, curb cuts may be permitted in such areas where the Commissioner of Buildings determines there is no alternative means of access to off-street parking spaces or required loading berths from other #streets# bounding the #block# or #zoning lot#;
- (c) new curb cuts shall not be greater than 30 feet in width;
- (d) there shall be no more than two new curb cuts per #street# frontage on a #zoning lot#, except on Block F where three curb cuts per #street# frontage are permitted, and except as provided in paragraph (f) of this Section;
- (e) there shall be a minimum distance of 30 feet between curb cuts on a #street# frontage of a #zoning lot#; and

(f) in order to access the Square, as described in Section 104-424, one curb cut, not to exceed 15 feet in width, shall be permitted along each #street# frontage of the sidewalk adjacent to the Square. Such curb cuts shall be in addition to the two curb cuts permitted on Block D, pursuant to paragraph (d) of this Section.

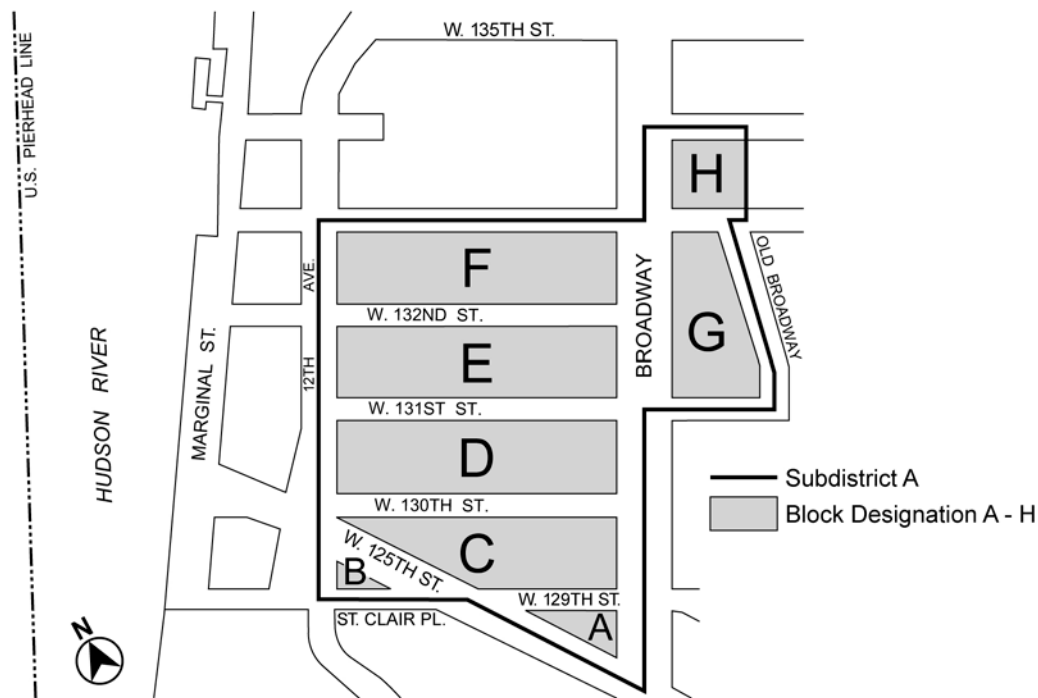
(12/19/07)

Appendix A Special Manhattanville Mixed Use District Plan

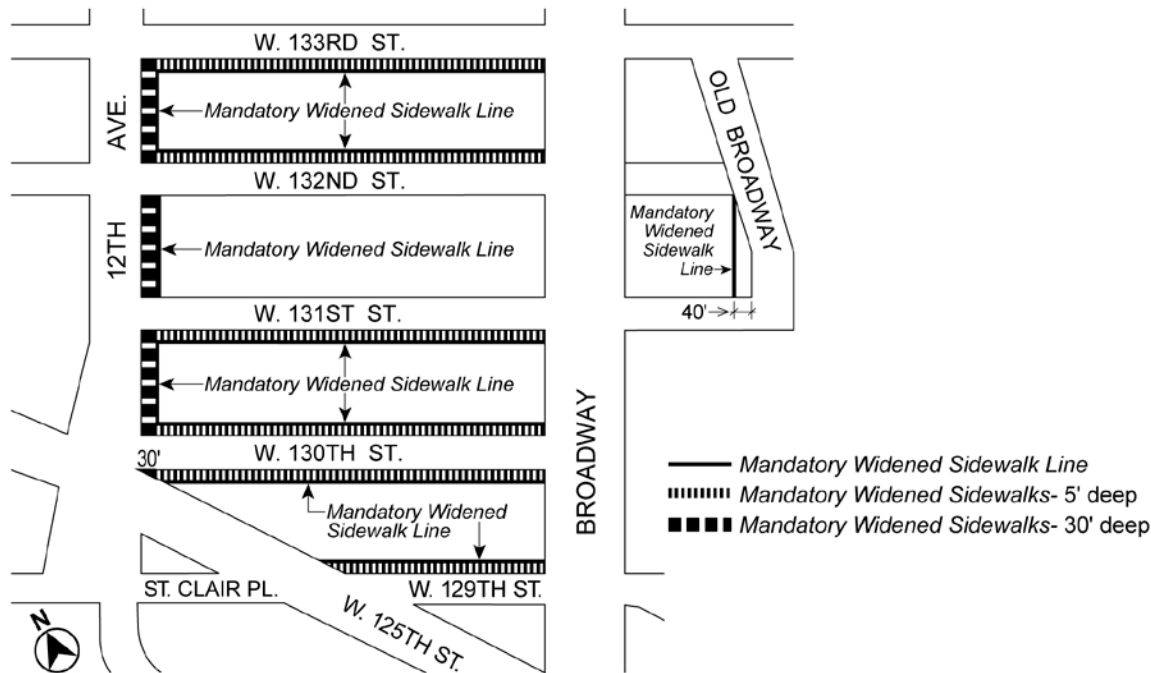
Map 1 - Special Manhattanville Mixed Use District and Subdistricts



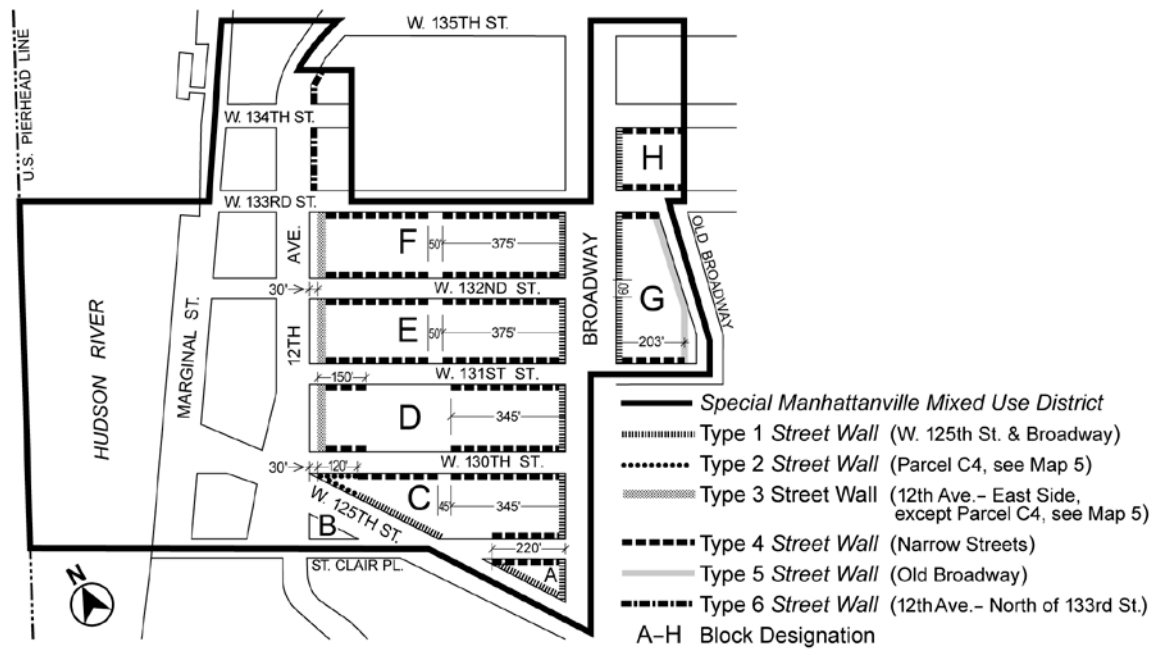
Map 2 - Subdistrict A Block Plan



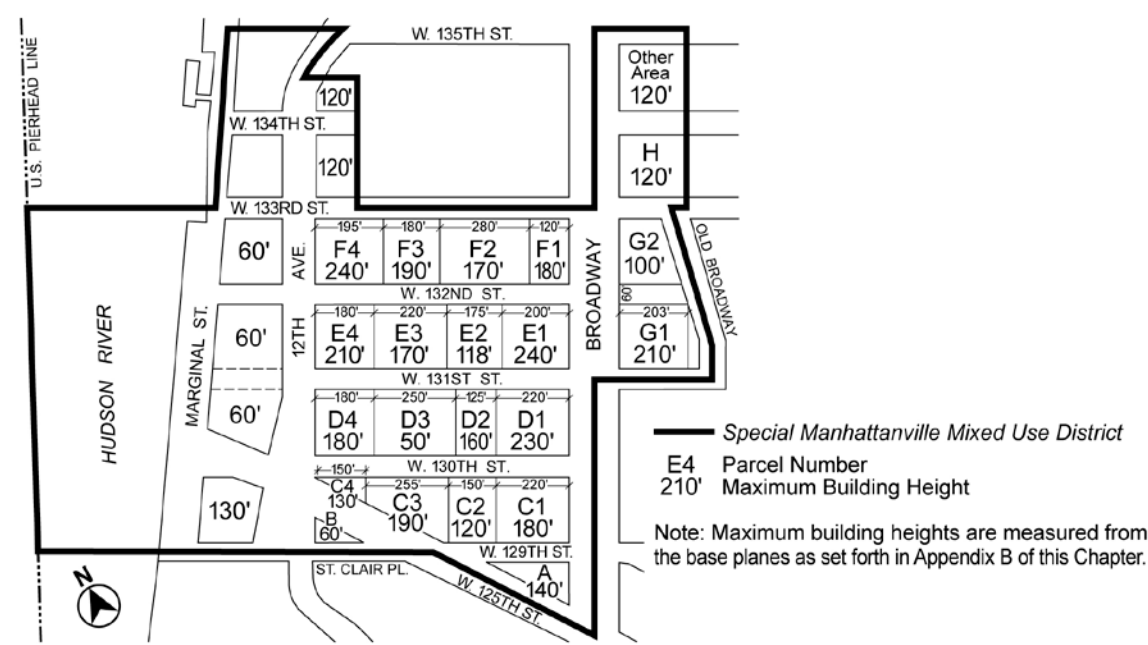
Map 3 - Widened Sidewalk Lines



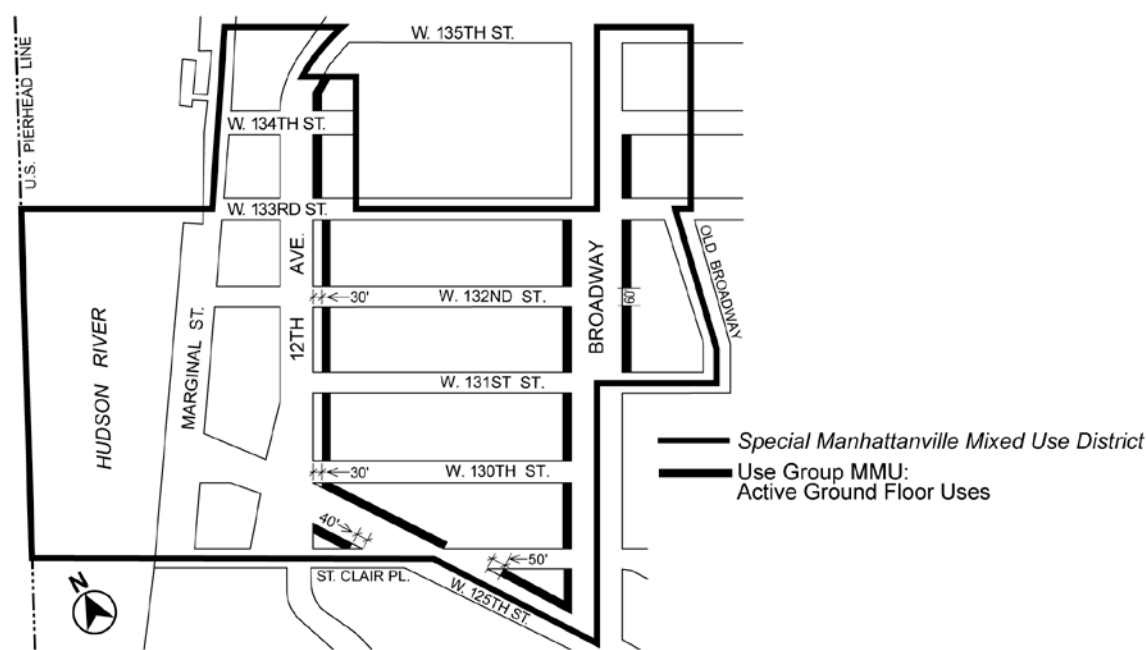
Map 4 - Street Wall Types and Locations



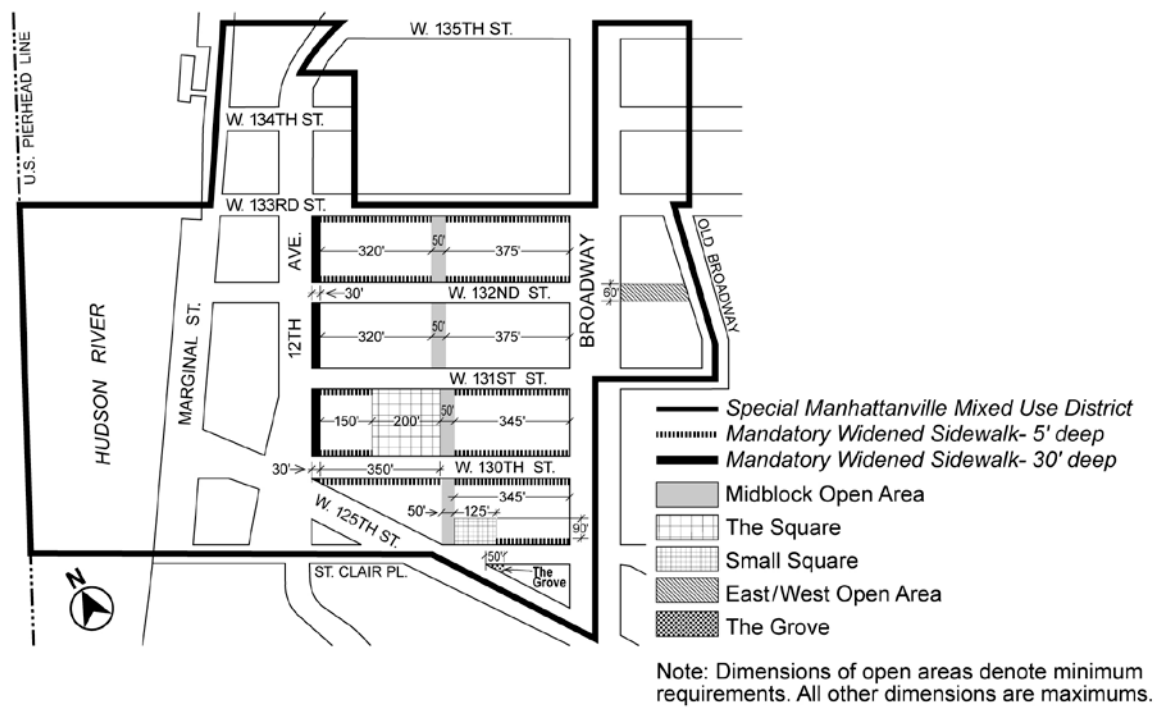
Map 5 - Parcel Designation and Maximum Building Heights



Map 6 - Ground Floor Use and Frontage



Map 7 - Mandatory Open Areas



(12/19/07)

Appendix B

Base Plane and Building Height Table

Parcel*	#Base Plane#** (in feet)	Maximum #Building# Height** Above #Base Plane# (in feet)	Maximum Height of Mechanical Equipment (in feet)
A	21.6	140	40
B	10.37	60	20
C1	20.74	180	60
C2	19.29	120	40
C3	15.19	190	40
C4	9.36	130	40
D1	26.68	230	60
D2	23.25	160	60
D3	15.85	50	NA
D4	9.05	180	40
E1	32.42	240	60
E2	23.38	118	40
E3	14.82	170	60
E4	10.11	210	60
F1	46.0	180	40
F2	34.92	170	60
F3	25.63	190	60
F4	11.97	240	60
G1	44.92	210	60
G2	55.62	100	40
H	66.61	120	20

* Parcels are shown on Map 5 in Appendix A

** These numbers reflect measurement in feet above Manhattan Datum,
which is 2.75 feet above Sea Level

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article X: Special Purpose Districts Chapter 5: Special Natural Area District

Effective date of most recently amended section of Article X Chapter 5: 02/02/11

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Article X - Special Purpose Districts

(12/19/74)

Chapter 5

Special Natural Area District

(2/2/05)

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(2/2/05)

105-00

GENERAL PURPOSES

The "Special Natural Area District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas;
- (b) to preserve land having qualities of exceptional recreational or educational value to the public;
- (c) to protect aquatic, biologic, botanic, geologic and topographic features having ecological and conservation values and functions;
- (d) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
- (e) to preserve hillsides having unique aesthetic value to the public; and
- (f) to promote the most desirable use of land and the direction of building development in accordance with a well-considered plan, to promote stability of residential development, to promote the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings and thereby protect the City's tax revenues.

(2/2/11)

105-01

Definitions

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

Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, #topsoil# or any living vegetation, or construction of driveways, #private roads#, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces. #Areas of no disturbance# shall include #steep slopes#, #steep slope buffers# and the #critical root zone# of each tree proposed for preservation.

Average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

$$S = \frac{IL}{A} \times 100$$

Where: S - #average percent of slope#

I - contour interval in feet

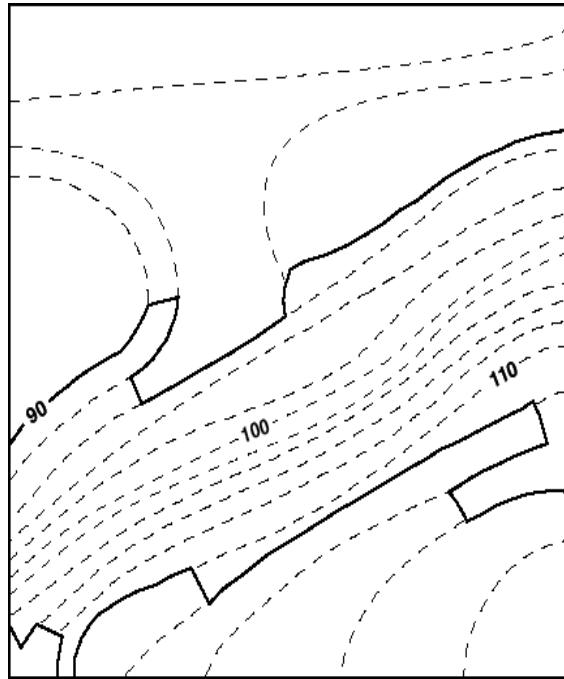
L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#. For a proposed #site alteration# on a tract of land not

within a #zoning lot#, the portion of such tract of land owned by the applicant shall be considered to be part of the #zoning lot#.

100 - factor which yields slope as a percentage

CALCULATING AREAS HAVING
A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT
ILLUSTRATIVE EXAMPLE



Example:

$$X = \frac{\text{Contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where: X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, as shown in the map in this Section. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines that are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to 20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch. Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

Caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

Critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

Hillside

A "hillside" is ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

Natural feature

A "natural feature" is a specific natural feature belonging to one of the types listed in Section 105-10 (NATURAL FEATURES) and existing within a #Special Natural Area District#.

Site alteration

A "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures# which includes land contour work, topographic modifications, removal of top soil, vegetation, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, relocation of erratic boulders or modification of any other #natural features#, whether or not a permit is required from the Department of Buildings, the Department of Transportation or other public agencies.

Staging area

A "staging area" is any area on a #zoning lot# used during the construction of a #development#, #enlargement# or #site alteration# for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

Steep slope

A "steep slope" is a portion of a #zoning lot# with an incline of 25 percent or greater. However, a portion of a #zoning lot# with an incline of 25 percent or greater shall not be considered a #steep slope# if it occupies an area of less than 200 square feet or has a dimension of less than ten feet, measured along the horizontal plane, unless such portions in the aggregate equal ten percent or more of the area of the #zoning lot#.

Steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

Tier II site

A "Tier II site" is a #zoning lot# or other tract of land having an #average percent of slope# equal to or greater than 10 percent.

Topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

Tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch #caliper# or more that is counted towards a tree preservation requirement or a credit for a newly-planted tree of three-inch #caliper# or more that is counted towards a tree planting requirement.

Tree protection plan

A "tree protection plan" is a plan that modifies the #area of no disturbance# around a tree proposed for preservation while protecting and preserving the tree during construction. A #tree protection plan# is prepared by an arborist certified by the International Society of Arboriculturists (ISA) or equivalent professional organization that includes:

- (a) a survey of the current condition and health of such trees of six-inch #caliper# or more;
- (b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;
- (c) a schedule for site monitoring during construction;
- (d) a procedure to communicate protection measures to contractor and workers; and
- (e) post-construction treatment.

(2/2/05)

105-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Natural Area District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter, in order to protect outstanding #natural features# described herein. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

The provisions of this Chapter shall apply to:

- (a) any #development#, #enlargement# or #site alteration#;

- (b) any subdivision of a #zoning lot# existing on the effective date of the Special District designation into two or more #zoning lots#; and
- (c) any public improvement projects located within the #Special Natural Area District#, which shall be subject to the provisions of Sections 105-92 (Special Provisions for City-owned Land) and 105-93 (Inter-agency Coordination), except for any such projects which were approved by the Board of Estimate prior to the effective date of the Special District designation.

Prior to issuance by the Department of Buildings or other City or State agencies, of a permit for any #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, or for any #site alteration# for which no permit is required by the Department of Buildings or other City or State agencies, an application shall be submitted to the City Planning Commission for review and approval pursuant to Section 105-40 (SPECIAL REVIEW PROVISIONS), except those #developments#, #enlargements# and #site alterations# that are not subject to the provisions of Section 105-40, as specified in Section 105-021 (Actions not requiring special review).

Any authorization or special permit granted by the City Planning Commission after July 18, 1995, pursuant to the provisions of this Chapter, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such authorization or special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

When a #zoning lot# existing on the effective date of the Special District designation is subdivided into two or more #zoning lots#, an application shall be submitted to the Commission for review and approval pursuant to Section 105-90 (FUTURE SUBDIVISION).

(2/2/05)

105-021

Actions not requiring special review

The special review requirements of Section 105-40 (SPECIAL REVIEW PROVISIONS) of this Chapter shall not apply to the following:

- (a) a #site alteration# on a #zoning lot# containing #buildings or other structures#, or a #development# or #enlargement# on any #zoning lot#, provided that such #zoning lots# shall have:
 - (1) not more than 10,000 square feet of #lot area#;
 - (2) an #average percent of slope# of less than 10 percent;
 - (3) no significant #natural features#, and the resulting #development#, #enlargement# or #site alteration# can satisfy the requirements of Section 105-30 (PRESERVATION OF NATURAL FEATURES), inclusive;
 - (4) the resulting #development#, #enlargement# or #site alteration# shall not exceed 2,500 square feet of #lot coverage#; and
 - (5) no Notice of Restriction or Restrictive Declaration recorded against the title of such property;
- (b) any #site alteration#, on a #zoning lot# containing a #residential building# in existence on the effective date of the Special District designation, involving a structure that does not require a permit from the Department of Buildings, including, but not limited to swimming pools, garden sheds and fences, provided that:
 - (1) any modification of topography for the footprint, foundation or grading around the footprint of such structure shall not exceed two feet of cut or fill; and
 - (2) no tree of six-inch #caliper# or greater shall be removed and the #critical root zone# of such tree shall be an #area of no disturbance# on any #zoning lot#.

(2/2/11)

105-022

Requirements for application

An application to the City Planning Commission for certification, authorization or special permit and to the Department of Buildings respecting any #development#, #enlargement# or #site alteration#, to be made within any #Special Natural Area District#, shall include the following:

- (a) a survey map prepared by a registered surveyor showing topography at two-foot contour intervals and indicating the #average percent of slope#, the existing slope of the land, as it occurs, in categories of 10-14 percent, 15-19 percent, 20-24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#, location of geologic features, aquatic features and botanic environments, as enumerated in Section 105-11 (Description of Natural Features);
- (b) photographs showing the location and condition of such #natural features# for verification with pre-existing aerial survey and/or other photographs for each #Special Natural Area District#;
- (c) a site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of any #steep slopes#, #steep slope buffer# areas and the #staging area#; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees proposed to be preserved, indicating, for the latter, the #critical root zone# and in addition, for #Tier II sites#, the location of any other #area of no disturbance#;
- (d) a drainage plan and soil report prepared by a professional engineer, when necessary to assess whether or not there will be major impact on #natural features#. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of any proposed #development#, #enlargement# or #site alteration# and provide a description with supporting information of the

manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989;

- (e) a grading plan showing all existing and proposed contours at two-foot intervals, critical spot elevations, tops and bottoms of proposed slopes over 10 percent gradient and will indicate at least one longitudinal and one latitudinal cross-section showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted;
- (f) a landscaping and revegetation plan, prepared by a registered landscape architect, indicating the extent of vegetation and #topsoil# removal required for site preparation and development and the location and species of all new plantings;
- (g) any other information necessary to evaluate the request; and
- (h) for #developments#, #enlargements# and #site alterations# on #Tier II sites#, the application shall also include:
 - (1) an alignment and paving plan for any #private road# with a typical cross-section; and
 - (2) a construction plan prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer showing the proposed location for the #staging area#, the proposed method for protecting trees, understory shrubs and ground cover during construction, as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site; and if the #critical root zone# is proposed to be modified, a #tree protection plan# for any tree proposed for preservation.

For a #site alteration#, #enlargement# or #development# within any #Special Natural Area District#, the Commission may modify one or more requirements set forth in paragraphs (a) through (h) of this Section, when such modification is requested by the applicant in writing and when the Commission determines that the requirements are unnecessary for evaluation purposes.

Appendix B of this Chapter should be used as a guide to assist in identifying the #natural features# on the survey required in this Section.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the

site for the purposes of recording or verifying survey data.

Where a permit is required for a #development#, #enlargement# or #site alteration# within a #Special Natural Area District# from any City or State agency, an application for such permit shall be filed simultaneously with such agency and the Commission.

(2/2/05)

105-023

Relationship to public improvement projects

In all cases, the City Planning Commission shall deny an application, whenever the #development#, #enlargement# or #site alteration# will interfere with a public improvement project (including highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) that has been approved by the City Council or the City Planning Commission.

(12/19/74)

105-10

NATURAL FEATURES

(2/2/05)

105-11

Description of Natural Features

All #natural features# shall be significant in terms of age, size, composition, function, structure, history, association, location, ecological value or educational interest.

The protection of one #natural feature# may require the protection of another which is closely linked to it. The preservation of #natural features# may also be necessary to avoid such adverse conditions as flooding, erosion or hazards to private property. All vegetation is part of a botanic environment or part of an aquatic feature and shall be considered as a #natural feature# protected by the regulations of this District. For the purposes of this Chapter, vegetation includes all forms of plant material, including but not limited to trees, shrubs,

vines, ferns, grasses, herbs and other plant life.

All #natural features# defined in this Section and further described in Appendix B of this Chapter shall be protected by the provisions of this Chapter.

(a) Geologic features

(1) Rock outcrop

A rock outcrop is the portion of a rock formation which appears at the surface of the earth.

(2) Geologic deposit

A geologic deposit is a mass of material which has been placed, shaped or created by the actions of wind, water, ice, gravity, vulcanism, pressure or temperature, either alone or in combination. Such deposits are to include erratic boulders, glacial formations, mineral deposits or semi-precious stones.

(b) Topographic features

(1) #Steep slope#

(2) Existing natural topography

Existing natural topography is the ground elevation of land.

(3) #Topsoil#

#Topsoil# is generally the top six inches of soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth.

(c) Aquatic features

Wetlands, including, but not limited to State and Federal, mapped or designated, freshwater or tidal wetlands:

(1) Laminarian zone

A laminarian zone is that land under the surface of salt water from the mean low tide mark to the depth of 15 fathoms. The portion of laminarian zone to be protected by the provisions of this Special District extends to the pierhead line or to the shore line where no pierhead line has been established.

(2) Beach

A beach is a tract of relatively flat, sandy or gravelly land, without visible vegetation, forming the shore of a large body of water.

(3) Tidal wetland and saltwater littoral zone

A tidal wetland or saltwater littoral zone is that land which is regularly covered by tidal waters and its spray.

(4) Swamp

A swamp is a wet woodland, the soil of which is typically waterlogged or often covered with water.

(5) Marsh

A marsh is a wet prairie that has waterlogged soil during the growing season (from last spring frost to first fall frost) and is often covered with shallow water.

(6) Bog

A bog is a tract of waterlogged land without natural drainage.

(7) Meadow

A meadow is a tract of land that is waterlogged to within a few inches of the surface and may have temporary ponds during the non-growing season (between the first fall frost and first spring frost).

(8) Creek, stream or brook

A creek, stream or brook is a free flowing fresh watercourse on soil, gravel or rock that drains a watershed.

(9) Lake or pond

A lake or pond is a body of fresh or salt water standing year round.

(10) Natural spring

A natural spring is a point source of water exiting from the surface of the earth or rock.

(d) Botanic environments

(1) Primary succession community area

A primary succession community area is a tract of land characterized by species that can tolerate extreme environmental conditions and provide initial protection for less tolerant forms of life. These species are usually annuals and herbaceous.

(2) Secondary succession community area

A secondary succession community area is a tract of land characterized by short-lived trees and shrubs as well as grasses and herbaceous material. These species are less tolerant than primary succession community species but provide a greater diversity and range of protection from the sun, wind and rain.

(3) Climax community area

A climax community area is a stable association of plants and animals that will perpetuate itself indefinitely with minor variation in the group of associated plants. The climax community area in New York City is the glaciated oak-chestnut association, which is part of the eastern hardwood deciduous forest.

(4) Dune or heathland

A dune or heathland is a tract of windblown and wind- or water-shaped sandy land with such characteristic species as beach grass and beach heather.

(5) Wild grassland

A wild grassland is an area whose vegetation is primarily of wild grass species.

The #natural features# defined in this Section are described in Appendix B of this Chapter.

(2/2/05)

All #natural features# within a #Special Natural Area District# shall be protected by the regulations of this Chapter in accordance with the provisions set forth in Sections 105-02 (General Provisions), 105-30 (PRESERVATION OF NATURAL FEATURES) and 105-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES).

Except for any existing #natural feature# that is unsafe and the removal of which is required by the Department of Buildings to eliminate hazardous conditions, no #natural features# described in Section 105-11 (Description of Natural Features) shall be removed, destroyed or altered unless permitted by certification, authorization or special permit of the City Planning Commission, pursuant to Section 105-40 (SPECIAL REVIEW PROVISIONS), or allowed pursuant to Section 105-021 (Actions not requiring special review).

(2/2/05)

105-30

PRESERVATION OF NATURAL FEATURES

The provisions of this Section are applicable to all #developments#, #enlargements# and #site alterations# within the #Special Natural Area District#, pursuant to Section 105-02 (General Provisions). When pursuant to Sections 105-41 (Certification) or 105-021 (Actions not requiring special review), it is not necessary for an applicant for a #development#, #enlargement# or a #site alteration# to apply for an authorization or special permit, such #development#, #enlargement# or #site alteration# shall nonetheless comply with the #natural feature# preservation requirements of this Section, inclusive.

(2/2/05)

105-31

Botanic Environment and Tree Preservation Requirements

To the maximum extent possible, existing trees and vegetation shall be retained. Trees of six-inch #caliper# or more and vegetation may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:

- (a) such trees or vegetation are located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking, or within a distance of 15 feet of the exterior walls of such #building#, provided that

it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;

- (b) the continued presence of such tree would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning;
- (c) the continued presence of such tree would interfere with the growth or health of another tree of six-inch #caliper# or more, designated for preservation and belonging to a species listed in Appendix D (Selection List for On-site Trees) of this Chapter; or
- (d) an authorization pursuant to Section 105-425 (Modification of botanic environment and tree preservation and planting requirements) has been granted by the City Planning Commission approving the removal of such trees or vegetation.

Any tree of six-inch #caliper# or more that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# shall be replaced pursuant to the provisions of Section 105-32 (Botanic Environment and Tree Planting Requirements).

(2/2/05)

105-32

Botanic Environment and Tree Planting Requirements

Any vegetation that cannot be saved as a result of #site alteration#, #enlargement# or #development# shall be replaced with alternative vegetation to be approved by the City Planning Commission. All #developments#, #enlargements# and #site alterations# shall comply with the tree planting requirements set forth in this Section, whether or not existing trees are removed as a result of such #development#, #enlargement# or #site alteration#.

The replanting of elements of vegetation that are parts of an association or community shall be such as to reestablish, as rapidly as is reasonable, the vigor and character of the association. When necessary to establish ecological balance, the Commission may also require additional vegetation to be planted.

- (a) Tree planting

For the purposes of this Section, the following minimum standard shall apply for tree planting:

- (1) For any #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, trees of at least three-inch #caliper#, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area# or portion thereof or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.
- (2) For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six inches of #caliper# and, for each additional four inches of #caliper#, credit for an additional tree shall be given.

Single-trunk trees, newly planted to meet this requirement, shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. Trees newly planted to meet this requirement shall be of a species selected from Appendix D of this Chapter, and acceptable from the standpoint of hardiness, appearance and habit of growth suitable to the site.

The Commission may grant a waiver of the tree planting requirements by certification to the Department of Buildings, where the Commission finds that the ecology of the site is such that the substitution of other plant material would be more appropriate than the tree planting requirements and a detailed plan for planting has been filed with the Commission for its approval.

(b) Botanic Environment Planting

For the purposes of this Section, the following minimum standard shall apply for the planting of vegetation.

Any vegetation or #topsoil# that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# and is not permitted to be removed pursuant to the regulations of Sections 105-31 (Botanic Environment and Tree Preservation Requirements) or 105-425 (Modification of botanic environment and tree preservation and planting requirements), shall be replaced as follows: for every square foot of #lot area# of removed vegetation or #topsoil#, plantings shall be provided of the size and number indicated in paragraphs (b)(1), (b)(2), (b)(3) and (b)(4) of this Section. The area of removed vegetation shall be measured so as to include any portions of the #zoning

lot# that were located within the #critical root zone# of a removed tree of six-inch #caliper# or more. Species of ground cover and shrubs shall be selected from Appendix C (Selection List for Shrubs and Ground Covers) of this Chapter. Species of on-site trees shall be selected from Appendix D (Selection List for On-site Trees) of this Chapter.

- (1) Ground cover shall be planted one at one-foot-on-center and at the rate of one plant for every square foot of #lot area# of removed vegetation; and
- (2) Large trees shall be planted at the rate of one three-inch #caliper# tree for every 500 square feet of #lot area# of removed vegetation; or
- (3) Small trees shall be planted at a rate of one eight-foot high tree for every 100 square feet of #lot area# of removed vegetation; or
- (4) #Shrubs# shall be planted at a rate of one gallon container-grown material for every 25 square feet of #lot area# of removed vegetation.

The planting of species shall not be limited to woody plant materials, but shall include trees, shrubs, vines, ferns, grasses, herbs, annuals, biennials, perennials, mosses and other associated vegetation. All vegetation to be planted shall be either of the species which characterized the area's biological community prior to #site alteration#, #enlargement# or #development#, or of an alternative biologic community found in the area. Species selection shall give particular attention to the relationship of the species to each other and to the surrounding plant community and to the quality of the soil and the vertebrate and invertebrate populations associated with and dependent upon the proposed plants.

(2/2/05)

105-33

Residential Lot Coverage Regulations on Tier II Sites or on Sites Granted an Authorization Pursuant to Section 105-422

The maximum permitted percentage of #lot coverage# for #residences# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

TABLE I

PERMITTED PERCENTAGE OF LOT COVERAGE
ON A TIER II ZONING LOT BY ZONING DISTRICT,
AVERAGE PERCENT OF SLOPE AND RESIDENCE TYPE

#Residence District#*							
							R6
#Average Percent of Slope#	R1	R2	R3	R4	R5	1-2 Family	Other
10-14.9	22.5	22.5	22.5	36.0	45.0	48.6	32.4
15-19.9	20.0	20.0	20.0	32.0	40.0	43.2	28.8
20-24.9	17.5	17.5	17.5	28.0	35.0	37.8	25.2

* or #Residence District# equivalent when #zoning lot# is
located within a #Commercial District#

If an authorization is granted for a #development#, #enlargement#
or #site alteration# on a #zoning lot# or portion of a #zoning
lot# having a #steep slope# or #steep slope buffer# pursuant to
Section 105-422, the maximum permitted percentage of #lot
coverage# for such #zoning lot# shall not exceed the maximum set
forth in Table II of this Section.

TABLE II

PERMITTED PERCENTAGE OF LOT COVERAGE ON ANY ZONING LOT
OR PORTION OF ANY ZONING LOT WITH A STEEP SLOPE
GRANTED AN AUTHORIZATION PURSUANT TO SECTION 105-422

#Residence District#*						
						R6
R1	R2	R3	R4	R5	1-2 Family	Other
12.5	12.5	12.5	20.0	25.0	27.0	18.0

* or #Residence District# equivalent when #zoning lot# is

located within a #Commercial District#

(2/2/11)

105-34

Grading Controls for Tier II Sites

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a #building# foundation, measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II sites#.

- (a) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.
- (b) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.
- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Natural Area District#.
- (d) Fills shall be compacted to at least 95 percent of maximum density, as determined by ASSHO T99 or ASTM D698.
- (e) All retaining walls or cuts with a total vertical projection in excess of three feet and associated with cut or fill surfaces shall be designed as structural members keyed into stable foundations and capable of sustaining the design loads.
- (f) The top and toe of any cut or fill slope, or where any excavation meets the grade existing on February 2, 2005, should be rounded in a vertical arc with a radius of not less than five feet.
- (g) Tops and toes of cut and fill slopes and retaining walls shall be set back from #lot lines# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet; tops and toes of cut and fill slopes shall be set back from #buildings# and structures for a horizontal distance of six feet plus one-fifth the height of the cut or fill but need

not exceed a horizontal distance of 10 feet.

(2/2/11)

105-35

Tier II Site Requirements for Driveways and Private Roads

The provisions set forth in this Section and Section 105-34 (Grading Controls for Tier II Sites) shall apply to driveways and to #private roads# that provide access to #buildings developed# after February 2, 2005. The provisions for #private roads# set forth in Article II, Chapter 6, shall not apply.

(a) Driveways

- (1) The maximum grade of a driveway shall not exceed 10 percent.
- (2) The paved width of a driveway shall not exceed 18 feet.
- (3) The maximum length of a driveway from a #private road# or #street# to an #accessory# parking space shall not exceed 80 feet.

(b) #Private roads#

- (1) The maximum grade of a #private road# shall not exceed 10 percent.
- (2) The width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the curb back.
- (3) The paved width of a #private road# shall not exceed 34 feet.
- (4) Curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb.
- (5) A curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#.

- (6) Curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays.
- (7) A minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts.
- (8) Along the entire length of a #private road#, trees shall be provided and maintained at the rate of one tree for every 25 feet of #private road# frontage and shall comply with the requirements set forth in Section 105-32 (Botanic Environment and Tree Planting Requirements).
- (9) No building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (b) (3) of this Section.

The City Planning Commission may by authorization pursuant to Section 105-434 (Modification of requirements for private roads and driveways), allow modifications to, or waivers of, the requirements of this Section. The prior approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition for any modification or waiver.

(2/2/05)

105-36

Controls During Construction

The following requirements must be met during construction and identified on the construction plan:

- (a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a #building# foundation except those vehicles engaged in the construction of #private roads#, driveways or required #accessory# parking areas. This provision may be waived by the Commissioner of Buildings should it be determined that the particular conditions of the site make a 15-foot limit infeasible or impractical.
- (b) Construction fences shall be erected around all vegetation

proposed for preservation and all #areas of no disturbance#, and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.

- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Natural Area District#.
- (d) The #staging area# shall be located in an area that would most minimize destruction of the #natural features# of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no disturbance# or endanger any tree designated for preservation.
- (e) #Topsoil# shall be used in the area to be replanted as soon as construction is complete.
- (f) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded with annual rye grass during construction.

(2/2/11)

105-37

Special Erosion and Sedimentation Prevention Requirements for Authorizations for Tier II Sites

Any #development#, #enlargement# or #site alteration# that is on a #Tier II site# and requires an authorization shall be subject to the provisions of this Section. The requirements of this Section shall supplement any other requirements set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS) that also must be met.

Prior to construction, at least one of the erosion and sedimentation control measures described in paragraphs (a) through (e) of this Section shall be selected. A plan describing how the selected erosion and sedimentation control measure will be implemented and justifying its selection on the basis of the particular conditions of the site shall be prepared by a professional engineer or landscape architect and submitted to the City Planning Commission.

(a) Benches and berms

These are level terraces or ledges constructed across sloping land to provide a relatively flat construction site or reduce the length and grade of the slope. Benches and berms reduce runoff and erosion hazards by slowing down the velocity of water and providing greater intake opportunity.

(b) Diversion channels

These are earth channels with a supporting ridge on the lower side constructed across the slope lengths to break up concentration of runoff and move water to stable outlets at a non-erosive velocity.

(c) Debris or sediment basins

These consist of a dam or embankment, a pipe outlet and an emergency spillway situated at the low corner of the site to provide a temporary means of trapping and storing sediment while releasing the water. They protect property below the installation from damage by excessive sedimentation and debris.

(d) Retention ponds

These are impoundment-type ponds that temporarily store runoff water and release it at rates that minimize erosion and prevent flooding. They may be located above the site to trap water before it enters the area or within the site to protect properties below the site.

(e) Grassed waterways or outlets

These are natural or excavated channels to dispose of excess runoff water from diversions, berms, benches and other areas at non-erosive velocities. Waterways or outlets are shaped or graded and established in suitable vegetation as needed, depending on the supplemental measure used to slow the velocity of runoff.

(2/2/11)

105-38

Special Submission Requirements for Authorizations on Tier II Sites

When a #development#, #enlargement# or #site alteration# is on a

#Tier II site#, an application to the City Planning Commission for an authorization shall include the following submission requirements. These requirements shall be in addition to the requirements set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS).

- (a) A drainage plan and soil report prepared by a professional engineer to protect #natural features#. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of proposed #developments#, #enlargements# or #site alterations# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989.
- (b) An erosion and sedimentation plan as described in Section 105-37 (Special Erosion and Sedimentation Prevention Requirements for Authorizations for Tier II Sites).
- (c) For any #development# or #site alteration# on a tract of land 40,000 square feet or greater, a landscape plan prepared by a registered landscape architect that shows the location and species of all new plantings of trees, shrubs and ground covers and the proposed method of preserving existing trees, shrubs and ground covers.
- (d) Any other information the Commission may deem necessary to evaluate the request.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

(2/2/11)

105-40

SPECIAL REVIEW PROVISIONS

The provisions of this Section shall apply to all #developments#, #enlargements# or #site alterations# located within a #Special Natural Area District#.

Prior to the issuance by the Department of Buildings of any permit for a #development#, #enlargement# or #site alteration# within a #Special Natural Area District#, the City Planning Commission shall certify to the Department of Buildings that the #development#, #enlargement# or #site alteration# is approved pursuant to Sections 105-41, 105-42, 105-43 or 105-44, inclusive.

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments), shall apply to a #large-scale residential development#, as modified by the provisions of Section 105-701 (Applicability of large-scale residential development regulations).

(2/2/05)

105-41 Certification

When it is not necessary for the applicant for a #development#, #enlargement# or #site alteration# to apply for an authorization or special permit, the City Planning Commission shall certify to the Department of Buildings that such #development#, #enlargement# or #site alteration# complies with the regulations of this Chapter, and that no authorization or special permit is required pursuant to this Chapter.

Where #natural features# are to be protected and maintained under Section 105-60 (MAINTENANCE OF NATURAL FEATURES), the Commission shall indicate in the certification specific conditions and safeguards appropriate to the designated area.

(2/2/05)

105-42 Authorizations to Alter Natural Features

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

- (a) modification of topographic features including existing natural topography and #topsoil# pursuant to Section 105-421 (Modification of topographic features on Tier I sites) and modification of #steep slopes# pursuant to Section 105-422 (Authorization of a development, enlargement or site

alteration on a Tier II zoning lot or portion of a zoning lot having a steep slope or steep slope buffer);

- (b) modification of geologic features including the relocation of erratic boulders, and the alteration of rock outcrops pursuant to Sections 105-423 and 105-424;
- (c) modification of botanic environment, pursuant to Section 105-425;
- (d) alteration of aquatic features, pursuant to Section 105-426 in NA-1, NA-2 and NA-3 Districts.

The Commission may prescribe appropriate additional conditions and safeguards to protect the character of the #Special Natural Area District#.

(2/2/05)

105-421

Modification of topographic features on Tier I sites

The topographic features, including natural topography and #topsoil#, existing at the time of designation of a #Special Natural Area District# may be modified by the City Planning Commission, provided that the Commission finds that:

- (a) #development#, #enlargement# and #site alteration# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification, including any removal of #topsoil#, will not disturb the drainage pattern and soil conditions in the area;
- (c) such modification of topography has minimal impact on the existing topographic features of the surrounding area and blends harmoniously with it;
- (d) such modification is the least modification required to achieve the purpose for which it is granted; and
- (e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

Where permits are required from a City agency, the Commission shall request a report from such agency, and the provisions of

Section 105-93 (Inter-agency Coordination) shall apply.

(2/2/11)

105-422

Authorization of a development, enlargement or site alteration on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer

The City Planning Commission may authorize #developments#, #enlargements# and #site alterations# on a #Tier II site# or on portions of a #zoning lot# having a #steep slope# or #steep slope buffer#.

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

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modification, or that the modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (d) the modification will not disturb the drainage patterns and soil conditions of the area; and
- (e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

The #lot coverage# regulations of Table II of Section 105-33 (Residential Lot Coverage Regulations on Tier II Sites or on Sites Granted an Authorization Pursuant to Section 105-422) shall apply to any #residential development#, #enlargement# or #site alteration# granted an authorization pursuant to this Section.

Any #development#, #enlargement# or #site alteration# requiring an authorization pursuant to this Section shall be subject to all the requirements of this Chapter for which an authorization or special permit has not been obtained.

(2/2/05)

105-423

Relocation of erratic boulders

No erratic boulder with a diameter at any point of six feet or more may be moved from its location at the time of designation of a #Special Natural Area District# to another location within the Special District during #development#, #enlargement# or #site alteration# except in compliance with the provisions of this Section.

Prior to the moving of an erratic boulder from its present location to a location elsewhere within the #Special Natural Area District#, an application shall be filed with the City Planning Commission showing the present location and the proposed location. Moving of an erratic boulder will be permitted only by authorization of the Commission under the following circumstances:

- (a) where such a boulder is located in an area to be occupied by #buildings#, driveways, parking areas or recreation areas and it is not possible to avoid such location by minor adjustments in the arrangement of such #buildings#, driveways, parking areas or recreation areas on the site;
- (b) where the boulder's continued existence in its present location would create hazards or dangers; or
- (c) where authorizations granted by the Commission under the provisions of this Chapter require or clearly contemplate the boulder's relocation from its present position.

In issuing an authorization under this Section, the Commission shall require an appropriate relocation site, visible, if possible, from a public #street#, park, or public place, preferably on the #zoning lot# or elsewhere within the #Special Natural Area District#. The Commission may prescribe appropriate conditions to enhance the setting of the relocated boulder.

(2/2/05)

105-424

Alteration of rock outcrops

The City Planning Commission may authorize the alteration of a rock outcrop, provided that:

- (a) the #development# or #enlargement# is not feasible without

such alteration, or that the requested alteration will permit a #development# or #enlargement# that satisfies the purposes of this Chapter; or

- (b) such alteration is necessary to protect the health and safety of the site occupants; and
- (c) such #development# or #enlargement#, as authorized, will result in the minimum #natural feature# interference that must be permitted in order to allow reasonable #development# or #enlargement# and #bulk# distribution under the regulations of the underlying district.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

(2/2/05)

105-425

Modification of botanic environment and tree preservation and planting requirements

The City Planning Commission may authorize modifications to the provisions of Sections 105-31 (Botanic Environment and Tree Preservation Requirements), 105-32 (Botanic Environment and Tree Planting Requirements) and paragraph (b)(8) of Section 105-35 (Tier II Requirements for Driveways and Private Roads).

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

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the ecology and soil conditions of the site are such that the substitution of other plant material would be as appropriate as the botanic preservation or planting requirements being modified; and
- (d) in order to modify requirements relating to tree preservation, planting or removal, the Commission shall also

find that:

- (1) such tree is located in areas which require excessive cut or fill of land deemed inimical to plant survival; or
- (2) the continued presence of such tree would create hazards or dangers (such as an area affected by storm or plant disease) to persons, property or other plant material which it would not be possible or practical to eliminate by pruning.

Where on-site replanting of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Natural Area District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

(2/2/05)

105-426

Alteration of aquatic features

No portion of an aquatic feature shall be altered or land operations affecting aquatic features undertaken by or on behalf of present or future applicants for permits except in compliance with the provisions of this Section. The City Planning Commission may permit the alteration of aquatic features, provided that:

- (a) the #development# or #enlargement# is not feasible without such alteration or where such alteration will permit a #development# or #enlargement# that satisfies the purposes of this Chapter; or
- (b) such alteration is necessary to protect the health and safety of the site occupants; and
- (c) such #development# or #enlargement#, as authorized, will result in the minimum #natural feature# interference that must be permitted in order to allow reasonable #development# or #enlargement# and #bulk# distribution under the regulations of the underlying district; and
- (d) such modification shall not disturb the drainage patterns in the area.

The Commission shall impose appropriate conditions and safeguards to assure protection of the portions of the area to be preserved in their natural state.

Where permits are required from a City agency for any work affecting #natural features#, the Commission shall request a report from such agency and the provisions of Section 105-93 (Inter-agency Coordination) shall apply.

In the event alteration of an aquatic feature is found inappropriate, the Commission may treat an application under this Section as an application for modification of #yard# and height and setback regulations under Section 105-432.

(2/2/11)

105-43

Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

- (a) modification of #lot coverage# controls in accordance with the provisions of Section 105-431;
- (b) modification of underlying district regulations relating to #bulk# or #parking# in accordance with the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations);
- (c) modification of grading controls in accordance with the provisions of Section 105-433; and
- (d) modification of requirements for driveways and private roads on #Tier II sites# in accordance with the provisions of Section 105-434.

(2/2/11)

105-431

Modification of lot coverage controls

For any #development# or #enlargement# on a #Tier II site# or within a #steep slope# or a #steep slope buffer# on a #Tier I site#, the City Planning Commission may authorize variations in the #lot coverage# controls set forth in Section 105-33.

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

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;
- (b) by allowing the permitted #floor area# in a #building# or #buildings# of lower height to cover more land, the preservation of #hillsides# having aesthetic value to the public would be assured, and that such preservation would not be possible by careful siting of a higher #building# containing the same permitted #floor area# on less land;
- (c) such modification is the least modification required to achieve the purpose for which it is granted;
- (d) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (e) the modification will not disturb the drainage pattern and soil conditions of the area; and
- (f) the modification does not impair the essential character of the surrounding area.

(2/2/11)

105-432

Modification of yard, height and setback regulations, and parking location regulations

For any #development# or #enlargement# that does not qualify under provisions of Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may authorize variations in required #front#, #rear# or #side yards#, parking lot landscaping or maneuverability requirements, location of parking, driveways or curb cuts and required space between #buildings# on the same #zoning lot#, and may modify height and setback regulations for the purpose of preserving #natural features#, provided the Commission finds

that:

- (a) the proposed placement of #buildings# and arrangement of #open space# will not have significant adverse effects upon the light, air and privacy for existing #buildings# in adjacent areas or the opportunities therefore in future #development#; and
- (b) will preserve significant #natural features#.

The Commission may condition such authorizations upon the joint submission of acceptable plans for #development# or #enlargement# of two or more adjacent #zoning lots# by the owners thereof.

(2/2/11)

105-433

Modification of grading controls

For any #development#, #enlargement# or #site alteration# on a #Tier II site#, the City Planning Commission may authorize variations in the grading controls set forth in Section 105-34.

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

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the modifications will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (d) the modification will not disturb the drainage pattern and soil conditions of the area;
- (e) the modification does not impair the essential character of the surrounding area; and
- (f) the benefits to the surrounding area from the modification outweigh any disadvantages that may be incurred thereby in the area.

(2/2/11)

105-434

Modification of requirements for private roads and driveways

For any #development#, #enlargement# or #site alteration#, the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II site# as set forth in Section 105-35 (Tier II Requirements for Driveways and Private Roads), as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts).

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

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the modification will not disturb the drainage pattern and soil conditions of the area;
- (d) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and
- (e) such modification will enhance the quality of the design of the #development#, #enlargement# or #site alteration#.

(2/2/05)

105-44

Special Permits

For any #development#, #enlargement# or #site alteration# within the #Special Natural Area District#, the City Planning Commission may grant special permits for modification of the underlying district regulations in accordance with the provisions of Sections 105-441 and 105-442.

(2/2/11)

105-441

Modification of use regulations

In addition to any #use# modifications which may be granted under the provisions of Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may permit #semi-detached# or #attached single-family residences# in R2 Districts and #attached single-# or #two-family residences# in R3-1 Districts.

Furthermore, except in the #Special Natural Area District#-1 (NA-1), the Commission may permit #semi-detached# or #attached single-family residences# in R1-2 Districts provided that the #development# or #enlargement# is on a tract of land of at least four acres, and provided the Commission finds that:

- (a) the preservation of #natural features# requires the permitted #development# to be concentrated to the extent feasible in the remaining portion of the tract;
- (b) for such concentration of #development#, better standards of privacy and usable #open space# can be and are achieved under the development plan by inclusion of the proposed #residential building# types;
- (c) the change of housing type constitutes the most effective method of preserving #natural features#;
- (d) the #aggregate width of street walls# of a number of #residential buildings# separated by party walls shall not exceed 100 feet;
- (e) the proposed #street# system for the tract of land to be #developed# is so located as to draw a minimum of vehicular traffic to and through #streets# in the adjacent area; and
- (f) the existing topography, vegetation and proposed planting effectively screen all #attached single-family residences# from the #lot lines# along the perimeter of the tract of land to be #developed#.

(2/2/05)

105-442

Natural area dedicated for public use

Where commonly- or separately-owned areas containing #natural features# of exceptional recreational, cultural or educational value to the public are dedicated to the City, without any cost to the City, pursuant to Section 105-701 (Applicability of large-scale residential development regulations), the City Planning Commission may by special permit allow, where appropriate, such portion of the #zoning lot# to be included in the zoning computation for #floor area#, #open space#, #lot coverage# and density regulations and other #bulk# computations.

(2/2/05)

105-45

Certification of Restoration Plans

On any #zoning lot# to which the provisions of Section 105-02 (General Provisions) apply, no #natural features# as described in Section 105-11 (Description of Natural Features) or any other vegetation shall be removed, altered, relocated or replaced without prior approval by the City Planning Commission, as set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS).

In the event that any such features are removed, altered, relocated or replaced from a #zoning lot# without prior approval by the Commission, the Commission may specify the manner of their replacement or restoration. If trees are to be planted, the Commission may require that they be three inches in #caliper#.

A copy of the restoration plan certified by the Commission specifying requirements for the replacement or restoration of the #natural features# shall be issued to the owner of the #zoning lot# containing such violations and to the Department of Buildings.

Upon receipt of the Commission's certified restoration requirements, the Department of Buildings shall require the owner of the #zoning lot# to remove the violations in accordance with the requirements set forth by the Commission. If such violations have not ceased within 90 days of receipt of the Commission's requirements, the Department of Buildings shall institute such action as may be necessary to terminate the violations. For compliance with new planting requirements to remove violations, the Department of Buildings may allow an additional 90 days.

No building permit or certificate of occupancy shall be issued by the Department of Buildings for any #development#, #enlargement#, #site alteration# or #use# on such #zoning lot# until the

violations are removed from the #zoning lot# in accordance with the restoration plan certified by the Commission.

(2/2/11)

105-50

REGULATIONS FOR PROTECTION OF NATURAL FEATURES

The provisions of this Section establish regulations for City Planning Commission review of #development#, #enlargement# or #site alteration# plans from the standpoint of the adequacy of protection for #natural features# within a #Special Natural Area District#. Plans that are deficient in this regard may be rejected or required to be modified, even though they comply with all other applicable regulations of this Chapter.

These regulations are to be used by the Commission in reaching a determination whether to approve #development#, #enlargement# or #site alteration# plans filed pursuant to Sections 105-41 (Certification), 105-42 (Authorizations to Alter Natural Features), 105-43 (Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations) or 105-44 (Special Permits).

The Commission, where appropriate, shall be guided by the reports from other city agencies involved in land contour work, storm water drainage systems and similar operations affecting #natural features#.

In determining the necessary alteration of #natural features# or extent of modifications involved in a #development#, #enlargement# or #site alteration#, the Commission shall be guided by the effect of any alteration of a #natural feature# on the total ecological process of the surrounding natural environment including the following: the effect of such alteration on the existing topography, soil conditions, erosion, natural flow of water and drainage, water quality, and animal, plant and marine life.

Further guidelines for the protection of #natural features# are:

- (a) No #natural feature# shall be moved, removed, covered, diminished, broken or disfigured, unless permitted pursuant to the provisions of Sections 105-30 (PRESERVATION OF NATURAL FEATURES) and 105-40 (SPECIAL REVIEW PROVISIONS). Furthermore, #topsoil# shall neither be removed from the surface of any #zoning lot# nor covered with inferior material unless permitted pursuant to Section 105-40. Where

existing topography is altered without prior authorization of the Commission, the Commission may require new grading or other topographical modifications or surface improvement to reestablish the viability and function of the soil as a growing medium, and as a drainage surface, in order to permit the site to blend harmoniously with the surrounding area of the Special District.

- (b) Filling, excavating, draining, dredging, grading and contouring shall be staged and controlled so as to minimally impair the function, composition, vitality and existence of #natural features#. When and where possible, such operations shall be done in a manner so as to maintain or improve the biological system and individual features on the site.
- (c) All filling, excavating, draining, dredging, grading and contouring shall avoid creation of #steep slopes# or conditions causing erosion, loss of fertility of soil, health or safety hazards, and shall be done in conformance with the limits and nature of the soil involved.
- (d) All land operations including filling, excavating, draining, dredging, grading and contouring shall be limited to those operations which maintain or restore natural drainage, cause a minimum disturbance of the #natural features# and their setting while providing for the #development#, #enlargement# or #site alteration# or permitted #uses#.
- (e) No #development#, #enlargement# or #site alteration# shall be such as to impede or change the quality, turbidity, temperature or chemical composition of natural drainage or aquatic features.
- (f) A #development#, #enlargement# or #site alteration# shall be permitted only in areas sufficiently removed from the #natural features# to avoid impairment of their existence, functions or beauty.
- (g) There shall be maximum preservation of all natural vegetation in and adjacent to the #natural features# found on the site. Plant communities which have been substantially reduced in area or composition as a result of a #development#, #enlargement# or #site alteration# shall be restored, extended or replaced by alternative plant materials with an adequate maintenance program. In no case shall the site be allowed to be denuded and without vegetational cover upon completion of the #development#, #enlargement# or #site alteration#.
- (h) Replacement of any #natural feature# and planting of new

vegetation on a site in the Special District shall be such as to extend, reinforce, increase the diversity, function and vitality of an association or community in the area. Special attention shall be given to symbiotic relationships between plants and the relationship between vegetation to be planted and animal populations which are dependent upon or related to the proposed vegetation. Where appropriate, planting shall include trees, shrubs, vines, ferns, grasses, herbs, annuals, biennials, perennials, mosses, and other associated vegetation.

- (i) Adequate provision shall be made for proper management and maintenance of #natural features# and their immediate surroundings to avoid pollution, loss of vigor, reduction in composition or function or other ecological damage.
- (j) Where appropriate, when a portion of a #natural feature# or its function must be altered, such alteration shall not only reinforce the function, vitality and existence of the remaining portion of the #natural feature# but also improve conditions for other #natural features#. This shall apply particularly but not exclusively to the removal and replanting of plant materials.
- (k) Where appropriate, a #development#, #enlargement# or #site alteration# shall be such as to leave #natural features# intact in their natural setting and, where feasible, visible from public #streets# or places.
- (l) For a #steep slope#, these additional requirements apply:
 - (1) In all #Residence Districts#, for #residential developments# on individual #zoning lots# substantially within a #steep slope# area, the #lot area per dwelling unit# requirement shall not be less than 12,500 feet. Except in R1 Districts located in #Special Natural Area District#-1 (NA-1), the Commission may, for a tract of land of at least four acres substantially within the #steep slope# area, modify, by authorization, the #lot area per dwelling unit# requirement set forth in this paragraph, (1)(1), for the #steep slope# area, and may allow #development# to be concentrated in clusters to preserve the #steep slope# areas in their natural state, provided that such clusters are located to the extent feasible in areas of comparatively flat topography and will not require unnecessary grading on adjacent slopes or the creation of new #steep slopes#.
 - (2) In no event shall the #lot area per dwelling unit# requirement be less than the amount required by the

underlying district regulations.

- (3) Existing vegetational cover in steep areas shall not be removed, destroyed or damaged except pursuant to development and grading plans approved by the Commission. An objective of such plans shall be to fit #street# layouts and #building# designs to the natural terrain, limit grading to a practical minimum and provide for maximum preservation of the natural terrain and vegetational cover.

(2/2/05)

105-60

MAINTENANCE OF NATURAL FEATURES

For any #development#, #enlargement# or #site alteration# on a tract of land within a #Special Natural Area District#, the City Planning Commission may require a maintenance plan for a #natural feature#. Where a maintenance plan is required, approval of the development plan and the granting of any certification, authorization or special permit shall be conditioned upon the Commission's approval of the maintenance plan.

The maintenance plan shall specify what the maintenance is to consist of and whose responsibility it will be, and shall provide assurance that maintenance will be satisfactorily executed. The Commission, in considering the maintenance needs of a particular #natural feature# and the content of an acceptable maintenance plan shall, where appropriate, refer all relevant plans to the Landmarks Preservation Commission, Department of Parks or other City agency with primary responsibilities in natural areas conservation, for its report thereon. The Commission shall, in its determination, give due consideration to any such report submitted within one month from the date of referral. If such City agency does not report within one month, the Commission may make a final determination without reference thereto.

For #natural features# for which the Commission determines that specialized maintenance and regulated public #use# are appropriate, the maintenance plan may provide for dedication of the #natural feature# to the City or an approved private conservation organization for responsible maintenance in the public interest.

(2/2/11)

105-70

SPECIAL REGULATIONS FOR RESIDENTIAL DEVELOPMENT

In order to carry out the purposes of this Chapter, all #zoning lots developed# predominantly for #residential use# may be subject to the provisions of this Section.

(2/2/11)

105-701

Applicability of large-scale residential development regulations

The provisions of Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments), shall apply except as modified by the provisions of this Section.

Any #zoning lots developed#, used predominantly for #residential uses#, may be treated as a #large-scale residential development# and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein or in Section 105-80 (JOINT APPLICATIONS), regardless of whether such #zoning lot# will have the area, number of #buildings# or number of #dwelling units# specified in the definition of #large-scale residential development#, as set forth in Section 12-10 (DEFINITIONS).

However, in R1 Districts located in the #Special Natural Area District#-1 (NA-1), no modification of minimum required #lot area# as set forth in Section 23-32 (Minimum Lot Area or Lot Width for Residences) shall be allowed for any #development# pursuant to paragraph (c) of Section 78-311 (Authorizations by the City Planning Commission) or Section 78-32 (Bonus for Good Site Plan) but modifications of required #front# or #rear yards# and height and setback regulations on the periphery of such #zoning lot#, pursuant to paragraphs (c) and (d) of Section 78-312 (Special permits by the City Planning Commission), shall apply. Modification of #side yards# of all #zoning lots#, including #zoning lots# in R1 Districts, shall be subject to the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations).

Bonuses which may be granted for #large-scale residential developments#, pursuant to Section 78-32 through Section 78-35 (Special Bonus Provisions), may not be granted for #zoning lots# which have less than 10 acres and less than the number of #buildings# or number of #dwelling units# required by the definitions of a #large-scale residential development#.

Commonly- or separately-owned areas containing #natural features# may qualify as common #open space# for purposes of satisfying #open space# requirements.

Approval by the Commission of a development plan incorporating #natural features# as common #open space# shall be conditioned upon the findings required in Sections 78-313 (Findings) and 78-52 (Common Open Space) with respect to the qualification of areas as common #open space# and upon additional findings that appropriate safeguards are provided for the protection and preservation of such #natural features#. In the case of #natural features# that are determined to have qualities of exceptional recreational, cultural or educational value to the public and that are directly accessible to the public from a public right-of-way, the applicant may request the City to take title or a less than fee interest in the property occupied by such a #natural feature# without any cost to the City or its designee for #use# and enjoyment by the public subject to the provisions of Section 105-60 (MAINTENANCE OF NATURAL FEATURES).

(2/2/11)

105-702

Applicability of lower density growth management area regulations

The regulations for #developments# or #enlargements# within #lower density growth management areas# are modified as follows:

(a) Parking location regulations

#Accessory# parking spaces shall be permitted within a #front yard#.

(b) Private road regulations

The provisions of paragraph (b) of Section 105-35 (Tier II Requirements for Driveways and Private Roads) shall apply to #Tier II sites# accessed by #private roads#.

(12/19/74)

105-80

JOINT APPLICATIONS

Notwithstanding the provisions of Section 78-06 (Ownership), a

tract of land which is the subject of an application for authorizations or special permits under the provisions of this Chapter may include adjacent property in more than one ownership, provided that the application is filed jointly by the owners of all property included. Any subdivision of the tract reflecting ownerships at the time of application or creating new ownerships before, during or after #development# shall be subject to the provisions of Section 78-51 (General Provisions).

(2/2/11)

105-90

FUTURE SUBDIVISION

Within a #Special Natural Area District#, any #zoning lot# existing on the effective date of the Special District designation may be subdivided into two or more #zoning lots#, provided that #natural features# are preserved to the greatest extent possible under future development options.

A plan for such subdivision shall be filed with the City Planning Commission and the Commission shall certify that such subdivision complies with this objective. The subdivision plan shall include a survey map indicating existing topography and other #natural features# within this area. When a #zoning lot#, existing on the effective date of the Special District designation, is more than 10 acres and is intended to be subdivided, an area plan of the entire #zoning lot# shall be filed with the Commission. The area plan shall include the proposed #street# system within the area, #block# layouts and any other information required by the Commission.

When any #zoning lot# is subdivided into two or more #zoning lots#, all resulting #zoning lots# that lie substantially within a #steep slope# area existing as of December 19, 1974, shall be subject to the #steep slope# provisions of Section 105-50 (REGULATIONS FOR PROTECTION OF NATURAL FEATURES) and all other provisions of this Chapter, as applicable.

In the event that #natural features# on any #zoning lot# subject to the provisions of Section 105-02 (General Provisions) proposed for subdivision have been removed, altered, relocated or replaced from the #zoning lot# without prior approval by the Commission, as set forth in Section 105-40 (SPECIAL REVIEW PROVISIONS), the Commission shall not approve the subdivision until violations are removed from the #zoning lot# in accordance with the Commission's requirements under Section 105-45 (Certification of Restoration Plans).

(2/2/05)

105-91

Special District Designation on Public Parks

When a #Special Natural Area District# is designated on a #public park# or portion thereof, any #natural features# existing on December 19, 1974, within such area shall not be removed, destroyed or altered unless authorized by the City Planning Commission. As a condition for granting such authorization, the Commission shall find that any alteration of #natural features# is the least alteration required to achieve the purpose intended and such authorization is consistent with the intent of the #Special Natural Area District#.

(2/2/11)

105-92

Special Provisions for City-owned Land

The provisions of Section 105-40 (SPECIAL REVIEW PROVISIONS) shall apply on City-owned land, except that modifications permitted under Section 105-44 (Special Permits) may be approved by the City Planning Commission.

Furthermore, provisions of Section 105-93 (Inter-agency Coordination) shall apply on City-owned land. However, the provisions of this Chapter shall not apply to any public improvement project approved by the Board of Estimate prior to the effective date of the Special District designation.

(2/2/05)

105-93

Inter-agency Coordination

Where an authorization or permit is required from the City Planning Commission pursuant to this Chapter and where a permit is required from the Departments of Transportation or Buildings for land contour work, by the Department of Environmental Protection for storm water drainage systems for #buildings# or adjacent areas or where construction of a public improvement

project is undertaken by a City agency, the Department of City Planning and the agencies involved shall jointly determine the conditions under which such proposed #development#, #enlargement# or #site alteration# within a #Special Natural Area District# will best meet the purposes of the Special District. Applications for any required permit or authorizations shall be filed simultaneously with each agency requiring a permit.

(5/21/75)

105-94

Special Natural Area Districts Specified

(6/23/77)

105-941

Special Natural Area District-1:

Emerson Hill, Dongan Hills, Todt Hill, Lighthouse Hill and the Central Wetlands Area of Staten Island

The central, serpentine, hilly spine of Staten Island is composed of Emerson Hill, Dongan Hills, Todt Hill and Lighthouse Hill. These hills are richly endowed with steep slopes, rock outcrops, erratic boulders and ponds, lakes, swamps, creeks and many trees of the glaciated Oak-Chestnut association.

To the south and west of the serpentine hills are tidal wetlands, a habitat for marine life and water fowl. The wetlands include parts of Latourette Park, Fresh Kills Park and New Springville Park. The high and low wetlands of Latourette Park and New Springville Park and most of the low wetlands of Fresh Kills Park remain in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

(5/21/75)

105-942

Special Natural Area District-2:

Riverdale, Spuyten Duyvil and Fieldston, The Bronx

The Riverdale Ridge of The Bronx is composed of part of

Riverdale, Spuyten Duyvil and Fieldston. This ridge contains steep slopes, rock outcrops, ponds, brooks, swampy areas and mature trees.

The western foot of the ridge contains marshes, feeding areas for water fowl. The shore line of the Hudson River estuary contains the aquatic food web necessary to sustain marine life.

The marshes and most of the Hudson River shore line are included in Riverdale Park. Much of the Riverdale Ridge and Riverdale Park are in their natural state. The purpose of this #Special Natural Area District# is to preserve and protect the aforementioned #natural features# pursuant to the provisions of this Chapter.

(12/1/77)

105-943

Special Natural Area District-3: Shore Acres Area of Staten Island

The Shore Acres area of Staten Island owes its unique character to Shore Acres Pond, which is fed predominantly by springs percolating from an underground aquifer through Pleistocene strata of sand and gravel.

The Pond is a resting place for migratory and local fowl as well as a watering hole for opossums which are abundant along the wooded cliffs of the Narrows. The Pond has shaped its built environment, including the street layout, landscaping and orientation of neighboring homes. The surrounding area is distinguished by rolling topography with orientation of the northeastern edge toward Lower New York Bay and the Narrows.

The natural drainage area is in need of protection to ensure survival and maintenance of the Pond which in turn is essential to the preservation of this special area.

(2/2/11)

105-944

Special Fort Totten Natural Area District-4

(a) General purposes

The "Special Fort Totten Natural Area District"-4

(hereinafter referred to as the Special District), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following general purposes:

- (1) to preserve, protect and enhance the combination of historically significant buildings and other structures, public open spaces, outstanding scenic views and pedestrian and vehicular circulation system which by their siting create a unique balance between buildings and open spaces and which, together with the harmonious scale of development and landscaping, add to the quality of life in the area;
- (2) to protect aquatic, biologic, geologic, topographic and other natural features having ecological and conservation values and functions;
- (3) to improve the quality of new development in the area by fostering the provision of specified public amenities and recreational facilities in appropriate locations and by making these facilities directly accessible to the public; and
- (4) to promote the desirable use of land improvements in accordance with the District Plan and in conformance with the character of the Fort Totten area and thus conserve the value of land and buildings and thereby protect the City's tax revenue.

(b) Definitions

(1) Designated open space

The "designated open space" is an #open space# as shown on the District Plan.

(2) Street

For the purpose of this Section, a "street" is a way existing within the #Special Fort Totten Natural Area District#-4 as shown on the District Plan (Appendix A) complying with the definition of #street# in Section 12-10, except that the #street# width shall be limited to existing dimensions. No modification of existing dimensions shall be permitted without prior certification of the City Planning Commission.

(c) General requirements

(1) Requirements for applications

An application to the Commission for any #development# within the Special District shall be subject to the requirements of Section 105-021 (Actions not requiring special review). In addition, an application for #development# within Area B shall include the existing and proposed site plan showing the location and the scale of the existing and proposed #buildings or other structures#, the location of all vehicular entrances and exits and off-street parking facilities, the changes that will be made in the location and size of the #open space#, and such other information as may be required by the Commission. The submission shall include a landscaping plan, #building# sections and elevation and an appropriate model of the planned community.

The Commission shall require, where relevant, a subdivision plan and, in the case of a site plan providing for common #open space# or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

(2) Pier #development#

The Commission may permit, by special permit, pier #development#, only upon finding that the proposed #development# shall have no significant adverse impact on the Special District or surrounding environment. The Commission may prescribe appropriate conditions and safeguards to minimize possible adverse effects on the surrounding area.

(d) Special regulations

(1) Demolition

Except in Area E, no demolition permit or alteration permit for alterations which may affect the character or design of the facade of a #building or other structure# shall be issued by the Department of Buildings, except as permitted by the Commission, unless it is an unsafe #building or other structure# and demolition or alteration is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code. An applicant for any such permit

shall notify the Landmarks Preservation Commission of the application.

The Commission, by special permit, may allow:

- (i) the alteration of such #building or other structure#, provided that such alteration treatment of the facade relates harmoniously to the character and materials of the original facade and to the adjoining #buildings or other structures#; or
- (ii) the demolition of such #buildings or other structures#, other than those deemed unsafe as defined by the Department of Buildings, provided that the Commission finds that the existing #building or other structures# are not suitable for rehabilitation.

Where a #building or other structure# has been demolished pursuant to this Section, the Commission may, by special permit, allow the replacement of the demolished structure provided that the design of the new structure in terms of scale, #lot coverage#, #building# height and exterior treatment of the facade shall replicate as nearly as possible the design and site plan of the original #building#.

(2) Special height regulations

In order to preserve the unique character of the Special District and to protect the views of and to the water within the Special District, Section 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts) shall apply except that the maximum height for any #development# or #enlargement# shall be 32 feet or three stories, whichever is less.

(3) Location of zoning district boundaries at the shore line

Zoning district boundary lines shall coincide with the shore line lawfully existing on April 28, 1983, or any natural or lawful alteration thereof.

A zoning district boundary line which intersects the shore line lawfully existing on April 28, 1983 shall be prolonged, in a straight line, to such naturally or lawfully altered shore line. Lawfully approved piers or other lawfully approved structural extensions of the

shore line, as may be so altered, shall not generate development rights.

(4) Designated open space

Any #development# or #site alteration# on a #zoning lot# which contains #designated open space# as shown on the District Plan, shall require certification by the Commission that such #designated open space# shall not be reduced in size or altered in shape and shall be preserved in its natural state by the owner of the #zoning lot#.

Planting, landscaping or provision of footpaths or sitting areas are permitted in any part of #designated open space#, provided that such improvements do not involve removal of trees or alteration of existing topography, and do not obstruct pedestrian movement within the public pedestrian ways.

#Designated open space# may be used for active recreational facilities provided that the Commission certifies that such #uses# have minimal impact on tree removal, topographic alteration or drainage conditions.

All #designated open spaces# shall be directly accessible to the public from public rights-of-way between dawn and dusk. A prominent plaque or other permanent #sign# shall be displayed on all #designated open spaces# in a prominent location, designated by the Commission, visible from the adjacent public right-of-way. 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 area is open to the public between sunrise and sunset."

(5) District plan

The District Map for the #Special Fort Totten Natural Area District#-4 (Appendix A) identifies specific areas comprising the District Plan in which special zoning regulations carry out the general purposes of the #Special Fort Totten Natural Area District#-4. The District Plan is set forth in Appendix A and is made an integral part hereof. These areas and the specific paragraphs of this Section which contain regulations pertaining thereto are as follows:

Area A Historic fort area - (d) (6)
Area B Planned community area - (d) (7)
Area C Water related area - (d) (8)
Area D Bay area - (d) (9)
Area E Development area - (d) (10)

(6) Historic fort area (Area A)

Within Area A (Fort Area) there shall be no #development# nor #enlargement# of existing #buildings# or other structures# except that the Commission may authorize necessary renovation to protect existing structures. In all cases the Commission shall refer all applications to the Landmarks Preservation Commission and Department of Parks and Recreation or other City agencies with primary responsibilities in the conservation area, for its report thereon.

(7) Planned community area (Area B)

In order to protect the unique scale, character and design relationships between the existing #buildings# and public #open spaces# and parade grounds, no #development#, #enlargement# nor alteration of landscaping or topography shall be permitted, except as set forth herein and as provided by paragraph (d) (1) of this Section.

(i) Special permit

For any #development#, #enlargement# or alteration of landscaping or topography, the Commission may, by special permit, allow:

- (a) the unused total #floor area#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within the development to be distributed without regard for #zoning lot lines#;
- (b) the total #open space# or #lot coverage# required by the applicable district regulations for any #zoning lot# within the development to be distributed without regard for #zoning lot lines#;
- (c) minor variations in the #yard# and #court# regulations required by the applicable district regulations;

- (d) minor variations in the height and setback regulations required by the applicable district regulations;
- (e) modifications of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot);
- (f) permitted or required #accessory# off-street parking spaces to be located anywhere within the #development# without regard to #zoning lot lines#, or the provisions of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts), subject to findings of Section 78-41 (Location of Accessory Parking Spaces), or where such requirement substantially injures the functioning of the existing area, authorize waiver of all or part of the required parking.

(ii) Findings

As a condition precedent to the granting of a special permit under the provisions of paragraph (d)(7)(i) of this Section, the Commission shall make the following findings:

- (a) that the #development#, #enlargement# or said alteration is related to the existing #buildings or other structures# in the Planned Community Area (Area B) in scale and design, and that the #development# will not seriously alter the scenic amenity and the environmental quality of the area;
- (b) that the #development# or #enlargement# be sited in such a manner as to preserve the greatest amount of #open space# and landscaping that presently exists, consistent with the scale and design of the existing #buildings# and the landscaping surrounding the new landscaping arrangement and conditions of the community;
- (c) that the #development# or #enlargement# is sited such that it will not require at the

same time, or in the foreseeable future, new access roads or exits, off-street parking or public parking facilities that will disrupt or eliminate major portions of #open space# and landscaping or will generate large volumes of traffic which will diminish the environmental quality of the community;

- (d) that minimal landscaping is to be removed during construction and such areas will be fully restored upon completion of construction.

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions, and limitations of any special permit hereunder to minimize adverse effects on the character and quality of the community.

(iii) Parade ground

Unless ownership is retained in a governmental agency, the parade ground #designated open space# shall be commonly owned with a #zoning lot# within Area B or Area E and the maintenance of the parade ground shall be the collective responsibility of said owner or owners. The parade ground shall be used for open recreational #uses# and may contain minor #accessory# structures to said #use#. The parade ground shall be directly accessible from the adjoining #streets# along its entire perimeter. There shall be no fences nor walls around or within the parade ground.

(8) Water-related area (Area C)

In order to protect the unique aquatic and botanic characteristics of the area, there shall be no #development# in Area C except as provided by paragraph (d)(1) of this Section.

(9) Bay area (Area D)

In order to promote waterfront-related activities, only the following #uses# of the C3 District shall be permitted in Area D:

- (i) #residential uses#, which #uses# are permitted

only above the ground floor of those #buildings# existing prior to April 28, 1983;

(ii) all #uses# of Use Group 14, except for boat showrooms or sales, and the storage, repair, or painting of boats other than crew sculls used for intercollegiate competition;

(iii) all retail or service establishment #uses# of Use Group 6, except automobile supply stores.

(10) Development area (Area E)

Any #zoning lot developed# predominantly for #residential uses# may be considered a #large-scale residential development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 8, except that the #accessory uses# of 78-22 (Accessory Uses in Large-Scale Residential Developments) shall not apply.

Any #zoning lot developed# predominantly for #community facility uses# may be treated as a #large-scale community facility development#, and authorizations or special permits for such #zoning lot# may be granted in accordance with the provisions of Article VII, Chapter 9.

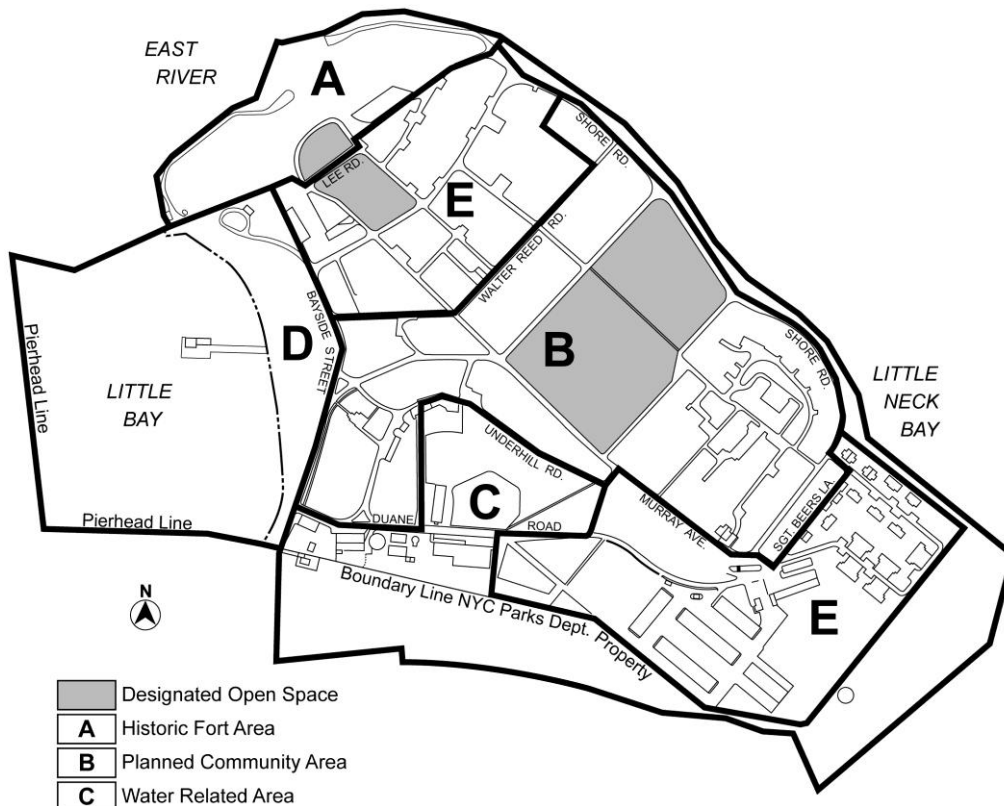
In Area E, the Commission may authorize clustering of #single-family# and #two-family residences# and a modification of housing types in order to maximize the preservation of existing #natural features# in the area, and to provide adequate view protection, and to relate these new structures with the existing structures in the general vicinity. Clustering shall be limited to a maximum #street wall# of 100 feet.

Any and all bonuses permitted in Sections 78-32 through 78-353, inclusive, shall not apply to #development# in Area E.

(6/23/77)

Appendix A

Special Fort Totten Natural Area District-4 Plan Map



(6/23/77)

Appendix B

Glossary

Part I:

Certain botanic terms referred to in the text and Part II of this Appendix are explained below:

A "tree" is any woody plant with one trunk rising out of the earth and root system, from which branches then spring, usually at some distance from the earth. A tree may be deciduous or coniferous.

A "shrub" is a woody plant that has one or more trunks rising from the same root system instead of a single trunk. These trunks or stems may or may not branch at some distance from the earth. A shrub may be deciduous or coniferous.

A "herb" is a non-woody plant with a fleshy stem which dies back to the earth level at the end of the growing season. It may be annual, biennial, or perennial.

A "vine" is a woody plant whose trunk or stem must be supported by the general environment or other plants. It is unable to stand on its own.

A "grass" is a family of herbaceous plants, rarely woody, with hollow round stems.

An "annual" is a plant which completes its life cycle in the space of one growing season, that is, it goes from seed to full plant and flower and sets seed in a single season.

A "biannual" is a plant which requires two years to grow from seed to mature plant capable of producing seed and then dies.

A "perennial" is a plant which lives more than one or two years and usually produces seeds for more than a few years.

A "fern" is a perennial, flowerless plant which reproduces by spores.

An "association" is a grouping of many plant species over a wide area sharing a common habitat and similar geographic conditions.

A "community" is a series of plants, animals, algae, fungi, grasses, trees, shrubs, herbs and other life forms which characteristically grow and live together in harmony, creating a balanced biological environment.

Part II:

Description of Natural Features defined in Section 105-10
(NATURAL FEATURES):

(a) Geologic features

(1) Rock outcrop

A rock outcrop shows the type of rock underlying the area, the results of surface abrasion by glacier, waterborne or windborne matter, or the results of chemical or temperature weathering.

(2) Geologic deposits

Geologic deposits include:

Soils of different origins such as loess and mineral deposits such as artinite, garnets, zircon, topaz, beryl, tourmaline, algite, tremolite, serpentine, muscovite, amethyst, peridot, jadeite, geodes and other elements of the Precambrian, Ordovician, Triassic, Cretaceous, Pleistocene and Holocene geology found in New York City.

An erratic boulder is a relatively large mass of rock which has been moved significant distances from its parent rock to be left amidst a geologic area which has a different history and origin than the parent.

(b) Topographic features

(1) #Steep slope#

A #steep slope# includes ground formation with sharp inclines such as hills and palisades.

(2) Existing natural topography

Existing natural topography includes terrain other than #steep slope# areas.

(3) #Topsoil#

#Topsoil# includes all of the A horizon, specifically, from top to bottom: the A1 litter layer where organic material, such as leaves and animal matter accumulate; the A2 fermentation layer where organic material is decomposed by fermentation, fungi, bacteria and soil organisms; the A3 humic layer where humus, resulting from the decomposition process, lies; and the B1 mixing layer where the humic substances become mixed with mineral matter.

(c) Aquatic features

(1) Laminarian zone

(i) Rock bottom

Characteristic plants:

Green algae:

Chaetomorpha melagonium
Cladophora gracillis
Codium fragile

Brown algae:

Asophyllum nodosum
Sargassum filipendula
Agraum cribrosum

Red algae:

Rhodomenia palmata (Dulse)
Ceramium robrum
Ahnefeltia plicata
Polysiphonia lanosa
Seirospora griffithsiana
Callithamnion corymbosum

Characteristic animals:

Diadumene leucolela - Pallid sea anemone
Ceriantheopsis americanus - Worm sea anemone
Astrangia danae - Star coral
Crisia denticulata - Fringed moss animal
Bugula turrita - Turreted moss animal
Membranipora monostachys - Sea mat
Lepas fasticularis - Northern sea barnacle
Balanus balanoides - Rock barnacle
Littorina littorea - Common periwinkle
Littorina obtusata - Smooth periwinkle
Littorina irrorata - Salt marsh periwinkle
Crepidula fornicata - Common boatshell
Polinices dublicatus - Shark eye
Urosalpinx cinerea - Oyster drill
Mytilus edulus - Blue mussel
Modiolus demissus - Ribbed mussel
Crassostrea virginica - Virginia oyster
Petricola pholadiformis - False angelwing

(ii) Mud or sand bottom

Characteristic plants:

Green algae:

Chaetomorpha melagonium
Cladophora gracillis

Brown algae:

Sargassum filipendula
Laminaria agardhi
Agarum cribosum

Red algae:

Rhodymenia palmata (Dulse)
Cystoclonium purpureum
Ahnefeltia plicata
Polysiphonia lanosa
Seirospora griffithsiana
Callithamnion corymbosum

Characteristic animals:

Ceriantheopsis americanus - Worm sea anemone
Littorina littorea - Common periwinkle
Littorina obtusata - Smooth periwinkle
Littorina irrorata - Salt march periwinkle
Crepidula fornicata - Common boatshell
Polinices duplicatus - Shark eye
Lunatia heros - Common moonshell
Mytilus edulus - Blue mussel
Modiolus demissus - Ribbed mussel
Nucula proxima - Atlantic nut clam
Aequipecten irradians - Bay scallop
Mercenaria mercenaria - Northern quahog
Macoma baltica - Baltic macoma
Tagelus plebius - Stout razor
Mya arenaria - Soft shell clam
Corbulua contracta - Common basket clam

(2) Beach

Characteristic saltwater beach animals:

Beach flea:

Orchestia agilis
Talitrus longicornis

Sandworms or Bristleworms:

Nereis virens
Nereis limbata
Nephtys picata
Arabella opalina
Lumbriconereis tenuis
Glycera americana
Nerine agilis
Cirratulus grandis
Cistenides gouldii

Clymenella torquata
Maldane elongata

Ghost shrimp:
Penaeus brasiliensis
Laldemonetes vulgaris
Crangon vulgaris

Ghost crab, Horseshoe crab, Green crab:
Ocypoda arenaria
Limulus polyphemus
Carcindes moenas

Blue crab:
Callinectes sapidus
Callinectes hastatus

Lady crab, Sand crab, Rock crab:
Ovalipes ocellatus
Platyonichus ocellatus
Cancer irroratus

Fiddler crabs:
UCA minax
Gelasimus minax
UCA pubnax
Gelasimus pugnax
UCA pugilator
Gelasimus pugilator

Pinnotheres maculatum - Oyster crab
Venus mercenaria - Hardshell clam
Mya arenaria - Softshell clam
Ensis directus - Razor clam
Tagelus gibbus - Clam
Psilaster florae - Starfish
Amphiura squamata - Brittlestars
Echinarachneus parma - Sand dollar

Snails:
Haminae solitaria
Scala lineata
Scala multistriata
Polynices heros
Polynices triseriata
Polynices duplicata
Crepidula fornicata
Crepidula plana
Littorina littorea (Periwinkle)
Urosalpinx linera (Oyster drill)

Eupleura caudata
Columbella avara
Columbella similis
Columbella anachis
Columbella astyris
Columbella lunata
Nassa trivittata
Nassa obsoleta

(3) Tidal wetland or saltwater littoral zone

(i) Rock bottom

Characteristic plants:

Blue-green algae:

Callothrix spp.
Rivularia atra

Green algae:

Ulothrix flacca
Enteromorpha intestinalis
Ulva lactuca (Sea lettuce)
Monostroma oxyspermum
Codium fragile

Brown algae:

Fucus vesiculosus
Fucus vesiculosus var spiralis
Fucus spiralis
Ascophyllum nodosum

Red algae:

Hildenbrandia prototypus
Agardhiella tenera
Chondrus crispus (Irish moss)
Bangia fuscopurpurea
Porphyra umbilicalis
Ceratium rubrum
Ahnfeltia plicata
Polysiphonia lanosa
Scirospora griffithsiana
Callithamnion corymbosum

Characteristic animals:

Lepas fascicularis - Northern sea barnacle
Balanus balanoides - Rock barnacle
Littorina littorea - Common periwinkle
Littorina obtusata - Smooth periwinkle

Littorina saxatilis - Rough periwinkle
Littorina irrorata - Salt marsh periwinkle
Crepidula fornicata - Common boatshell

(ii) Mud or sand bottom

Characteristic plants:

Blue-green algae:
Callothrix spp.
Lyngbya majuscula
Rivularia atra (Mermaids hair)
Rhizoslonium fragile

Green algae:
Enteromorpha linza
Ulva lactuca (Sea lettuce)
Monostroma oxyspermum
Codium fragile

Red Algae:
Chondrus crispus (Irish moss)
Bangia fuscopurpurea
Porphyra umbilicalis
Ceramium rubrum
Ahnfeltia plicata
Polysiphonia lanosa
Scirospora griffithsiana
Callithamnion corymbosum
Baccharis halmilifolia - Groundseltree
Distichlis spicata - Alkali grass
Hybiscus palustris - Marsh mallow
Iva frutescens - Marsh elder
Juncus gerardi - Black grass
Limonium carolinianum - Sea lavender
Phragmites communis - Reed
Ruppia maritima - Wigdeon grass
Salicornia spp. - Perennial saltwart
Spartina alternifolia - Smooth cordgrass
Spartina cynosuroides - Salt reedgrass
Spartina patens - Salt hay
Spartina pectinata - Freshwater cordgrass
Zostera pectinata - Eelgrass

Characteristic animals:

Ceriantheopsis americanus - Worm sea anemone
Littorina littorea - Common periwinkle
Littorina saxatilis - Rough periwinkle
Littorina littorea - Salt marsh periwinkle

(4) Swamp

Characteristic plants:

Acer rubrum - Red maple
Acer - Silver maple
Alnus spp. - Alder
Arisaema triphyllum - Jack in the pulpit
Cephalanthus occidentalis - Buttonbush
Cornus florida - Dogwood
Epilobium hirsutum - Willowherb
Hibiscus moscheutos - Rosemallow
Salix spp. - Willow
Smilax glauca - Catbrier
Smilax rotundifolia - Bulbrier
Quercus palustris - Pin oak

(5) Marsh

Characteristic plants:

Acnida - Waterhemp
Acorus calamus - Sweetflag
Cyperus spp. - Chufa
Echinochola - Wild millets
Eleocharis - Spikerushes
Impatiens pallida - Jewelweed
Leersia oryzoides - Rise cutgrass
Phragmites communis - Reeds
Pontederia cordata - Pickerelweed
Polygonum - Smartweed
Sagittaria - Arrowhead
Scirpus cyperinus - Sedge bullrush
Typha latifolia - Cattails
Zizania aquatica - Wild rice

(6) Bog

Characteristic plants:

Andromeda folifolia - Bog rosemary
Arethusa bulbosa - Swamp pink
Caldopogon pulcherlus - Grass pink
Chamaedaphne calyculata - Leatherleaf,
marsh cinquefoil
Drosera rotundifolia - Sundew plant
Eriophorum virginicum - Cottongrass
Iris versicolor - Blue flag, wild iris
Ledum groenlandicum - Labrador tea
Menyanthes trifoliata - Bogbean

Myrica gale - Sweetgale
Peltandra virginica - Snakes-mouth orchid
Rhododendron viscosum - Swamp azalea
Sarracenia purpurea - Pitcher plant
Solidago uliginosa - Bog goldenrod
Sphagnum - Sphagnum moss
Urtricularia conuta - Horned bladderword
Vaccinium macrocarpon - American cranberry
Vaccinium oxycoccus - Dwarf cranberry

(7) Meadow

Characteristic plants:

Amelanchier canadensis - Shadbush
Apios americana - Groundnut
Lilium supurbum - Turks cap lily
Impatiens pallida - Jewelreed
Lysmachia terrestris - Swamp-candles
Lythrum calicaria - Spiked loosetrife
Sambucus canadensis - Elderberry
Spirea tomentosa - Steeplebush

(8) Creek, stream or brook

Creeks, streams and brooks are often classified by the rate at which the water flows, a fast stream being a water flow of about two feet per second. Creeks, streams and brooks are valuable for their drainage function, the fish they contain both as a source of sport and for the other forms of life which relate to the animal and plant life dependent upon the stream.

(i) Fast creek, stream or brook

Characteristic plants:

Fontalis - Water moss
Ulothrix - Algae
Diatoma - Diatoms
Gomphonema

Characteristic animals:

Caddisflies:
Trichoptera
Phyganea
Rhyacophila
Philopotamidae
Hydropsychidae

Hydropsyche
Pharyganeidae
Limnephilidae
Leptocerus
Leptocella
Anthrpsodes
Oecetis
Brachycentridae
Helicopsychidae

Simulium - Blackfly
Plecoptera - Stonefly
Tipulidae - Crane fly
Neuroptera - Dobsonfly
Ephemeroptera - Mayfly
Osonychia
Percina caprodes - Log perch
Salvelinus fortinalis - Brook trout
Salmo gairdneri - Steelhead trout
Salmo trutta - Brown trout
Salmo salar - Atlantic salmon

(ii) Slow creek, stream or brook

Characteristic plants are the same as those in a lake or pond.

Characteristic animals:

Dragon Fly:
Anisoptera
Iodonata

Water striders:
Gerridae
Hemiptera
Odonata

Zygoptera - Damselflies
Orixidae - Waterboatmen
Hexagenia - Mayfly
Sphaerium - Fingernail clam
Semotilus atromaculatus - Creek chub
Ictalurus punctatus - Channel catfish
Ictalurus catus - White catfish
Ictalurus melas - Black catfish
Cyprinus carpio - Carp
Esox lucius - Northern pike
Esox americanus - Little pickerel
Esox niger - Chain pickerel

Roccus americana - White perch
Roccus saxatilis - Striped bass

(9) Lake or pond

Characteristic plants:

Ceratophyllum demersum - Coontail

Duckweeds:

Lemna

Spirodella

Wolffia

Wolffella

Myriophyllum - Watermillfois

Najas - Naiads

Nuphar - Cowlilies

Nymphaea - Waterlilies

Potamogeton - Pondweeds

Vallisneria spiralis - Wild celery

(10) Spring

Characteristic plants and animals are the same as those found in a swamp, marsh, bog, meadow, creek, stream, brook, lake or pond.

(d) Botanic environment

(1) Primary succession community area

Characteristic plants:

Achillea millefolium - Yarrow

Anagallis areensis - Scarlet pimpernel

Anaphalis margaritacea - Pearly everlasting

Antennaria plantaginifolia - Pussy's toes

Artemisia caudata - Tall wormwood

Asclepias syriaca - Common milkweed

Asclepias tuberosa - Orange milkwood

Asparagus officinalis - Garden asparagus

Aster ericoides - Heath aster

Aster linariifolius - Stiff-leaved aster

Brassica nigra - Black mustard

Chrysanthemum leucanthemum - Ox-eye daisy

Cichorium intybus - Chicory

Cirsium arvense - Canada thistle

Cirsium discolor - Field thistle

Convolvulus sepium - Wild morning glory

Coreopsis lanceolata - Coreopsis
 Cytisus scoparius - Scotch broom
 Datura stramonium - Jimsonwee
 Daucus carota - Queen Anne's lace
 Dianthus armeria - Deptford jink
 Dianthus plumarius - Garden pink
 Epilobium angustifolium - Fireweed
 Erodium cicutarium - Stork's bill
 Eupatorium hyssopifolium - Hyssop-leaved boneset
 Euphorbia cyparissia - Cypress spurge
 Frageria virginiana - Wild strawberries
 Gnaphalium obtusifolium - Sweet everlasting
 Holcus lanatus - Velvetgrass
 Hypericum gentianoides - Pineweed
 Hypericum perforatum - Common St. Johnswort
 Hypochaeris radicata - Cat's ear
 Linaria canadensis - Old-field-toadflax
 Linaria vulgaris - Butter-and-eggs
 Lonicera japonica - Japanese honeysuckle
 Lychnis alba - White campion
 Mataricaria matricarioides - Pineappleweed
 Oenothera biennis - Evening primrose
 Opuntia humifusa - Prickly pear cactus
 Oxalis stricta - Yellow wordsorrel
 Phytolacca americana - Pokeweed
 Plantago lanceolata - English plantain
 Polygonum persicaria - Lady's thumb
 Polygonum pennsylvanicum - Pinkweed
 Potentilla canadensis - Old-field cinquefoil
 Potentilla recta - Sulphur cinquefoil
 Rana unculus repens - Creeping buttercup
 Rosa virginiana - Virginia rose
 Rudebeckia hirta - Black-eyed-susan
 Saponaria officinalis - Bouncing-bet
 Sedum acre - Stone crop
 Solanum americanum - Black nightshade
 Solanum dulcamara - Bitter nightshade
 Solidago nemoralis - Grey goldenrod
 Solidago puberula - Purple-stemmed goldenrod
 Solidago tenuifolia - Grass-leaved goldenrod
 Spargularia rubra - Pink sand-spurry
 Tanacetum vulgare - Tansy
 Taraxicum officinale - Dandelion
 Trichostemma dichotomum - Blue curls
 Trifolium arvense - Rabbitfood clover
 Verbascum thapsus - Mullein
 Yucca filamentosa - Yucca

(2) Secondary succession community area

Characteristic plants of a secondary succession community area include the species found in a primary succession community area, a swamp, a meadow, and the following species:

Acer rubrum - Red maple
Amelanchier canadensis - Shadbush
Amelanchier obovalis - Serviceberry
Betula lenta - Black birch
Betula lutea - Yellow birch
Betula populifolia - Gray birch
Cornus florida - Flowering dogwood
Larix laricina - American larch
Lindera benzoin - Spice bush
Picea mariana - Black spruce
Pinus rigida - Pitch pine
Pinus strobus - White pine
Prunus serotina - Black cherry
Prunus virginiana - Choke cherry
Rhus copallina - Dwarf sumac
Rhus glabra - Smooth sumac
Rhus typhina - Staghorn sumac
Rubus spp. - Blackberries
Salix spp. - Willow
Sambucus canadensis - Elderberry
Smilax rotundifolia - Bull brier
Tilia americana - American basswood
Vaccinium - Blueberry

(3) Climax community area

Characteristic plants:

Acer rubrum - Red maple
Acer saccharum - Sugar maple
Amelanchier obovalis - Serviceberry
Azalea spp. - Azalea
Betula lenta - Sweet birch
Betula lutea - Yellow birch
Betula populifolia - Grey birch
Carpinus caroliniana - Ironwood
Carya laciniosa - Shagbark hickory
Carya glabra - Pignut hickory
Carya ovata - Shagbark hickory
Carya tomentosa - Mockernut hickory
Castanea dentata - American chestnut
Celtis occidentalis - American hackberry
Chamaecyparis thyoides - Atlantic white cedar
Cornus florida - Flowering dogwood
Diospyros virginiana - Persimmon

Fagus grandifolia - American beech
Fraxinus americana - White ash
Gaylussacia - Huckleberry
Hamamelis virginiana - Witch hazel
Ilex opaca - Holly
Juglans cinerea - Butternut
Juglans nigra - Black walnut
Juniperus virginiana - Red cedar
Kalmia latifolia - Laurel
Larix laricina - Larch
Liquidambar styraciflua - Sweet gum
Liriodendron tulipifera - Tulip-tree, Yellow poplar
Nyssa sylvatica - Sour gum
Ostrya virginiana - Hop hornbean
Picea mariana - Black spruce
Pinus rigida - Pitch pine
Pinus strobus - White pine
Prunus serotina - Black cherry
Prunus virginiana - Choke cherry
Quercus prinus - Chestnut oak
Quercus alba - White oak
Quercus bicolor - Swamp oak
Quercus coccinea - Scarlet oak
Quercus pallustris - Pin oak
Quercus rubra - Red oak
Quercus velutina - Black oak
Sambucus canadensis - Elderberry
Sassafras variifolium - Sassafras
Tilia americana - American basswood, linden
Tsuga canadensis - Hemlock
Ulmus americana - American elm
Vaccinium spp. - Blueberry

(4) Dune and heathland

Characteristic plants:

Aster undulatus - Skydrop aster
Ammophila Breviligulata - Beachgrass
Baptisia tinctoria - Wild indigo, rattle box
Corema couradii - Broom crowberry
Comptonia peregrina - Sweetfern
Deschampsia flexuosa - Wavyhair grass
Gaylussacia baccata - Black huckleberry
Helianthus canadense - Frostweed
Hieracium venosum - Rattlesnake weed
Hudsonia ericoides - Golden beachheather
Hudsonia tomentosa - Woolly beachheather
Hyrica pennsylvanica - Bayberry
Potentilla tridentata - Three toothed cinquefoil

Rubus spp. - Blackberries, raspberries
 Vaccinium angustifolium - Low sweet blueberries

(5) Wild grassland

A wild grassland exists usually on poor soils and is composed of a mixture of native grasses, such as the following:

Dantonion spicata - Poverty oat grass
 Andropogon virginicus - Broomsedge
 Bromus spp. - Bromegrass

(2/2/05)

Appendix C
Selection List for Ground Covers and Shrubs

Ground Covers

BOTANICAL NAME	COMMON NAME
Adiantum pedatum	Maidenhair fern
Agrostis perennans (A. altissima)	Autumn bent-grass
Anaphalis margaritacea	Pearly everlasting
Andropogon gerardii	Big Bluestem
Andropogon glomeratus	Bushy bluestem
Andropogon virginicus	Broom Sedge
Anemone canadensis	Canada anemone
Antennaria plantaginifolia	Plantain-leaved pussytoes
Arctostaphylos uva-ursi	Bearberry
Asarum canadense	Wild ginger
Aster cordifolius	Heart-leaved aster
Aster divericatus	White wood aster
Aster ericoides	Heath aster
Aster lanceolatus (A. simplex)	Lined aster
Aster macrophyllus	Large-leaved aster
Aster novae-angliae	New England aster

<i>Athyrium felix-femina</i> (<i>A. asplenoides</i>)	Lady fern
<i>Athyrium thelypteroides</i>	Silvery glade fern
<i>Carex appalachica</i> (<i>C. radiata</i>)	Sedge
<i>Carex pensylvanica</i>	Pennsylvania sedge
<i>Chimaphila maculata</i>	Spotted or stripped wintergreen/Pipsissewa
<i>Chimaphila umbellata</i>	Pipsissewa, Prince's pine, Bitter wintergreen
<i>Chrysopsis mariana</i>	Maryland golden aster
<i>Danthonia compressa</i>	Flattened oat grass
<i>Danthonia spicata</i>	Oatgrass, Poverty grass
<i>Dennstaedtia punctilobula</i>	Hay-scented fern
<i>Deschampsia caespitosa</i>	Tufted hair grass
<i>Deschampsia flexuosa</i>	Common hair grass, Crinkled hair grass
<i>Dryopteris intermedia</i>	Common wood fern
<i>Dryopteris marginalis</i>	Marginal wood fern, Leatherleaf wood fern
<i>Erigeron philadelphicus</i>	Daisy fleabane
<i>Eupatorium maculatum</i>	Spotted Joe-Pye-Weed
<i>Eupatorium rugosum</i>	White snakeroot
<i>Eupatorium sessilifolium</i>	Upland boneset
<i>Fragaria virginiana</i>	Wild strawberry, Virginia strawberry
<i>Gaultheria hispidula</i>	Creeping snowberry, Creeping pearl berry
<i>Gaultheria procumbens</i>	Wintergreen, Teaberry, Checkerberry
<i>Geranium maculatum</i>	Wild geranium, Spotted cranesbill
<i>Geum canadense</i>	White avens, Winter rosette
<i>Heuchera americana</i>	Hairy alum root, Rock geranium
<i>Hypericum ellipticum</i>	Pale St. John's Wort
<i>Muhlenbergia schreberi</i>	Nimblewill
<i>Oenothera fruticosa</i>	Sundrops, Wild beet, Suncups, Scabish

<i>Onoclea sensibilis</i>	Sensitive fern, Bead fern
<i>Osmunda claytoniana</i>	Interrupted fern
<i>Panicum clandestinum</i>	Deer tongue grass
<i>Panicum virgatum</i>	Switch grass, Wild red top, Thatch grass
<i>Parthenocissus quinquefolia</i>	Virginia creeper, Woodbine, American ivy
<i>Phlox subulata</i>	Mountain phlox, Moss pink, Moss phlox
<i>Polygonatum biflorum</i>	Smooth Solomon's seal, True King Solomon's seal
<i>Polygonatum virginianum</i> (<i>Tovaria</i> v.)	Jumpseed
<i>Polypodium virginianum</i>	<i>P. vulgare</i> , Rocky polypody, Am. wall fern
<i>Polystichum acrostichoides</i>	Christmas fern, Dagger fern, Canker break
<i>Rudbeckia hirta</i> var. <i>hirta</i>	Black-eyed Susan
<i>Rudbeckia triloba</i>	Thin-leaved cone flower
<i>Thelypteris noveboracensis</i>	New York fern
<i>Tiarella cordifolia</i>	Allegheny foamflower, False mitrewort
<i>Tradescantia virginiana</i>	Virginia Spiderwort, Common S., Widow's tears
<i>Verbena hastata</i>	Blue vervain
<i>Vernonia noveboracensis</i>	New York ironweed
<i>Verbesina alternifolia</i> (<i>Actinomeria</i> a.)	Wingstem
<i>Viola sororia</i>	Woolly blue violet sister violet, Dooryard violet

Shrubs

<i>Amelanchier canadensis</i>	Shadblow
<i>Amelanchier laevis</i> (<i>A. arborea</i>)	Serviceberry, Allegheny
<i>Aronia arbutifolia</i>	Red chokeberry
<i>Aronia melanocarpa</i>	Black chokeberry
<i>Clethra alnifolia</i>	Sweet pepperbush, Summersweet

Comptonia peregrina	Sweet fern, Meadow fern, Spleenwort bush
Cornus amomum	Silky dogwood
Cornus racemosa	Gray dogwood, Red-panicled dogwood
Cornus sericea (C. stolonifera)	Red osier dogwood
Corylus americana	American hazelnut
Corylus cornuta	Beaked hazelnut
Diervilla lonicera	Bushhoneysuckle, Blue herb, Gravel weed
Hamamelis virginiana	Witch hazel
Ilex glabra	Inkberry, Gallberry
Ilex verticillata	Winterberry
Juniperus communis	Common juniper
Juniperus horizontalis	Creeping juniper, Creeping cedar/ Savin
Kalmia angustifolia	Sheep laurel
Kalmia latifolia	Mountain laurel
Lindera benzoin	Spice bush
Myrica pensylvanica	Northern bayberry
Physocarpus opulifolius	Common ninebark
Potentilla fruticosa	Cinquefoil, Bush cinquefoil
Rhododendron maximum	Great laurel
Rhododendron periclymenoides	Pinkster azalea
Rhododendron viscosum	Swamp azalea
Rhus aromatica	Fragrant sumac, Sweet scented sumac/Lemon sumac
Rhus copallina	Winged sumac
Rhus glabra	Smooth sumac
Rhus typhina	Staghorn sumac
Rosa blanda	Smooth rose, Meadow rose
Rubus alleghaniensis	Common blackberry, Allegheny blackberry
Salix humilis	Prairie willow
Salix lucida	Shining willow

<i>Sambucus canadensis</i>	American elderberry
<i>Spirea tomentosa</i>	Hardhack spirea
<i>Vaccinium angustifolium</i>	Lowbush blueberry
<i>Vaccinium corymbosum</i>	Highbush blueberry
<i>Viburnum acerifolium</i>	Maple leaf viburnum
<i>Viburnum alnifolium</i> (V. <i>Lantanoides</i>)	Hobble bush
<i>Viburnum dentatum</i>	Arrowwood viburnum
<i>Viburnum lentago</i>	Nanny-berry
<i>Viburnum prunifolium</i>	Black-haw

(2/2/05)

Appendix D **Selection List for On-site Trees**

Small Trees

BOTANICAL NAME	COMMON NAME
<i>Amelanchier laevis</i>	Serviceberry
<i>Betula nigra</i>	River birch
<i>Betula populifolia</i>	Grey birch
<i>Carpinus caroliniana</i>	Hornbeam
<i>Cercis canadensis</i>	Eastern redbud
<i>Cornus florida</i>	Flowering dogwood
<i>Crataegus crus-galli inermis</i>	Thornless cockspur hawthorn
<i>Crataegus phaenopyrum</i>	Washington hawthorn
<i>Hamamelis virginiana</i>	Witch hazel
<i>Ilex opaca</i>	American holly
<i>Juniperus virginiana</i>	Eastern red cedar
<i>Populus tremuloides</i>	Quaking aspen

LARGE TREES

BOTANICAL NAME	COMMON NAME
<i>Acer rubrum</i>	Red maple

Acer saccharum	Sugar maple
Betula lenta	Black/Sweet birch
Betula papyrifera	Paper birch
Celtis occidentalis	Common hackberry
Chamaecyparis thyoides	Cedar, Atlantic white
Fagus grandifolia	American beech tree
Fraxinus americanum	Ash, white
Fraxinus pennsylvanica	Ash, green
Larix laricina	Tamarack/American larch
Liquidambar styraciflua	Sweet gum
Liriodendron tulipifera	Tulip tree
Nyssa sylvatica	Black tupelo
Picea rubens	Spruce, red
Pinus resinosa	Pine, red
Pinus rigida	Pine, pitch
Pinus strobus	Pine, eastern white
Platanus occidentalis	American Sycamore
Populus deltoides	Eastern cottonwood
Populus grandidentata	Aspen, big toothed
Quercus alba	White oak
Quercus borealis	Northern red oak
Quercus palustris	Pin oak
Quercus phellos	Willow oak
Quercus prinus	Chestnut oak
Quercus rubra	Red oak
Tilia americana	Basswood

(2/2/05)

Appendix E **Selection List for Street Trees**

Street Trees

BOTANICAL NAME	COMMON NAME
<i>Acer rubrum</i>	Red maple
<i>Amelanchier canadensis</i>	Shadbush, Serviceberry
<i>Carpinus caroliniana</i>	American hornbeam, Musclewood
<i>Celtis occidentalis</i>	Hackberry
<i>Crataegus crus-galli inermis</i>	Thornless cockspur hawthorn
<i>Crataegus phaenopyrum</i>	Washington hawthorn
<i>Fraxinus pennsylvanica</i>	Green ash
<i>Fraxinus americana</i>	White ash
<i>Ginkgo biloba</i> (male trees only)	Ginkgo
<i>Gleditsia triacanthos inermis</i>	Honey locust, thornless
<i>Liquidambar styraciflua</i>	Sweet gum
<i>Nyssa sylvatica</i>	Tupelo, swamp
<i>Ostrya virginiana</i>	American hop hornbeam
<i>Quercus palustris</i>	Pin oak
<i>Quercus stellata</i>	Post oak
<i>Quercus phellos</i>	Willow oak
<i>Quercus rubra</i>	Northern red oak
<i>Taxodium distichum</i>	Bald cypress
<i>Tilia americana</i>	Basswood
<i>Tilia cordata</i>	Little leaf linden

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article X: Special Purpose Districts

Chapter 6: Special Coney Island Mixed Use District

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(1/9/75)

Article X - Special Purpose Districts

Chapter 6

Special Coney Island Mixed Use District

(2/2/11)

106-00

GENERAL PURPOSES

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

- (a) to stabilize the residential future of this mixed residential and industrial area by permitting expansion and development of residential and light manufacturing uses where adequate environmental standards are assured;
- (b) to promote the opportunity for people to work in the vicinity of their residences;
- (c) to provide a safe circulation system in this area of mixed residential and manufacturing use;
- (d) to retain adequate wage, job-intensive, seasonally stable industries within New York City;
- (e) to provide an opportunity for the improvement of Coney Island in a manner consistent with the objectives of the Comprehensive Plan of the City of New York; and
- (f) to promote the most desirable use of land and thus to conserve the value of land and buildings and thereby protect the City tax revenues.

(10/9/13)

106-01

General Provisions

In harmony with the general purpose and intent of this Resolution

and the general purpose of the #Special Coney Island Mixed Use District# and in accordance with the provisions of this Chapter, regulations of the #Special Coney Island Mixed Use District# shall replace and supersede the existing district regulations. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

All #residences#, #community facilities#, and Use Group 4B open #uses# shall be subject to all the provisions applicable in R5 Districts, except as otherwise specifically provided in this Chapter. The special regulations relating to #predominantly built-up areas#, as defined in Section 12-10 (DEFINITIONS), shall apply to all #buildings# containing #residences#, except that #front yards# shall not be required.

All #commercial# and #manufacturing uses# shall be subject to all the provisions applicable in M1-2 Districts, except as otherwise specifically provided in this Chapter.

The #use# of any #building# may be changed to another #use# listed within the same Use Group or as provided in Sections 106-12 (Special Permit Provisions for Residential Uses), 106-32 (Special Permit Provisions for Manufacturing and Commercial Use) or 106-33 (Changes of Manufacturing or Commercial Use).

In the case of a #zoning lot# occupied partly by #residential uses# and partly by other #uses#, the maximum #floor area ratio# on the #zoning lot# shall not exceed 2.00. In no event shall the total #floor area# of #residential uses# on a #zoning lot# exceed 1.65.

In any #building# above the level of the first #story# ceiling, #residential uses# shall not be located on the same #story# as or below #manufacturing# or #commercial uses#, and #manufacturing uses# shall not be located on the same #story# as or above #residential uses#.

#Zoning lots# adjacent to the #Special Coney Island Mixed Use District# shall not be subject to the provisions of Sections 42-214 (Special provisions applying along district boundaries), 42-412 (In M2 or M3 Districts), 42-42 (Enclosure or Screening of Storage), 42-44 (Limitations on Business Entrances, Show Windows or Signs), 42-56 (Special Provisions Applying along District Boundaries), 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) or 44-583 (Restrictions on location of berths near Residence Districts).

Special regulations for #residential uses# are listed in Sections

106-11 and 106-12 of this Chapter.

Special regulations for #community facility uses# are listed in Section 106-21 of this Chapter.

Special regulations for #manufacturing# and #commercial uses# are listed in Sections 106-31, 106-32, 106-33 and 106-34 of this Chapter.

Special regulations for #buildings# containing both #residential# and #commercial uses# are listed in Sections 106-41 and 106-42 of this Chapter.

(1/9/75)

106-10

SPECIAL REGULATIONS FOR RESIDENTIAL USES

(2/2/11)

106-11

Special Provisions for As-of-Right Residences

#Developments# or #enlargements# containing #residences# are allowed as-of-right, provided that:

- (a) the #zoning lot# shares a common #side lot line# on at least one side with a #residential# or #community facility use#;
- (b) the frontage along the #street line# of the #zoning lot# shall not exceed 60 feet, but in no event shall the total area of such #zoning lot# exceed 7,800 square feet;
- (c) the #zoning lot# is not located within a continuous frontage of vacant #zoning lots# or #land with minor improvements# whose aggregate length exceeds 60 feet;
- (d) the #zoning lot# is not located on Cropsey Avenue or on the east side of Stillwell Avenue; and
- (e) no #manufacturing uses# or #uses# listed in Use Group 16 occupy the #zoning lot#.

(2/2/11)

106-12

Special Permit Provisions for Residential Uses

The City Planning Commission may permit within the #Special Coney Island Mixed Use District#:

- (a) change of #commercial# or #manufacturing use# to #residential use#; and
- (b) modification in #yard# and off-street parking regulations for #residential uses# in #developments# or #enlargements#;

provided that the following findings are made:

- (1) that a change of #use# from #manufacturing# or #commercial# to #residential use# shall not displace any #building# or #use#, or preempt any #zoning lot# which is essential to the normal functioning and growth of existing #manufacturing# or #commercial uses# within the district; and
- (2) that such #residential uses# shall not be exposed to inordinate noise, smoke, dust, noxious odor or other adverse influences from #manufacturing uses# and traffic.

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

(1/9/75)

106-20

SPECIAL REGULATIONS FOR COMMUNITY FACILITY USES

(2/2/11)

106-21

Special Permit Provisions for Community Facility Uses

The City Planning Commission may permit within the #Special Coney Island Mixed Use District#:

- (a) #development# of #community facility buildings#; and
- (b) change of #use# of a #residential#, #manufacturing# or #commercial building# to a #community facility use#;

provided that the following findings are made:

- (1) that such #community facility# is necessary to the growth and functioning of #residential# or #manufacturing uses# in the #Special Coney Island Mixed Use District#; and
- (2) that a more suitable location for such #use# cannot be found outside the #Special Coney Island Mixed Use District#.

(1/9/75)

106-30

SPECIAL REGULATIONS FOR MANUFACTURING OR COMMERCIAL USES

(1/9/75)

106-31

Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use

New #buildings# for #manufacturing uses# listed in Use Group M (Section 106-311) or #commercial uses# are allowed as-of-right, provided that:

- (a) the #zoning lot# shares a common #side lot line# with a #manufacturing# or #commercial use#;
- (b) the frontage along the #street line# of the #zoning lot# shall not exceed 60 feet, but in no event shall the total area of such #zoning lot# exceed 7800 square feet;
- (c) the #zoning lot# is not located within a continuous frontage of vacant #zoning lots# whose aggregate length exceeds 60 feet;
- (d) such #manufacturing use# is listed in Use Group M;
- (e) such #commercial use# is listed in Use Groups 6, 7, 8, 9, 11 or 16 and is located on Neptune, Stillwell or Cropsey Avenues; and
- (f) no #residential uses# occupy the #zoning lot#.

(9/9/04)

106-311

Use Group M

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Bottling work, for non-alcoholic beverages

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas or canvas products

Cork products

Cosmetics or toiletries

Electrical appliances (small), including lighting fixtures, irons, fans, toasters, toys, or similar appliances

Electrical equipment assembly (small), including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries or similar supplies

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt or leather products, except washing, curing or dyeing

Hosiery

Ice, dry or natural

Laboratories, research, experimental or testing except those that involve dangerous or potentially explosive activities or animals

Leather products, including shoes, machine belting, or similar products

Luggage

Machine tools - small parts only

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Mattresses, including rebuilding or renovating

Musical instruments

Novelty products

Optical or precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Printing or publishing

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, rods, or similar products

Statuary, mannequins, figurines, or religious art, excluding foundry operations

Textiles, spinning, weaving, manufacturing, printing, knit goods, yarn, thread or cordage, but not dyeing

Tobacco, including curing or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills or similar products

Toys

Umbrellas

Vehicles, children's (bicycles, etc.)

Venetian blinds, window shades or awnings

Wood products, cabinet making, pencils, baskets and other small products

(2/2/11)

106-32

Special Permit Provisions for Manufacturing and Commercial Uses

The City Planning Commission may permit within the #Special Coney Island Mixed Use District#:

- (a) #uses# listed in Section 106-311 (Use Group M) or #commercial uses# in #developments# not permitted by the provisions of Section 106-31 (Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use);
- (b) change of #use# from a #residential use# to Use Group M or #commercial use#; and
- (c) modifications in #yard# regulations for Use Group M or #commercial uses# in #developments# or #enlargements#;

provided that the following findings are made:

- (1) that such #use# will comply with the regulations on performance standards of M1 Districts;
- (2) that additional truck traffic generated by such #use# or the modification of #yard# regulations will not create harmful, congested or dangerous conditions; and
- (3) that a change of #use# from #residential# to Use Group M or #commercial use# shall not displace or preempt any #building# which is essential to the functioning and growth of existing residences within the district.

The City Planning Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effect on the character of the surrounding area.

(1/9/75)

106-33

Changes of Manufacturing or Commercial Use

Within the #Special Coney Island Mixed Use District#, the #use# of any #building# may be changed to another #use# listed within the same Use Group, or as follows:

From Use Group	To Use Group
5,6,7,8,9,10,11,12,13,15	6,7,8,9,11,14
16,17 or Use Group M	6,7,8,9,11,14,16,17 or Use Group M
18	6,7,8,9,11,14,16,17,18 or Use Group M

(2/2/11)

106-34

Special Yard Regulations

Where a #side lot line# of a #zoning lot# containing #manufacturing# or #commercial uses# coincides with the #side# or #rear lot line# of a #zoning lot# containing #residential uses#, #enlargements# or #developments# shall provide an open area not at any point more than five feet above nor five feet below #curb level#, and at least 15 feet wide.

Where the #rear lot line# of a #zoning lot# containing #manufacturing# or #commercial uses# coincides with a #side lot line# of a #zoning lot# containing #residential uses#, #enlargements# or #developments# shall provide an open area not at any point more than five feet above nor five feet below #curb level#, and at least 20 feet in depth.

Where a #zoning lot# containing #manufacturing# or #commercial uses# shares a common #rear lot line# with a #zoning lot# containing #residential uses#, #enlargements# or #developments# shall provide an open area not at any point more than five feet above nor five feet below #curb level#, and at least 30 feet in depth. Such open areas shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

(1/9/75)

106-40

SPECIAL REGULATIONS FOR BUILDINGS CONTAINING BOTH RESIDENTIAL AND COMMERCIAL USE

(2/2/11)

106-41

Use Regulations

#Developments# containing both #residential# and #commercial uses# are allowed in the #Special Coney Island Mixed Use District#, provided that the regulations of this Chapter are met.

No #buildings#, however, shall contain both #residential uses# and #uses# listed in Use Group 16.

(1/9/75)

106-42

Modification of Yard Regulations

No #front# or #side yards# are required for #buildings# containing both #residential# and #commercial uses#. For the #residential# portion of such #buildings#, the #rear yard# may be provided at any level not higher than the floor level of the lowest #story# used for #residential use#.

(1/9/75)

106-50

ADMINISTRATION

(2/2/11)

106-52

Requirements for Applications

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

Special permit applications for #development# pursuant to Section 106-32 (Special Permit Provisions for Manufacturing and Commercial Uses) shall be referred to the Department of Transportation for its report, pursuant to Section 74-31, paragraph (d).

(1/9/75)

106-53

Relationship to Public Improvement

In all cases, the Commission shall deny any application whenever the #development# will interfere with a public improvement which has been approved by the Board of Estimate, the City Planning Commission, or the Site Selection Board.

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THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article X: Special Purpose Districts

Chapter 7: Special South Richmond Development District

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(9/11/75)

Article X - Special Purpose Districts

Chapter 7

Special South Richmond Development District

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(9/11/75)

107-00

GENERAL PURPOSES

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

- (a) to guide future development in accordance with the Land Use Plan for South Richmond and the Capital Improvement Plan for the Special District area;
- (b) to promote balanced land use and development of future land uses and housing in the Special District area, including private and public improvements such as schools, transportation, water, sewers, drainage, utilities, open space and recreational facilities, on a schedule consistent with the City's Capital Improvement Plan and thereby provide public services and facilities in the most efficient and economic manner, and to ensure the availability of essential public services and facilities for new development within the area;
- (c) to avoid destruction of irreplaceable natural and recreational resources such as lakes, ponds, watercourses, beaches and natural vegetation and to maintain the natural ecological balance of the area with minimum disruption of natural topography, trees, lakes and other natural features; and
- (d) to promote the most desirable use of land in the South Richmond area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

(2/2/11)

107-01 Definitions

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

Arterial

An "arterial" is a #street# designated as an #arterial# in Section 107-25 (Special Regulations along Certain Streets or Railroads) whose function is primarily the accommodation of through vehicular traffic and to which special provisions of this Chapter apply. All such #arterials# are shown on the District Plan, Map 2 in Appendix A, which is hereby incorporated as an integral part of the provisions of this Chapter.

Development

For the purposes of this Chapter, a "development" includes a #development# as defined in Section 12-10 (DEFINITIONS), the #enlargement# of a non-#residential building#, or the #enlargement# of a #residential use# that involves the addition of one or more #dwelling units#.

To "develop" is to create a #development#.

Designated open space

"Designated open space" is a portion of the #open space network# located on a #zoning lot# as shown on the District Plan (Map 3 in Appendix A), and is to be preserved in its natural state in accordance with the provisions of the #Special South Richmond Development District#.

Detached

For the purposes of this Chapter a "detached" #building# is a #building# surrounded by #yards# or other open area on the same #zoning lot# or is a #building abutting# a #street line# which is surrounded by #yards# or open area on the same #zoning lot# except where the #building abuts# the #street line#.

Drainage scheme

A "drainage scheme" is a plan for a system of storm sewers and/or sanitary sewers intended to serve a #development# which is submitted to the Department of Environmental Protection for review and approval.

Open space network

The "open space network" is a planned system of #open spaces# as shown on the District Plan (Map 3 in Appendix A), which includes #public parks#, #park streets#, #designated open space# and the #waterfront esplanade#.

Park street

A "park street" is a #street# designated as such in Section 107-25 (Special Regulations along Certain Street or Railroads) and whose primary function is to provide connecting links for

pedestrians and cyclists between portions of the #open space network# and to which special provisions of this Chapter apply. #Park streets# shall be designated to provide limited vehicular access.

Sewer acceptance

A "sewer acceptance" is the acceptance by the Department of Environmental Protection of a system of storm and/or sanitary sewers which were built in accordance with an approved #drainage scheme# intended to serve a #development#.

Site alteration

A "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#, which includes land contour work, topographic modifications, removal of topsoil, removal of trees of six-inch caliper or more, excavating, filling, dumping, changes in existing drainage systems, improvements in public rights-of-way, whether or not a permit is required from the Department of Buildings, the Department of Transportation or other public agencies. A #site alteration# shall include any land operation within #designated open space#.

Waterfront esplanade

The "waterfront esplanade" is a pedestrian way to be provided for public #use# within the #open space network# along the Raritan Bay waterfront, as shown on the District Plan (Map 3 in Appendix A).

(10/9/13)

107-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special South Richmond Development District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In #flood zones#, in the event of a conflict between the provisions

of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

In addition to applicability as provided in Section 11-10 (ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS), the provisions of this Chapter shall apply to #site alterations# or subdivision of #zoning lots#, except:

- (a) public improvement projects for which preliminary design contracts were approved by the Board of Estimate prior to January 2, 1975, or for which title was vested by the City prior to September 11, 1975; and
- (b) any #large-scale development# for which an authorization or special permit was granted prior to September 11, 1975. For the purposes of this Chapter, the City Planning Commission may extend such authorization or special permit for a renewable term of one year provided that the Commission finds that the facts upon which the authorization or special permit was granted have not substantially changed and that the adoption of this amendment shall not constitute a substantial change of fact.

For all #developments# located within areas D, F, or K as shown on the District Plan (Map 4 in Appendix A), the applicant shall obtain from the City Planning Commission a certification indicating that the #development# complies with the approved South Richmond Development Plan. As a condition for such certification, the Commission shall find that:

- (1) the minimum #lot area# for any #commercial development# is at least two acres;
- (2) vehicular access and egress for the #development# is arranged so that it affords the best means of controlling the flow of traffic generated by such #development#; and
- (3) due consideration has been given to relate the proposed #development# to the character of the surrounding area by providing suitable buffering, landscaping and #building# setbacks.

For such certification, the applicant shall submit to the Commission a site plan and drawings depicting the proposed #buildings# and location of off-street parking facilities, curb cuts and pedestrian walkways. For #residential uses# within Area K, the #bulk# and parking regulations of R3-2 Districts, as modified by this Chapter, shall apply.

(9/11/75)

107-03

Requirements for Certification, Authorization or Special Permit Application

An application to the City Planning Commission for a certification, authorization or special permit respecting a #development# or #site alteration# shall include a survey map prepared by a licensed land surveyor showing existing topography at two foot contour intervals, the location of all existing #buildings or other structures#, the location of all proposed #buildings or other structures#, the location of individual existing trees of six inch caliper or more, the location of any elements of the #open space network# on or adjacent to the #zoning lot#, and such other information as may be required by the Commission for its determination as to whether or not the certification, authorization or special permit is warranted.

(9/11/75)

107-05

Relationship to Public Improvement Projects

In all cases, the City Planning Commission shall deny a special permit, authorization or certification application whenever a #development# will interfere with a public improvement project (including, without limitation, housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, City Planning Commission, or Site Selection Board.

(5/22/86)

107-06

District Plan (Appendix A)

The District Plan for the #Special South Richmond Development District# shows the #open space network#, #designated open space#, #park streets#, #waterfront esplanade#, and #building# setback lines. The elements of the District Plan are set forth in Appendix A, which is hereby incorporated as an integral part of

the provisions of this Chapter.

(9/11/75)

107-07

Tree Selection (Appendix B)

Where planting of trees is required by the provisions of this Chapter, the selection of trees for their planting shall be in accordance with the Tree Selection Table set forth in Appendix B, which is hereby incorporated as an integral part of the provisions of this Chapter.

(2/2/11)

107-08

Future Subdivision

Within the Special District, any #zoning lot# existing on September 11, 1975 may be subdivided into two or more #zoning lots# provided that the existing topography, all individual trees of six inch caliper or more and all land located within a #designated open space#, to the greatest extent possible, are preserved under future #development# options. Any subdivision that is proposed to take place within the Special District after September 11, 1975 shall be filed with the City Planning Commission, and the Commission shall certify that such subdivision complies with the approved South Richmond Plan and the above objective. In the case of a subdivision of a tract of land containing #designated open space#, a site plan indicating the distribution of #bulk# for the individual #zoning lots# shall be submitted to the Commission. Such approved subdivision shall then be recorded in the land records and indexed against all #zoning lots#. The subdivision plan shall include a survey map indicating existing topography at two foot contour intervals, all individual trees of six inch caliper or more, and the location of #designated open space# within the area. When a #zoning lot# existing on September 11, 1975 is more than five acres and is intended to be subdivided, an area plan of the entire subdivision shall be filed with the Commission. The area plan shall include the proposed vehicular circulation system within the area, #block# and lot layouts and any other information required by the Commission.

(4/22/09)

107-09

Applicability of Article VI, Chapter 2

The Chairperson of the City Planning Commission may, by certification, modify or waive a required #visual corridor#, as defined in Section 62-11, with respect to #developments#, including minor modifications thereto, that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, provided that at least one required #visual corridor# continues to be provided pursuant to the restrictive declaration.

(9/11/75)

107-10

GENERAL REQUIREMENTS

(9/11/75)

107-11

Special Requirements for Application

Prior to the approval of any application to the Department of Buildings for a #site alteration# or a #development#, the applicant shall file applications with the appropriate City agency requesting the certifications required in Section 107-12 (Public Facilities).

Any application to the Department of Buildings for a #site alteration# or #development# shall include a survey map or maps prepared by a licensed land surveyor showing, for the site, existing topography at two foot contour intervals and the locations, names and calipers of all existing trees of six inch caliper or more and; for any #development#, the application shall also include certifications from the appropriate City agencies as required by Section 107-12.

However, the requirements of a survey map at two foot contour intervals shall not apply to #zoning lots# 4,000 square feet or less owned separately and individually from all other adjoining #zoning lots# on September 11, 1975, and on the date of filing

such application.

However, when a #zoning lot# which was owned separately and individually from all other adjoining #zoning lots# existing prior to January 2, 1975 is proposed to be #developed# with one #single-# or #two-family detached residence#, the certification reports of Section 107-12 shall not be required, but the provisions of local laws shall apply. When a permit for land contour work, storm water drainage systems or other #site alteration# work is required from the Department of Transportation or Department of Environmental Protection or when a public agency requires a #site alteration# on either privately or City-owned land, the public agency involved shall, prior to initiating or issuing a permit for such site work, notify the Department of Buildings.

The Department of Buildings and the public agency involved shall jointly determine that the proposed #site alteration# work is consistent with the provisions of Sections 107-31 (Topographic Regulations), 107-32 (Tree Regulations) and 107-25 (Special Regulations along Certain Streets and Railroads). In case of non-agreement, the provisions of Section 107-91 (Inter-agency Coordination) shall apply.

(9/11/75)

107-12

Public Facilities

(2/2/11)

107-121

Public schools

For any #development# containing #residential uses#, the Department of Buildings shall be in receipt of a certification from the Chairperson of the City Planning Commission which certifies that sufficient #school# capacity exists to accommodate the anticipated primary and intermediate public school children of the #development#. All applications for certification pursuant to this Section shall be referred by the Chairperson of the Commission to the Board of Education.

The Board of Education shall issue a report concerning the availability of #school# capacity within sixty days after receipt of the application. The Chairperson of the Commission shall

respond within 90 days after receipt of an application. The report shall specify the following:

- (a) whether or not #school# space is available;
- (b) if #school# space is not available, the report shall include:
 - (1) the number of seats required;
 - (2) the grade organization;
 - (3) the location of the #school#;
 - (4) size of #school# (sq. ft. per pupil); and
 - (5) the proposed financing mechanism.

For the purposes of this Section, sufficient #school# capacity shall be deemed to exist if:

- (1) such capacity is available in existing #schools#; or
- (2) construction funds have been authorized in the Capital Budget to accommodate anticipated primary and intermediate public school children from the #development# upon its completion or within three years from the date of the Chairperson's certification; or
- (3) sufficient #school# space is to be provided by the applicant under a plan jointly approved by the Chairperson of the Commission and Board of Education.

After approval of the Chairperson of the Commission and Board of Education of the applicant's plan to provide the #school building#, the certification may be granted either upon approval of a financial agreement by the Board of Estimate or such guarantee of construction with provision for future #school# occupancy as may be accepted by the Board of Education and the Chairperson of the Commission.

However, the Chairperson of the Commission may grant such certification if capacity is not presently available and the Board of Education after consulting with the Community School Board determines that the impact from the #development# will have a minimal effect on the concerned #schools# and includes such statement in their report.

A certification by the Chairperson of the Commission that sufficient capacity will be available in the public #schools#, as

set forth in the above circumstances, shall automatically lapse if substantial construction of the foundations of the #development# in accordance with approved plans has not been completed within one year from the date of such certification.

No certification concerning the availability of #school# capacity shall be required for any #development# within a predominantly built up area or within an area for which #drainage schemes# were approved prior to January 1, 1975. For the purposes of this Chapter, a "predominantly built up area" is a #block# having a maximum of four acres which is #developed# with #buildings# on #zoning lots# comprising 75 percent or more of the area of the #block#. All such #buildings# shall have a certificate of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit.

(8/18/83)

107-20

DISTRICT PLAN ELEMENTS

All land in the #open space network# as shown on the District Plan (Map 3 in Appendix A), except #public parks#, is subject to the provisions of this Section.

(8/18/83)

107-21

Modification of Designated Open Space

The City Planning Commission may adjust the boundaries of a #designated open space# on a #zoning lot# provided that such adjustment will not place the new boundary closer than 60 feet to a watercourse. As a condition for such adjustment in the boundaries, the Commission shall find that:

(a) such adjustment shall:

- (1) result in a substantial improvement in the quality and usefulness of the #designated open space#; and
- (2) permit #development# which better satisfies the purpose of this Chapter and include new features in the #designated open space# which will be at least equal in quality to those which are displaced from it; and

- (3) provide an equivalent area replacement for the area removed from the #designated open space#; or
- (b) such adjustment shall:
 - (1) exclude in whole or in part a #zoning lot# exempted from the provisions of this Chapter pursuant to Section 107-02, paragraph (c); and
 - (2) in a concurrent action be permitted to exclude:
 - (i) a #zoning lot# which is contiguous to exempted #zoning lots# along at least two #lot lines#; or
 - (ii) a #zoning lot# which would otherwise be contiguous to exempted #zoning lots# along at least two #lot lines# but for the separation by a #street#; or
 - (iii) #streets abutting# exempted #zoning lots#; and
 - (3) not substantially alter the utility and quality of the #designated open space#; or
- (c) such adjustment shall:
 - (1) be in conjunction with a public improvement project approved by the City prior to September 11, 1975, for funding to exclude in whole or in part the bed of a mapped #street# and/or adjacent #zoning lots# or portions thereof; and
 - (2) not substantially alter the utility and quality of the #open space network#; or
- (d) such adjustment shall:
 - (1) exclude, in whole or in part, private property contiguous with a #public park# which has been mapped since September 11, 1975; and
 - (2) not preclude the continuity to the #designated open space# or the public pedestrian way or the #waterfront esplanade#; and
 - (3) not substantially alter the utility and quality of the #designated open space#.

(9/11/75)

107-22

Designated Open Space

Any #development# or #site alteration# on a #zoning lot# which contains #designated open space# as shown on the District Plan (Map 3 in Appendix A), shall require certification by the City Planning Commission that:

- (a) such #designated open space# shall be preserved in its natural state by the owner of the #zoning lot#; and
- (b) where required by the Commission, the applicant has complied with the provisions of Section 107-222 (Public pedestrian ways); and
- (c) where required by the Commission, as indicated on the District Plan, that the applicant has complied with Section 107-23 (Waterfront Esplanade).

Within any #designated open space#, removal of trees, alteration of topography, #development# of active recreational facilities or utility easements may be undertaken only in accordance with the provisions of this Section and Section 107-30 (TOPOGRAPHIC AND TREE REGULATIONS).

Planting, landscaping or provision of footpaths or sitting areas are permitted in any part of #designated open space#, provided that such improvements do not involve removal of trees or alteration of existing topography, and do not obstruct pedestrian movement within the public pedestrian ways.

(2/2/11)

107-221

Active recreational facilities

#Designated open space# may be used for active recreational facilities provided that the City Planning Commission certifies that such #uses# are compatible with the purposes of the network #open space# and have minimal impact on tree removal, topographic alterations or drainage conditions.

Active recreational facilities may include swimming pools, tennis courts or facilities and equipment normally found in playgrounds, and shall comply with the #use# regulations of the underlying

district.

In the development of active recreational facilities, no individual trees of six-inch caliper or more shall be removed except by special authorization of the Commission in accordance with the provisions of Sections 107-64 (Removal of Trees) or 107-65 (Modification of Existing Topography). Active recreational facilities shall not be allowed within 60 feet of any watercourse in #designated open space# unless the Commission certifies that a location closer to such watercourse will not adversely affect the natural character of the watercourse or its drainage function. The Commission, where appropriate, shall be guided by the reports from other City agencies involved in land contour work, storm water drainage systems or similar operations.

If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future, constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# for satisfying #lot area# requirements, #yard# requirements, #floor area# or #lot coverage# restrictions or #open space# requirements as provided in Section 107-224 (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

(2/2/11)

107-222

Public pedestrian ways

For any #site alteration# or #development# on a #zoning lot# which contains #designated open space#, the City Planning Commission shall certify whether or not the applicant shall be required to provide a public pedestrian way through a portion of the #designated open space#.

When a public pedestrian way is required, it shall be built and maintained by the owner of the #zoning lot# and shall be accessible to the public at all times. The public pedestrian way shall be improved at the time the #site alteration# or #development# takes place, except that for #site alterations# or #developments# on a tract of land less than 1.5 acres, the Commission may allow the applicant to delay the construction of the public pedestrian way if the applicant complies with Section 107-24 (Performance Bond).

The location and dimension of such pedestrian way shall be determined by the Commission. The owner of the #zoning lot# may request the City to take an easement on the property. If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future, constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# requirements as provided in Section 107-224 (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

(4/30/12)

107-223

Permitted obstruction in designated open space

The following shall not be considered as obstructions when located in #designated open space#:

- (a) Awnings and other sun control devices, pursuant to Section 23-44 (Permitted Obstructions);
- (b) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (c) Eaves, gutters or downspouts projecting into such #designated open space# not more than 16 inches;
- (d) Fences or walls, conditioned upon certification by the City Planning Commission that:
 - (1) such fences or walls will not obstruct or preclude public access or circulation of pedestrians, cyclists or horseback riders through the public easement within #designated open space#; and
 - (2) the location, size, design and materials of such fences or walls are appropriate to the character of the #designated open space#;
- (e) Exterior wall thickness, pursuant to Section 23-44;
- (f) Solar energy systems on walls existing on April 30, 2012, projecting no more than 10 inches and occupying no more than 20 percent of the surface area of the #building# wall (as viewed in elevation) from which it projects.

No #accessory# off-street parking facilities shall be permitted in #designated open space#. No #building or other structure# shall be erected in #designated open space# except as permitted by the provisions of Section 107-221 (Active recreational activities). Any existing #building or other structure# located within the #designated open space# on September 11, 1975, and not complying with the provisions of this Section or the other Sections specified in the preceding paragraph, shall not be #enlarged# but may be continued as a #non-conforming use# or #non-complying building# subject to the applicable provisions of Article V (Non-Conforming Uses and Non-Complying Buildings) in accordance with the underlying district regulations.

(2/2/11)

107-224

Qualification of designated open space as lot area for bulk computations

#Designated open space# on a #zoning lot# may count as #lot area# for the purposes of the applicable regulations on #yards#, #floor area ratio#, #open space ratio#, #open space#, #lot coverage#, #lot area# or density, provided that the area of the #designated open space# claimed as #lot area# does not exceed the area of the #zoning lot# located outside the designated space. For a #single-family residence#, any portion of a #zoning lot# occupied by #designated open space# shall count as #lot area# for the purposes of satisfying minimum density requirements only pursuant to this Section.

Where the area of the #designated open space# claimed as #lot area# exceeds the above permitted amount, the provisions of Section 107-72 (Qualification of Designated Open Space as Lot Area) shall apply.

Any #designated open space#, or portion thereof, claimed as required #open space# or used to satisfy the #lot coverage# restrictions for a #development# containing #residences# shall be accessible to and usable by all residents of the #zoning lot#.

In the case of a #large-scale residential development#, any #designated open space#, or portion thereof, that qualifies as #lot area# may be used as common space.

(2/2/11)

107-225

Special bulk regulations for developments containing designated open space

This section shall apply to any tract of land containing #designated open space# that is #developed# as a unit in single ownership and where the area of the #designated open space# claimed as #lot area# for zoning computation does not exceed the area of that portion of the tract of land not located within #designated open space#. Such a tract of land may contain a single #zoning lot# or two or more #zoning lots# which are contiguous or would be contiguous except for their separation by a #street#.

In all #Residence Districts#, except R1-1 Districts, for all permitted #residential uses# on such tract of land, the total #floor area# or #dwelling units# generated by that portion of the #designated open space# claimed as #lot area# by the applicable district regulations may be distributed without regard for #zoning lot lines#, for all #zoning lots# wholly within such tract of land. The total #open space# required or #lot coverage# permitted for such tract of land may be located anywhere within the tract of land without regard for #zoning lot lines#.

No transfer of #floor area# or #dwelling units# shall be permitted from a #zoning lot# not containing any #designated open space#.

The site plan and #bulk# distribution for the entire tract of land shall be recorded in the land records and indexed against all #zoning lots# in such tract of land.

Furthermore, the minimum #lot area# and #lot width# regulations, #yards# and spacing between #buildings# regulations shall not apply along portions of #streets# or #lot lines# wholly within such tract of land, provided that:

- (a) the maximum #lot coverage# on any #zoning lot# shall not exceed 50 percent of the #lot area#;
- (b) the minimum distance between #buildings# on the same or adjacent #zoning lots# across a common #side lot line# is not less than 10 feet; and
- (c) the minimum distance between #buildings# on adjacent #zoning lots# across a common #rear lot line# shall not be less than 40 feet.

(2/2/11)

107-226

Zoning lots entirely or substantially within designated open space

When a #zoning lot# owned separately or individually from all adjoining #zoning lots# prior to January 2, 1975, is located entirely or substantially within #designated open space# and no reasonable development is possible on the #zoning lot#, the owner may request the City to provide, in exchange, a City-owned #zoning lot#.

The #zoning lots# may be exchanged only after an appraisal made by a body consisting of the following:

- (a) one independent fee appraiser appointed by the City;
- (b) one independent fee appraiser appointed by the private property owner, which appraiser may be the same as in paragraph (a) of this Section; and
- (c) if needed to resolve a disagreement between the two appraisers appointed in paragraphs (a) and (b), one independent fee appraiser chosen by mutual agreement between the two individually appointed appraisers.

Such requests for exchange shall be filed by the owner of the #zoning lot# with the City Planning Commission.

If such exchange of #zoning lots# is not feasible under this Section or Section 384-7.0 of the New York City Administrative Code, the City may either acquire such #zoning lot# or permit development to proceed thereon with the minimal modification of the #designated open space# necessary to permit #development# containing #residences#.

(6/30/89)

107-23

Waterfront Esplanade

When a #zoning lot# containing a portion of the #waterfront esplanade#, as shown on the District Plan (Map 3 in Appendix A) is #developed#, the location and design of the #waterfront esplanade# shall be certified by the City Planning Commission and such #waterfront esplanade# shall conform to the guidelines and standards established by the Department of City Planning in

consultation with the Department of Transportation and the Department of Parks and Recreation.

The #waterfront esplanade# shall be built and maintained by the owner of a #zoning lot# on which the esplanade is shown on the District Plan, except where such #zoning lot# has been #developed# prior to September 11, 1975. Where such #waterfront esplanade# is not accessible to the public, the Commission may require the owner of the #zoning lot# to provide public access to such a #waterfront esplanade# from a public right-of-way through the #zoning lot#.

The #waterfront esplanade# shall be either built at the same time that the #zoning lot# is #developed# or the Commission may allow the owner to comply with Section 107-24 (Performance Bond).

The owner of a #zoning lot# may request the City to take an easement on the property. If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# for satisfying #lot area# requirements, #yard# requirements, #floor area# or #lot coverage# restrictions or #open space# requirements as provided in Section 107-224 (Qualifications of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

(2/2/11)

107-24

Performance Bond

When the provision of the required improvement is to be delayed for a period not to exceed 5 years from the date of the City Planning Commission certification, the owner of the #zoning lot# shall, prior to obtaining any certificate of occupancy, provide to the Comptroller of the City of New York a performance bond or City securities to ensure the future provision of either the #waterfront esplanade# or the public pedestrian way.

When the required improvement has been constructed, the Comptroller of the City of New York may release the bond or City securities posted to ensure such construction, provided an amount of the bond or City securities to ensure maintenance of the improvement, as set forth in the paragraph above, remains with the Comptroller.

The value of the bond or City securities tendered to ensure the future provision of the improvement shall be at the rate of \$400 per 100 square feet of #waterfront esplanade# and at \$200 per 100 square feet of public pedestrian way, if such bond or securities are tendered prior to January 1, 1980.

At five year intervals after January 1, 1980, the Commission, with the approval of the Board of Estimate, shall establish the new rates for the future provision (and maintenance) of the improvement.

(9/11/75)

107-25

Special Regulations Along Certain Streets or Railroads

Along the following #streets# designated as either #arterials# or #park streets# and identified as such on the District Plan, or along a designated railroad, special regulations relating to restriction of access, setback of #buildings#, and landscaping apply as set forth in this Section and shown on the District Plan (Map 2 in Appendix A).

Arterials

Hylan Boulevard
Woodrow Road
Amboy Road
Frontage roads for Richmond Parkway
Huguenot Avenue
Page Avenue
Arthur Kill Road
Service roads for West Shore Expressway
Richmond Avenue

Park Streets

Marcy Avenue from Richmond Parkway to Woodrow Road
Albee Avenue from Richmond Parkway to Amboy Road
Grantwood Avenue from Richmond Parkway to Woodrow Road
Miles Avenue from Arthur Kill Road to Barlow Avenue
Barlow Avenue from Miles Avenue to Colon Avenue

Railroads

The Staten Island Rapid Transit right-of-way.

(2/2/11)

107-251

Special provisions for arterials

Along those #streets# designated as #arterials#, the following regulations shall apply:

(a) Access restrictions

Curb cuts are not permitted along an #arterial street# on #zoning lots# with access to a non-#arterial street#. For #zoning lots# with access only to an #arterial street#, one curb cut is permitted along such #arterial street#. For purposes of this Section, adjoining #zoning lots# in the same ownership shall be treated as one #zoning lot#. Such access restrictions with regard to curb cuts shall not apply to #schools#, hospitals and related facilities, police stations or fire stations.

For #zoning lots# with access only to a #arterial street#, the City Planning Commission may, by certification, approve additional curb cuts for access to such #arterial street# when necessary to avoid adverse effects on the traffic flow of the #arterial#.

For #zoning lots# with access to both #arterial# and non-#arterial streets#, the Commission may authorize one or more curb cuts on the #arterial street#, pursuant to the provisions of Section 107-68 (Modification of Group Parking Facility and Access Regulations).

(b) #Building# setback

Along portions of the #arterials#, as indicated on the District Plan, a 20 foot #building# setback shall be provided for the full length of the #front lot line abutting# such #arterial#. The front #building# setback area shall be unobstructed from its lowest level to the sky except as permitted by this Section. Where a front #building# setback area at least 35 feet in depth is provided, such setback area may be used for required #accessory# off-street parking or loading facilities. No portion of such required setback area may be used for open storage.

In the case of the service roads of the West Shore Expressway, a 30 foot #building# setback shall be provided

and required off-street parking and loading facilities are permitted within such setback. Within the required front #building# setback, there shall be provided one tree of three-inch caliper or more, pre-existing or newly planted, for each 400 square feet of such front open area. The trees shall be selected in accordance with the table set forth in Appendix B.

(2/2/11)

107-252

Special provisions for park streets

For those #streets# designated as #park streets#, the following regulations shall apply:

(a) Access restrictions

No curb cuts are permitted on such #streets# except that one curb cut is permitted for any #residential#, #community facility# or #commercial use# whose #zoning lot# has frontage only on a #park street#. For purposes of this Section, adjoining #zoning lots# in the same ownership shall be treated as one #zoning lot#.

For #zoning lots# with access to both #park streets# and non-#park streets#, the City Planning Commission may authorize one or more curb cuts on the #park street#, pursuant to the provisions of Section 107-68 (Modification of Group Parking Facility and Access Regulations).

(b) Landscaping

One tree of at least three inch caliper, pre-existing or newly planted, shall be provided for each 400 square feet of area of the #street# sidewalk area. Trees shall be selected in accordance with the table set forth in Appendix B and shall be planted in the #street# sidewalk area.

(c) Development and maintenance responsibility

The owner of each #development# abutting a #park street# shall have responsibility for landscaping and maintenance of that portion of the #park street# located between the #front lot line# and the curb.

Alternatively, maintenance responsibility may be vested in a properly constituted Home Association or other organization

established for this purpose. Those segments of a #park street# which are abutted by land #developed# prior to the effective date of the Special District designation shall be #developed#, landscaped and maintained by the City of New York.

(9/11/75)

107-253

Building setbacks along railroad rights-of-way

For all #developments# on #zoning lots# immediately adjacent or directly opposite to the Staten Island Rapid Transit right-of-way, a #building# setback of at least 20 feet in depth, unobstructed from its lowest level to the sky, except as permitted herein, shall be provided along the #lot line# adjacent to or directly opposite the right-of-way of such railroad. Such #building# setback shall be measured perpendicular to such #lot line#, as indicated on the District Map. Within such #building# setback area, there shall be provided one tree of three-inch caliper or more, pre-existing or newly planted, for each 400 square feet of such open area. The trees shall be selected in accordance with the table set forth in Appendix B.

(9/11/75)

107-30

TOPOGRAPHIC AND TREE REGULATIONS

(9/11/75)

107-31

Topographic Regulations

Except for any existing topographic feature which is unsafe and the removal of which is required by the Department of Buildings to eliminate hazardous conditions, no topographic modifications may take place except as provided in this Section or as authorized by Section 107-65.

(9/11/75)

107-311

Areas within designated open space

Within #designated open space# on a #zoning lot#, any #site alteration# shall be permitted only by authorization of the City Planning Commission pursuant to Section 107-65 (Modifications of Existing Topography).

(2/2/11)

107-312

Areas not within designated open space

On any portion of a #zoning lot# not within #designated open space#, alteration of topography shall be permitted only in accordance with the provisions of this Section.

The ground elevation of land existing on September 11, 1975, may be modified by up to two feet of cut or fill, provided that such modification shall not result in the destruction of trees of six-inch caliper or more, unless authorized pursuant to other provisions of this Chapter. Modification of topography to a greater extent is permitted:

- (a) in an area designated for #building# foundations, driveways or utilities for a proposed #building or other structure# whose location is approved by the Department of Buildings in accordance with the provisions of this Chapter; and
- (b) in order to meet the legal mapped grades of a #street#, the existing topography of that portion of the #zoning lot# abutting such #street# may be modified to create a slope on the #zoning lot# of not less than one foot vertical to each two feet horizontal provided the slope is landscaped to prevent erosion.

Topographic modifications not permitted by the provisions of this Section may be permitted only by authorization of the City Planning Commission, pursuant to the provisions of Section 107-65.

(4/5/79)

107-32

Tree Regulations

The following regulations in Sections 107-321 through 107-323, inclusive, shall not apply to existing trees which are unsafe and the removal of which is required by the Department of Buildings.

(2/2/11)

107-321

Tree preservation

No trees of six-inch caliper or more shall be removed, or land operations affecting their survival undertaken, in connection with any #site alteration# or #development#, except in compliance with the provisions of this Section.

Prior to any such removal or land operations, plans shall be filed with the Department of Buildings showing the locations of all trees of six inch caliper or more on the #zoning lot# and in the public sidewalk area of the #street# or #streets# adjacent thereto, and identifying those which are proposed to be removed. Removal of live trees of six-inch caliper or more will be permitted only under the following circumstances:

- (a) where such trees are located in areas to be occupied by #buildings#, driveways, areas for required #accessory# parking, or within a distance of eight feet of the exterior walls of such #building#, provided that it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;
- (b) where such tree's continued presence would create special hazards or dangers to persons or property, which it would not be possible or practical to eliminate by pruning;
- (c) where continued presence of the trees would interfere with another tree of six-inch caliper or more designated for preservation and belonging to a species listed in Appendix B (Tree Selection Tables); or
- (d) where authorizations granted by the City Planning Commission under the provisions of this Chapter require or clearly contemplate the removal of such trees.

If an existing tree of six-inch caliper or more identified for preservation is removed without prior approval by the Department of Buildings or the City Planning Commission, any permit issued by the Department of Buildings for a #site alteration#, #development# or any #use# on the #zoning lot# shall be revoked.

In order to remove such violations, the owner of the #zoning lot# shall request the Commission to specify the tree restoration requirements and to certify such requirements to the Department of Buildings.

No building permit, reinstatement of such permit or issuance of a certificate of occupancy shall occur until the owner of the #zoning lot# either posts with the Comptroller of the City of New York a landscaping performance bond in an amount determined by the Commission or completes the replanting in accordance with the requirements set forth by the Commission in order to correct the planting violations.

Replacement trees to be planted shall be of a caliper no less than three inches and be of a species listed in Appendix B and the sum of whose calipers shall be at least equivalent to that of the trees removed.

In addition, the Commission may require a restrictive declaration specifying the terms of implementing the restoration plan.

Where on-site planting of such replacement trees would result in over crowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more replacement trees on adjoining public sidewalks or in a nearby public area or substituting other planting material pursuant to Section 107-323.

(2/2/11)

107-322

Tree requirements

New trees shall be provided in accordance with the table set forth in Appendix B. For any existing tree of at least six inch caliper which is preserved, credit for one tree shall be given for the first six inches of caliper and, for each additional four inches of caliper, credit for an additional tree shall be given.

(a) On site

In connection with any #development#, #site alteration# or #enlargement# involving the addition of at least 1,000 square feet of #floor area#, trees of at least three-inch caliper, pre-existing or newly planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area# or portion thereof.

(b) Planting for open parking areas

Any #development# with open off-street parking areas with ten spaces or more shall be subject to the tree planting and screening requirements of Section 107-483.

(9/9/99)

107-323

Substitution of other plant materials

For any #development#, #site alteration# or #enlargement# which is required to provide trees in accordance with the provisions of paragraph (a) of Section 107-322, the City Planning Commission may allow the substitution of other plant material for such required trees, provided a detailed landscaping plan is filed with the Commission for approval and certification. A copy of such approved landscaping plan shall be filed with the Department of Buildings by the Commission.

(8/12/04)

107-33

Preservation of Natural Features

For any #development# or #enlargement#, the Chairperson of the City Planning Commission may modify the applicable regulations governing the location of required parking spaces, driveways and curb cuts where the Chairperson certifies to the Commissioner of Buildings that such modifications are necessary so as to avoid the destruction of existing topography and trees of six-inch caliper or more.

(9/11/75)

107-40

SPECIAL USE, BULK AND PARKING REGULATIONS

(12/5/90)

107-41

Type of Residence

#Semi-detached# or #attached single-family residences# in R2 Districts and #attached single-# or #two-family residences# in R3-1 Districts may be permitted by special permit of the City Planning Commission in accordance with the provisions of Section 107-74 (Modification of Permitted Use Regulations). Such #residences# shall comply with the minimum #lot area# and #lot width# requirements as set forth in the table in Section 107-42.

#Zero lot line buildings# are not permitted in the #Special South Richmond Development District#.

(11/15/06)

107-411

Non-profit residences for the elderly in Area SH

In Area SH, as shown on the District Plan (Map 4 in Appendix A) of this Chapter, any #development# or #enlargement# comprised of #non-profit residences for the elderly# shall be permitted upon certification of the Chairperson of the City Planning Commission that:

- (a) such #development# or #enlargement# will contain not more than 250 #dwelling units# of #non-profit residences for the elderly#, individually or in combination with other #developments# or #enlargements# within Area SH that have received prior certification pursuant to this Section;
- (b) a site plan has been submitted showing a detailed plan demonstrating compliance with the provisions of this Chapter; and
- (c) such #residences# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section 23-141 (Open space and floor area regulations in R1, R2, R3, R4 and R5 Districts), as modified by this Chapter. The provisions of Section 23-147 (For non-profit residences for the elderly) shall not apply.

Any #development# or #enlargement# that results in a total of more than 250 #dwelling units# of #non-profit residences for the elderly# in Area SH shall be permitted only upon authorization of the City Planning Commission, pursuant to Section 107-672 (In Area SH).

(1/18/11)

107-412

Special bulk regulations for certain community facility uses in lower density growth management areas

The #bulk# regulations of this Chapter applicable to #residential buildings# shall apply to all #zoning lots# in #lower density growth management areas# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
- (b) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#.

(2/2/11)

107-42

Minimum Lot Area and Lot Width for Residences

For all #zoning lots# containing #residences#, the minimum #lot area# and #lot width# requirements set forth in the table in this Section shall apply, which shall vary by #building# height. Where two or more #buildings# that are #single-# or #two-family detached# or #semi-detached residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement shall be multiplied by the number of such #buildings# on the #zoning lot#.

The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10 (DEFINITIONS), provided that the applicable #lot width#, in feet, set forth in the table shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any

point where such #residence# is located than the applicable minimum lot width, in feet, set forth in the table.

However, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (a) has less than the minimum #lot area# or #lot width# required pursuant to this Section; and
- (b) was owned separately and individually from all other adjoining tracts of land, both on December 8, 2005 and on the date of application for a building permit.

In all cases, the density regulations of the applicable district shall remain in effect, except that the factor for determining the maximum number of #dwelling units# shall be 1,000 in R3A and R4A Districts, 1,140 in R3X Districts, and 685 for #semi-detached residences# in R3-1 and R3-2 Districts.

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R1-1	#detached#	1-4	9,500	100
R1-2	#detached#	1-2	5,700	40
		3	5,700	50
		4	5,700	60
R-2	#detached#	1-4	3,800	40
R3-1	#detached#	1-2	3,800	40
		3-4	3,800	45
R3-1 R3-2	#semi-detached#	1-2	2,375	24
		3-4	3,800	40
R3-2	#detached#	1-2	3,800	40
		3-4	4,275	45
	#attached#	1-2	1,700	18
		1-2	2,375*	24*
		3-4	2,280	24
		3-4	3,800*	40*
R3A	#detached#	1-3	3,325	35
R3X**	#detached#	1-2	3,800	40

		3	4,750	50
		4	5,700	60
R4A	#detached#	1-3	3,325	35
R4-1	#semi-detached#	1-3	2,375	24
	#detached#	1-3	3,325	35

* For #attached buildings# that #abut# an #attached building# on a separate #zoning lot# on one side and on the other side are bounded by #yards# or open area.

** In Area LL as shown on the District Plan (Map 4 in Appendix A) of this Chapter, all #residences# shall have a minimum #lot area# of 5,700 square feet and a minimum #lot width# of 50 feet. However, the minimum #lot area# and minimum #lot width# set forth in this table shall apply to any #development# on a #zoning lot# having an area of at least 1.5 acres for which applications for certifications pursuant to Sections 107-08 (Future Subdivision) and 107-121 (Public schools) have been filed prior to March 1, 2003.

By Special Permit
(pursuant to Section 107-74)

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R2	#semi- detached#	1-4	3,800	30
	#attached#	1-4	3,800	22
R3-1	#attached#	1-2	1,700	20
		2-3	2,280	24

(1/18/11)

107-421

Minimum lot area and lot width for zoning lots containing certain community facility uses

In R1, R2, R3A, R3X, R3-1, R4A and R4-1 Districts, the provisions of this Section shall apply to #zoning lots# containing #buildings# used for:

(a) ambulatory diagnostic or treatment health care facilities,

as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and

- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where:
 - (1) such #zoning lot# contains #buildings# used for houses of worship; or
 - (2) for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet, Where such #uses# are located on the same #zoning lot#, the applicable #lot area# requirement shall be allocated separately to each such #use#. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

For such #zoning lots# containing multiple #buildings# used in any combination for ambulatory diagnostic or treatment health care facilities, child care services or #residences#, the applicable minimum #lot area# and #lot width# requirements shall be allocated separately to each such #building#.

(8/12/04)

107-43

Maximum Height for Buildings or Structures

Subject to the requirements for maximum height of walls and required setbacks in Sections 23-63, 24-52 or 33-43, no #building# shall exceed a height of four #stories# and no structures other than #buildings# shall exceed a height of 50 feet, unless modified by a special permit of the City Planning

Commission, pursuant to Section 107-73 (Exceptions to Height Limit).

(10/17/07)

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 33-15 (Floor Area Bonus for Front Yards) shall not apply to any #community facility uses# located in the Special District.

(2/2/11)

107-45

Required Open Space for Residences

Any required #open space# on a #zoning lot# which includes #designated open space# is subject to the special regulations set forth in Section 107-22 (Designated Open Space).

For #buildings# containing #residences# on #zoning lots# that include #designated open space#, driveways, private streets, open #accessory# parking spaces or open #accessory# off-street loading berths may occupy not more than the area set forth for the following districts:

- (a) in R1, R2, R3-1, R3-2 and R4 Districts, not more than 50 percent of the required #open space# not within the #designated open space#; or
- (b) in R3A, R3X, R4A and R4-1 Districts, not more than 50 percent of the #lot area# not occupied by #buildings# containing #residences# and not within the #designated open space#.

However, in all districts, a greater percentage may be so occupied if authorized by the City Planning Commission in accordance with the provisions of Section 107-661 (Modification of Permitted Obstructions).

(9/11/75)

107-46**Yard and Court Regulations**

(2/2/11)

107-461**Front yards**

In all #Residence Districts#, the #front yard# requirements of the underlying districts shall apply, except that in R2 Districts without a letter suffix, R3-1, R3-2, R4 Districts without a letter suffix and R5 Districts without a letter suffix, #front yards# shall be at least 18 feet in depth. On #corner lots#, one #front yard# may have a lesser depth as permitted by the underlying district regulations.

(11/15/06)

107-462**Side yards**

In all districts, except R1 Districts, for all #single-# or #two-family detached# and #semi-detached residences#, the #side yards# shall relate to the height of the #building# as set forth in the following table, except that in R1, R2, R3, R4A and R4-1 Districts, on a #corner lot#, one #side yard# shall be at least 20 feet in width:

REQUIRED SIDE YARDS

District	Type of #Residence#	Height (in stories)	Number of #Side Yards# Required	Required Total Width	Required Minimum Width of any #Side Yard#
R2 R3-1	#detached#	1-2	2	15	5
R3-2	#detached#	3-4	2	20	5
	#semi-detached#	1-2	1	9	9
	#semi-detached#	3-4	1	15	15
R3A R4A	#detached#	1-4	2	15	5
R3X*	#detached#	1-2	2	15	5
	#detached#	3	2	20	8
	#detached#	4	2	25	10

R4-1	#detached#	1-4	2	15	5
	#semi-detached#	1-4	1	9	9

- * In Area LL, as shown on the District Plan (Map 4 in Appendix A) of this Chapter, two #side yards# with a total width of at least 16 feet shall be required for all #residences#, and each #side yard# shall have a minimum width of eight feet. However, the minimum #side yard# widths set forth in this table shall apply to any #development# on a #zoning lot# having an area of at least 1.5 acres for which applications for certifications pursuant to Sections 107-08 (Future Subdivision) and 107-121 (Public schools) have been filed prior to March 1, 2003

In R1 Districts, the #side yard# regulations of Section 23-46 shall apply.

(2/2/11)

107-463

Side yard regulations for other residential buildings

For all #residential buildings# other than #single-#, or #two-family detached# or #semi-detached residences#, the provisions of Section 23-462 (Side yards for all other residential buildings) shall apply, except that no #side yard# shall have a width less than ten feet.

Furthermore, for #attached residences# that #abut# an #attached building# on a separate #zoning lot# on one side and are bounded by open area on the other side, one #side yard# with a minimum width of nine feet shall be required for such one or two #story residences#, and one #side yard# with a minimum width of 15 feet shall be required for such three or four #story residences#.

(2/2/11)

107-464

Side yards for permitted non-residential use

For #community facility buildings# or other #buildings# used for permitted non-#residential uses# in #Residence Districts#, the provisions of Section 24-35 (Minimum Required Side Yards) shall apply to such #community facility buildings# or the provisions of Section 23-464 (Side yards for buildings used for permitted non-

residential uses) shall apply to such other #non-residential buildings#, except that no #side yard# shall have a width less than 10 feet and, in the case of #buildings# more than three #stories# in height, the required total width of both #side yards# shall not be less than 25 feet.

Where greater widths of #side yards# are required by the provisions of Sections 23-464 or 24-35 than by the provisions of this Section, such requirement of greater width shall apply.

(2/2/11)

107-465

Modifications of special yard regulations for certain zoning lots

On application, the City Planning Commission may, by certification, modify the underlying #rear yard# regulations and thereby allow #single-# or #two-family residences# to be built on the #side# or #rear lot line#, provided the following conditions are satisfied:

- (a) When a #building# is located on the #side lot line#, the entire required #side yard# equivalent shall be provided along the other #side lot line# of the same #zoning lot#. On the adjacent #zoning lot# there shall be a #side yard# of at least 10 feet, #abutting# the #building# wall which is located on the #side lot line#.
- (b) When a #single-# or #two-family residence# is located on the #rear lot line#, the #zoning lots abutting# the entire #rear lot line# shall provide a #rear yard# of at least 40 feet. If the #building# on either #zoning lot# has a height greater than two #stories#, then such #building# shall have a 10-foot rear setback above the height of the second #story#.
- (c) When #single-# or #two-family residences# share a party wall along the #rear lot line#, if at any level either #building# is set back from the #rear lot line#, each #building# shall have a setback at the same height and such rear setback shall be at least 20 feet in depth.

The City Planning Commission shall also find that:

- (1) such modifications of #side# or #rear yards# or equivalents blend harmoniously with the entire development;
- (2) there is no adverse effect with regard to adequate light and

air to the #residences#;

- (3) such modification results in the maximum preservation of trees;
- (4) there is an agreement which provides access for maintenance of the #building# wall located on the #lot line#; and
- (5) a condition to the grant of any certification shall be that the requirements of Section 107-92 (Recordation) have been satisfied.

(2/2/11)

107-466

Court regulations

For any #building# containing #residences# not more than one #story# in height, the area of an #inner court# shall not be less than 225 square feet and the minimum dimension of such #inner court# shall not be less than 15 feet.

For any #building# containing #residences# more than one #story# in height, the area of an #inner court# shall not be less than 400 square feet and the minimum dimension of such #inner court# shall not be less than 20 feet.

No court regulations shall apply to #single-# and #two-family detached residences#.

(2/2/11)

107-467

Modifications of yard and court regulations

The #yard# and #court# regulations as set forth in Section 107-46 may be modified by authorization of the City Planning Commission in accordance with the provisions of Section 107-62 (Yard and Court Regulations).

(9/11/75)

107-47

Special Parking Regulations

(9/11/75)

107-471

For the purposes of this Chapter, the waiver provision set forth in Section 36-231 shall not apply to any #development# in the Special District.

(9/11/75)

107-472

Maximum size of group parking facility

For the purposes of this Chapter, no #accessory group parking facility# for non-#residential uses# shall contain more than 30 off-street parking spaces except as set forth in Section 107-68.

(9/11/75)

107-48

Special Landscaping and Buffering Provisions

(2/2/11)

107-481

Planting provisions along Residence District boundaries

For any #commercial# or #manufacturing development# on a #zoning lot# adjoining a #Residence District# boundary, there shall be in the open area required by the provisions of Sections 33-29 and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) along the #lot line# adjoining the #Residence District#, a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and complying with the provisions applicable to screening for parking areas as set forth in Section 107-483 (Planting and screening for open parking areas).

(2/2/11)

107-482

Landscaped buffer for manufacturing development adjacent to residences

Where an existing #residential use# is located adjacent to a proposed #manufacturing# or #commercial development#, the developer shall plant along that part of the #side# or #rear lot line# adjacent to a #residential use#, a row of evergreen shrubs at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or trees selected from Appendix B and spaced at 10 feet on center. Such screening shall be maintained in good condition at all times.

(6/10/09)

107-483

Planting and screening for open parking areas

(a) Tree planting requirements

One tree, of three inch caliper or more, preexisting or newly planted, shall be provided for each four parking spaces. Such trees may be located in the perimeter landscaped area of the parking area or in planting islands within the parking area.

However, where 30 or more parking spaces are provided, at least 50 percent of the required trees shall be located within planting islands within the parking area. Such planting islands shall have a minimum area of 150 square feet of pervious surface and comply with the requirements of paragraphs (a), (b) and (c) of Section 37-922 (Interior landscaping).

For open parking areas with at least 36 parking spaces, the total number of trees required pursuant to Section 37-922 (Interior landscaping) shall be superseded by the number of trees required pursuant to this Section.

(b) Screening requirements

The parking area shall be screened from all adjoining #zoning lots# by a landscaped area at least four feet in width, densely planted with shrubs maintained at a maximum height of three feet. Such parking area shall also be

screened from all adjoining #streets# by a perimeter landscaped area at least seven feet in width. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area.

In addition, such screening shall be maintained in good condition at all times and may be interrupted by normal entrances and exits.

(c) Planting Waiver

Tree planting and screening requirements may be waived if the Commissioner of Buildings certifies that planting is unfeasible due to:

- (1) unique geological conditions, such as excessive subsurface rock conditions or high water table;
- (2) underground municipal infrastructure; or
- (3) a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

For #developments# in #Residential Districts#, trees provided in accordance with the provisions of this Section may be counted for the purposes of meeting the requirements of Section 107-322, paragraph (a). Furthermore, for #developments# in #Commercial# or #Manufacturing Districts# which provide trees in accordance with the provisions of this Section, the requirements of Section 107-322, paragraph (a), shall not apply.

(8/17/95)

107-49

Special Regulations for Area M

In Area M, as shown on the District Plan (Map 4 in Appendix A) the regulations of the underlying districts and the Special District are supplemented or modified in accordance with the provisions of this Section. Except as modified by the express provisions of this Section, the regulations of the underlying districts and the Special District remain in effect.

(8/17/95)

107-491

Special use regulations for residential uses

- (a) #Residential uses# existing prior to August 17, 1995 shall be considered conforming and when an existing #building# containing such #uses# is damaged or destroyed by any means, it may be reconstructed to its #bulk# prior to such damage or destruction or to R3X District #bulk# requirements, whichever is greater.
- (b) #Residential extensions# shall be subject to all of the R3X District regulations and the applicable Special District regulations except that an existing #detached building# may contain non-#residential uses# in addition to not more than two #dwelling units#.
- (c) Non-#residential uses# shall be located below the lowest #story# occupied in whole or in part by #residential uses#.
- (d) #Floor area# in a #building# originally designed as one or more #dwelling units# that has been continuously vacant for two or more years prior to the date of filing an alteration application, may be re-occupied for #residential use#.
- (e) #Residential enlargements# not to exceed 500 square feet shall be permitted subject to all of the R3X District regulations and the applicable Special District regulations, provided that there is no increase in the number of #dwelling units# and that there is no disturbance of the soil.
- (f) #Residential developments#, and #residential enlargements# where there is a disturbance of the soil, shall be subject to the provisions of Section 107-69 (Residential Uses in Area M).

(8/17/95)

107-492

Special bulk regulations

The maximum #floor area ratio# for two or more #uses# on a #zoning lot# shall be determined by the #use# that is permitted the greatest #floor area ratio# in Area M (Map 4 in Appendix A),

provided that the #floor area# occupied by each #use# does not exceed the amount permitted by the #floor area ratio# for that #use# in Area M.

(2/2/11)

107-50

CERTIFICATIONS

Administrative certifications from the City Planning Commission are required, as set forth in various sections of this Chapter, in any one of the following circumstances:

- (a) when a tract of land is subdivided, as set forth in Section 107-08 (Future Subdivision);
- (b) when a #development# contains #residential uses#, as set forth in Section 107-121 (Public schools);
- (c) when a #zoning lot# contains #designated open space#, as set forth in Section 107-22 (Designated Open Space);
- (d) where required #yards# or equivalents are to be modified as set forth in Section 107-465 (Modifications of special yard regulations for certain zoning lots);
- (e) where a #zoning lot# along an #arterial# requests more than one curb cut, as set forth in Section 107-251 (Special provisions for arterials);
- (f) where plant material is substituted for required trees as set forth in Section 107-323 (Substitution of other plant materials);
- (g) when #development# takes place within areas D, F, or K, as set forth in Section 107-02 (General Provisions); or
- (h) when a #zoning lot# contains a portion of the proposed #waterfront esplanade#, as set forth in Section 107-23 (Waterfront Esplanade).

(9/11/75)

107-60

AUTHORIZATIONS

(11/15/06)

107-61

General Provisions

On application, the City Planning Commission may grant authorizations for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections 107-62 to 107-69, inclusive, relating to authorizations.

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

(2/2/11)

107-62

Yard, Court and Parking Regulations

For any #zoning lots#, the City Planning Commission may authorize variations in the #yard# or #court# regulations as set forth in Section 107-46 or in the location of parking, driveway or curb cut regulations as set forth in Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), 25-621 (Location of parking spaces in certain districts), 25-622 (Location of parking spaces in lower density growth management areas) and 25-631 (Location and width of curb cuts in certain districts) for the purpose of allowing proper arrangements of #buildings#, driveways or required parking areas so as to avoid the destruction of existing topography and individual trees of six-inch caliper or more. #Rear yard#, #side yard# or #side yard# equivalent variations shall not be authorized on the periphery of a #development# unless acceptable agreements are jointly submitted for #development# of two or more adjacent #zoning lots# by the owners thereof, incorporating the proposed #yard# or #side yard# equivalent variations along their common #lot lines#.

As a condition for granting such authorizations, the Commission shall find that the proposed placement of #buildings# and arrangement of #open spaces# will not have adverse effects upon light, air and privacy on adjacent #zoning lots#.

(2/2/11)

107-63

Minimum Distance between Buildings

For any #development# containing #residences#, the City Planning Commission may authorize the location of #buildings#, on a single #zoning lot# without regard for spacing between #buildings# regulations, provided that the resultant spacing will not be reduced beyond an amount considered appropriate by the Commission and in no case by more than 15 percent of that required by Section 23-71 (Minimum Distance between Buildings on a Single Zoning Lot).

(9/11/75)

107-64

Removal of Trees

For any #development#, the City Planning Commission may authorize the removal of trees of six-inch caliper or more whose removal would otherwise be prohibited under the provisions of Section 107-32 (Tree Regulations), provided that the Commission makes one or more of the following findings:

- (a) that the tree's retention would cause serious disadvantage in the arrangement of open areas on the lot, impairing the usefulness of such areas;
- (b) that such tree is located in an area where more than two feet of cut or fill is required and measures for saving the tree would be extremely difficult and impractical; or
- (c) that provision of a segment of the #waterfront esplanade# is not feasible without such tree's removal.

(2/2/11)

107-65

Modifications of Existing Topography

For any #development# or #site alteration#, the City Planning Commission may authorize modifications of the natural topography existing on September 11, 1975, beyond the amount specified in Section 107-31 (Topographic Regulations), provided that the Commission finds that:

- (a) #development# on the #zoning lot# is not feasible without such modifications;

- (b) such modification of topography is necessary to accommodate public amenities, such as public pedestrian ways, the #waterfront esplanade# or active recreational facilities within a #designated open space# as required under the provisions of this Chapter;
- (c) such modification will not cause unnecessary disturbance of the drainage pattern in the area; and
- (d) such modified topography will have minimal impact on the existing natural topography of the surrounding area and will blend harmoniously with it.

Where a permit for land contour work or topographic modification is required from the Department of Transportation or the Department of Buildings, the City Planning Commission and other such agencies shall jointly determine the conditions under which such topographic modification may be permitted so as best to serve the purposes of the Special District, in accordance with the provisions of Section 107-91 (Inter-agency Coordination).

(9/11/75)

107-66

Developments Partly within Designated Open Space

(2/2/11)

107-661

Modification of permitted obstructions

For #developments# containing #residences# on #zoning lots# partly within #designated open space#, the City Planning Commission, on application, may modify the requirements of Section 107-45 (Required Open Space for Residences) to permit more than 50 percent of the required #open space#, not within the #designated open space#, to be occupied by driveways, private streets, open #accessory# off-street parking spaces or open #accessory# off-street loading berths, if the Commission finds that such facilities are so arranged and landscaped as to afford an acceptable standard of amenity for the #development# and its surroundings.

(2/2/11)

107-662

Modification of required yards of building setbacks

On application, the City Planning Commission may grant an authorization modifying the #building# setback requirements of Section 107-251 (Special provisions for arterials), provided that the Commission finds that:

- (a) the area of that portion of the #zoning lot# which is designated as #designated open space# on the District Plan in Appendix A of this Chapter, is at least equal to the area of the required #building# setback #front yard# or #yards#, or portion thereof, which is waived;
- (b) along any #front lot line# abutting an #arterial#, a front setback shall be provided having a depth to be determined by the Commission and which shall be improved in accordance with a landscape plan approved by the Commission; and
- (c) #building# placement leaves adequate spaces for the provision of #street# trees.

(11/15/06)

107-67

Uses and Bulk Permitted in Certain Areas

(2/2/11)

107-671

In Areas F and K

In Areas F and K, as shown in the District Plan (Map 4 in Appendix A), the City Planning Commission may authorize one or more #uses# in the Use Groups specified in this Section not permitted by the underlying district regulations.

As a condition for such authorization, the Commission shall find that:

- (a) such #uses# are so located as not to impair the essential character of the surrounding area for its future development;

- (b) the minimum #lot area# of a #zoning lot# on which such #uses# are located is at least 20 acres;
- (c) vehicular access and egress for such proposed #uses# are located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas; and
- (d) where vehicular access and egress are located on an #arterial#, such location affords the best means for controlling the flow of traffic generated by such proposed #uses# to and from such #arterial#.

In each case the Commission may prescribe additional conditions and safeguards, including requirements for adequate screening, planting or landscaping.

Areas (as designated on the District Map)	Permitted Use Groups
F	12
K	7A 7B 7D 7E

(2/2/11)

107-672

In Area SH

The City Planning Commission may authorize #developments# that will result in more than 250 #dwelling units# of #non-profit residences for the elderly# in Area SH, as shown on the District Plan (Map 4 in Appendix A), provided such #developments# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section 23-141 (Open space and floor area regulations in R1, R2, R3, R4 and R5 Districts), as modified by this Chapter. The provisions of Section 23-147 (For non-profit residences for the elderly) shall not apply.

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

- (a) such #developments# are part of a superior site plan;
- (b) such #residences# are compatible with the character of the surrounding area; and

- (c) the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

(2/2/11)

107-68

Modification of Group Parking Facility and Access Regulations

For a permitted #commercial#, #community facility# or #manufacturing use#, the City Planning Commission may authorize more than 30 #accessory# off-street parking spaces, and for any #use#, may modify access restrictions with regard to curb cuts as set forth in paragraph (a) of Section 107-251 (Special provisions for arterials) or paragraph (a) of Section 107-252 (Special provisions for park streets). In order to grant such authorization, the Commission, upon a review of the site plan, shall find that:

- (a) vehicular access and egress are located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (b) where vehicular access and egress are located on an #arterial# or #park street#, such location affords the best means for controlling the flow of traffic generated by such #use# to and from such #arterial# or #park street#, and does not unduly interfere with pedestrian traffic; and
- (c) the location of such vehicular access and egress permits better site planning.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may, in appropriate cases, condition its authorization upon compliance with an approved site and landscaping plan. The Commission may also permit modifications to parking lot landscaping and maneuverability requirements only if such modifications preserve vegetation and natural topography.

(8/17/95)

107-69

Residential Uses in Area M

- (a) The City Planning Commission may authorize #developments#, or #enlargements# of #residential uses# in excess of 500 square feet, or in any case where there would be a disturbance of the soil, for the following:
 - (1) #zoning lots# with #residential# or #community facility uses# existing on August 17, 1995; or
 - (2) #zoning lots# that have been vacant or #land with minor improvements# for at least two years immediately prior to the date of application for the authorization.
- (b) No #building# shall be constructed for occupancy by both #residential# and #manufacturing uses#. All #residential uses# shall comply with the R3X District regulations and all #commercial uses# shall comply with the M1-1 District regulations. All #developments# or #enlargements# shall comply with the applicable Special District regulations:
- (c) In authorizing new #residential uses# and #residential enlargements#, the Commission shall find that:
 - (1) the #residential use# will not be exposed to excessive noise, smoke, dust, noxious odor, toxic metals, safety hazards, or other adverse impacts from #commercial# or #manufacturing uses#;
 - (2) there are no open #uses# listed in Use Group 18 within 400 feet of the #zoning lot#;
 - (3) the #residential use# shall not adversely affect #commercial# or #manufacturing uses# in the Special District; and
 - (4) the authorization shall not alter the essential character of the neighborhood or district in which the #use# is located, nor impair the future #use# or #development# of #commercial# and #manufacturing uses# on nearby #zoning lots#.

In granting such authorization, the Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

(9/11/75)

(9/11/75)

107-71

General Provisions

On application, the City Planning Commission, may grant special permits for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections 107-72 to 107-78, inclusive, relating to Special Permits.

(2/2/11)

107-72

Qualification of Designated Open Space as Lot Area

For any #development# containing #designated open space#, the City Planning Commission may allow the amount of #designated open space# to be counted as #lot area# for #bulk# computations to exceed the amount permitted under Section 107-224.

As a condition for granting a permit for such modifications, the Commission shall find that:

- (a) that for the occupants of the site itself, the ill effects of concentration of #buildings# or #accessory# off-street parking are avoided or overcome by the manner in which the #buildings# are sited and #yards# and other open areas arranged; and
- (b) that the concentration of #buildings# or activities will not adversely affect any other #zoning lot# outside the development by restricting access of light and air, impairing privacy or creating traffic congestion.

(6/30/89)

107-73

Exceptions to Height Regulations

For any #development#, the City Planning Commission may grant a special permit to modify the height regulations as set forth in Section 23-631, paragraphs (b), (c) and (d) and Section 107-43,

provided that the Commission finds that:

- (a) such #development# is so located as not to impair the essential character of the surrounding area;
- (b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography, #designated open space# or the protection of an outstanding view from a public space, will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land; and
- (c) that the #development's# design proposals take full advantage of all special characteristics of the site.

(2/2/11)

107-74

Modification of Permitted Use Regulations

For any #development#, the Commission may grant special permits to allow #semi-detached# or #attached single-family residences# in R2 Districts and #attached single-# or #two-family residences# in R3-1 Districts. As a condition for granting such special permits, the Commission shall find that:

- (a) only by modifying the #residential building# type, the preservation of trees over six-inch caliper and of existing topography can be assured;
- (b) by inclusion of the proposed #residential building# types, better standards of privacy and usable #open space# can be achieved; and
- (c) if the #zoning lot# is located in the #designated open space#, the prohibition of #development# on the #designated open space# requires the permitted #development# to be concentrated in the remaining portion of the tract.

(2/2/11)

107-75

Modification of Underlying R1-1 District Regulations

For any #development#, the Commission may grant special permits for the modifications of underlying R1-1 District regulations on #yards# or #courts# where such modifications are appropriate in order to:

- (a) permit siting of a #building# or driveway so as to avoid destruction of a valuable tree of six-inch caliper or more; or
- (b) allow a #building# to be arranged on a #zoning lot# that includes #designated open space# without encroaching on such #designated open space#.

As a condition for granting such modifications, the Commission shall find that:

- (1) the siting of the #building# will not adversely affect adjacent properties by impairing privacy or access of light and air;
- (2) the benefits to the surrounding area from the proposed arrangement of #buildings# and #open spaces# outweigh any disadvantages which may be incurred thereby in the area; and
- (3) such modification is the least modification required to achieve the purpose for which it is granted.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

(9/11/75)

107-76

Boundary Adjustments in Designated Open Spaces

The City Planning Commission may grant special permits to allow adjustments in the boundaries of the #designated open space# on a #zoning lot# provided that such adjustment will not place the new boundary closer than 60 feet to a watercourse. As a condition for such adjustment in the boundaries, the Commission shall find that such adjustment will:

- (a) result in a substantial improvement in the quality and usefulness of the #designated open space#; or
- (b) permit #development# which better satisfies the purposes of this Chapter and that the new features which will be added

to the #designated open space# will be at least equal in quality to those which are displaced from it; and

- (c) provide an equivalent area replacement for the area removed from the #designated open space#.

(2/2/11)

107-77

Community Facility Buildings or Treatment Plants Permitted in Designated Open Space

The City Planning Commission may grant special permits for the construction of sewage disposal plants or pumping stations or #community facility uses# listed in Section 78-352 (Bonus for community facility space) in #designated open space# where such #uses# are permitted by the underlying district regulations provided the Commission finds that:

- (a) an amount of open area outside the boundary of the #designated open space#, at least equal to the coverage of any #building or other structure# permitted under this Section, shall be added to the #designated open space#, and action shall be taken to change the boundary of the #designated open space# pursuant to Section 107-76 (Boundary Adjustments in Designated Open Spaces);
- (b) such added open area forms a continuous part of the #open space network#, and does not interrupt or foreclose the continuity of a public pedestrian way;
- (c) such added open area shall contain natural (aquatic, botanic, geologic or topographic) features that are equal or better in quality to those displaced by the #development#; and
- (d) such sewage disposal plants and sewage pumping stations meet the requirements of Section 74-731 (Sewage disposal plants and pumping stations).

The City Planning Commission may prescribe appropriate conditions and safeguards to enhance the character of the #designated open space#.

(9/11/75)

107-78

Other Buildings Permitted in Designated Open Space

On any #zoning lot# located partially within the #designated open space#, the City Planning Commission may grant a special permit to allow a #building# to encroach on the #designated open space# where #development# is not feasible without encroachment on the #designated open space#. As a condition for permitting such construction, the Commission shall find that the #development#, as authorized, will result in the minimum interference with the #designated open space# that must be permitted in order to allow reasonable #development# and #bulk# distribution under the regulations of the underlying district or as such regulations are modified by the provisions of this Chapter.

The Commission may prescribe appropriate conditions and safeguards to enhance the character of the #designated open space#.

(9/11/75)

107-80

LARGE-SCALE RESIDENTIAL DEVELOPMENT REGULATIONS

(9/11/75)

107-81

Applicability of Large-Scale Residential Development Regulations

All regulations of Article VII, Chapter 8, Special Regulations Applying to Large-Scale Residential Development, are applicable in the Special District.

(9/11/75)

107-82

Applicability of Large-Scale Residential Development Regulations to Parcels Containing Designated Open Space

Any #development# used predominantly for #residential use# on a #zoning lot# which includes #designated open space# may be treated as a #large-scale residential development#, and special authorizations or special permits for such #development# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein, regardless of whether such #development# will have the area, number of #buildings#, or number of #dwelling units# specified in the definition of #large-scale residential development# as set forth in Section 12-10 (DEFINITIONS), except as provided in Sections 107-821 to 107-823, inclusive.

(9/11/75)

107-821

Bonus provisions

Bonuses which may be granted for #large-scale residential developments# under the provisions of Sections 78-32 (Bonus for Good Site Plan), 78-33 (Bonus for Common Open Space) or 78-35 (Special Bonus Provisions), may not be granted for #developments# which have less than the minimum area, number of #buildings# or number of #dwelling units# required by the definition of a #large-scale residential development#.

(9/11/75)

107-822

Lot area restriction

Authorizations or special permits granted within the #Special South Richmond Development District# pursuant to this Resolution shall be consistent in all cases with the provisions of Section 107-224 (Qualification of designated open space as lot area for bulk computations).

(2/2/11)

107-823

Common open space

Approval by the City Planning Commission of a development plan incorporating #designated open space# as common #open space# shall be conditioned upon the findings required in Section 78-52 (Common Open Space), except that the Commission may waive or modify any requirements of paragraph (g) of Section 78-52.

Notwithstanding any provision in Article VII, Chapter 8, or elsewhere in this Zoning Resolution, if the City of New York acquires title or a less than fee interest in any #designated open space# which serves as required #open space# for a #development# and the acquisition occurs while the #development# is under construction or after it is completed, it shall not affect the area's qualifications for satisfying #open space# requirements for #zoning lots# in the #development#.

(9/11/75)

107-83

Modification of Minimum Required Lot Area for Residences

Modification of minimum required #lot area# for #residences# as set forth in Section 107-42 may be granted by the City Planning Commission, pursuant to Section 78-311, paragraph (c).

(9/11/75)

107-84

Joint Applications

Notwithstanding the provisions of Section 78-06 (Ownership), a tract of land which includes #designated open space# and which is the subject of an application under the provisions of Section 107-81 (Applicability of Large-Scale Residential Development Regulations), may include adjacent properties in more than one ownership, provided that the application is filed jointly by the owners of all the properties included. Any subdivision of the tract reflecting ownerships at the time of application or creating new ownerships before, during or after #development# shall be subject to the provisions of Section 78-51 (General Provisions).

(9/11/75)

107-90

SPECIAL ADMINISTRATIVE PROVISIONS

(2/2/11)

107-91

Inter-agency Coordination

Where an authorization or permit for a #site alteration# or

#development# is required from the City Planning Commission pursuant to this Chapter and where a permit is required from the Department of Transportation or Department of Buildings for land contour work, or from the Department of Environmental Protection for a storm water drainage system for #buildings# or adjacent areas, or where construction of a public improvement project is undertaken by a City agency, the Department of City Planning and the agencies involved shall jointly determine the conditions under which such proposed #development# or #site alteration# will best meet the purposes of the #Special South Richmond Development District#. Applications for any required permit or authorization shall be filed simultaneously with each agency from which the permit or authorization is required.

(9/11/75)

107-92

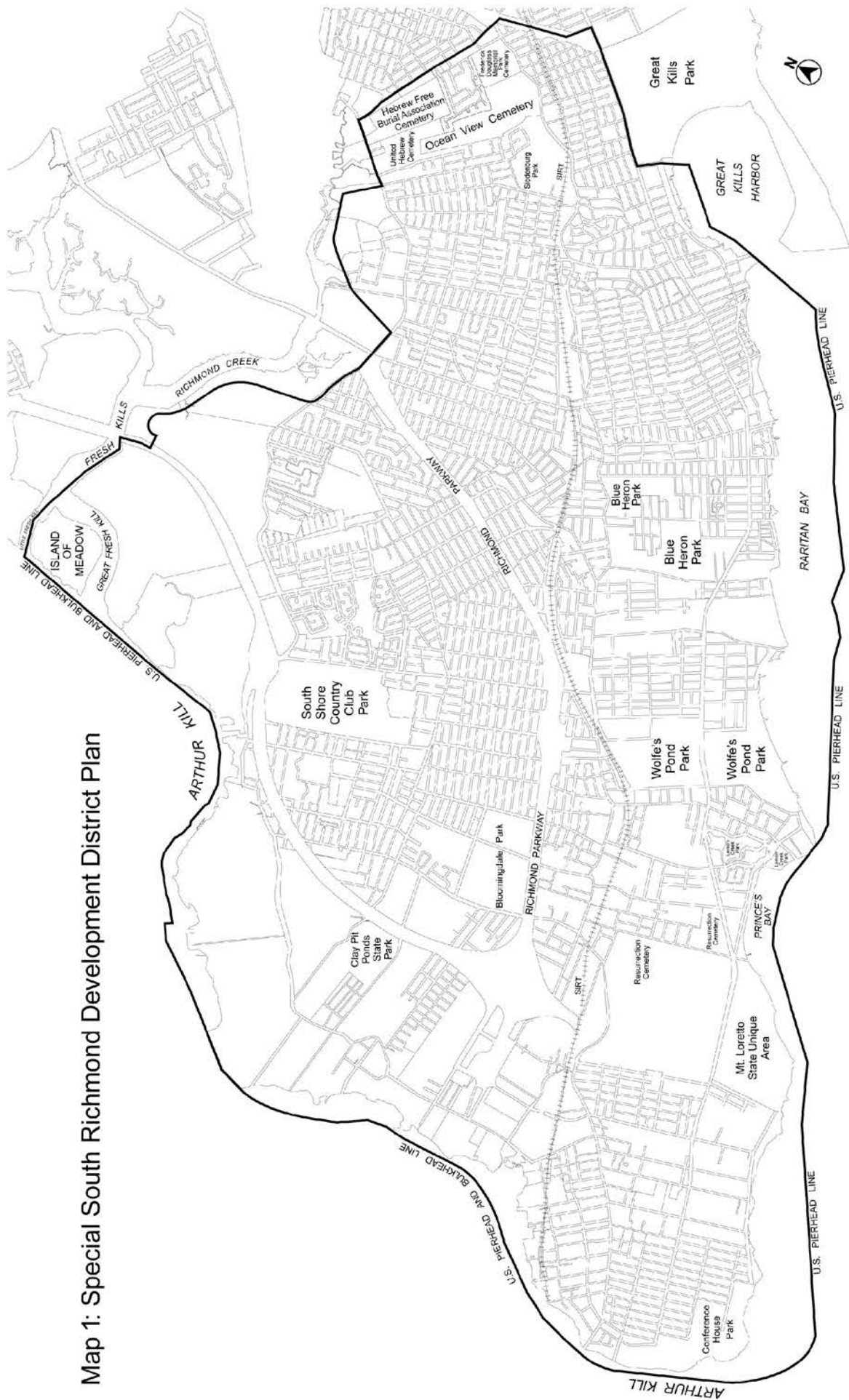
Recordation

When any #yard# requirement of the applicable district regulations is modified by the City Planning Commission pursuant to Section 107-46 (Yard and Court Regulations), prior to the filing of an application for any permit with the Department of Buildings, there shall be recorded in the Office of the County Clerk, County of Richmond, and indexed against such #zoning lots# to be #developed# as a unit, an instrument describing all conditions and restrictions required by the Commission for the #development# and #use# of such #zoning lots#. Recordation of instruments may be required in connection with any other zoning application hereunder. A certified copy of such instrument shall be submitted to the City Planning Commission upon recordation thereof.

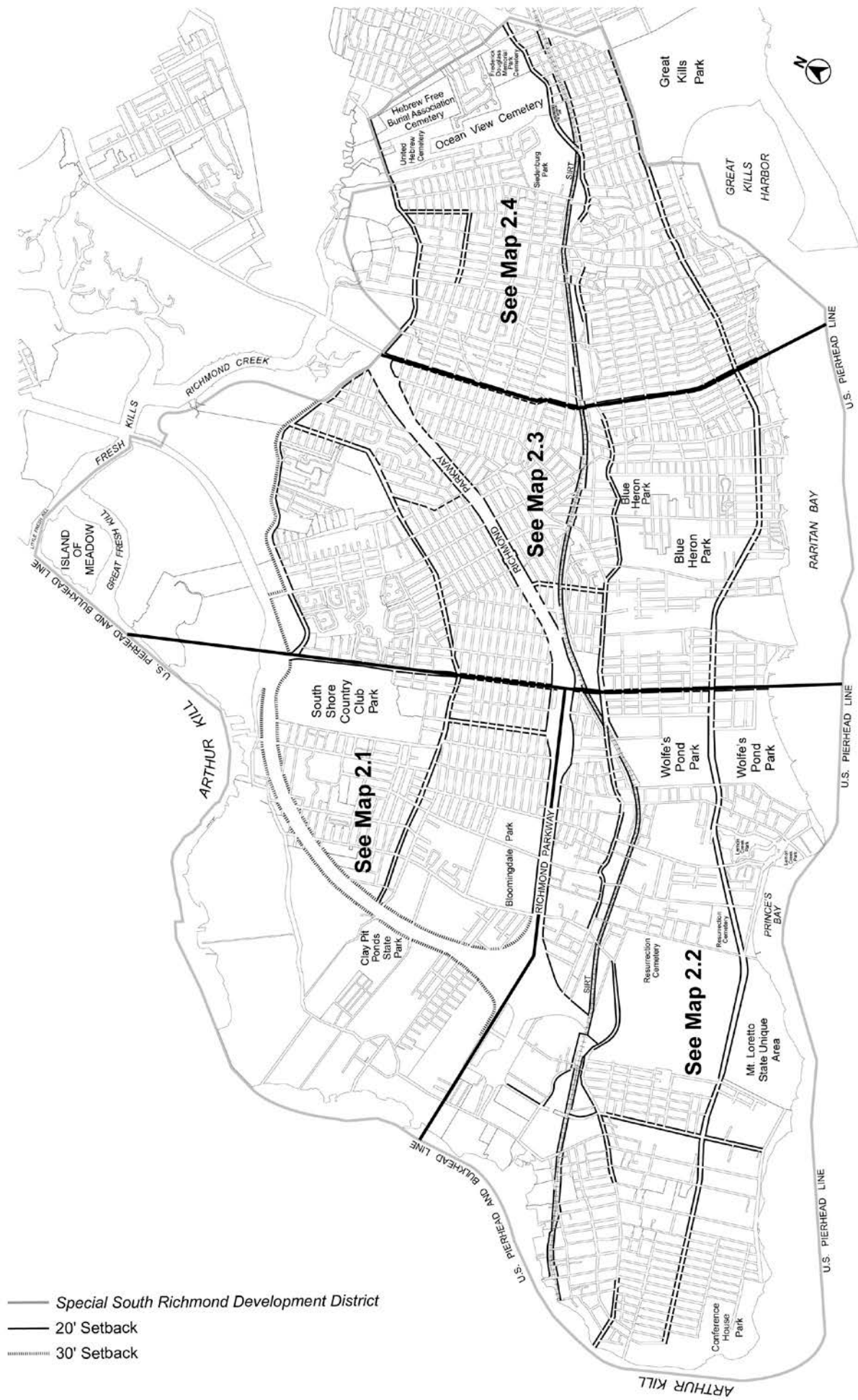
The following South Richmond Special District Plan, individual District Plan Maps and Tree Selection Tables are incorporated as Appendices A and B of this Chapter.

Appendix A
Special South Richmond Development District Plan

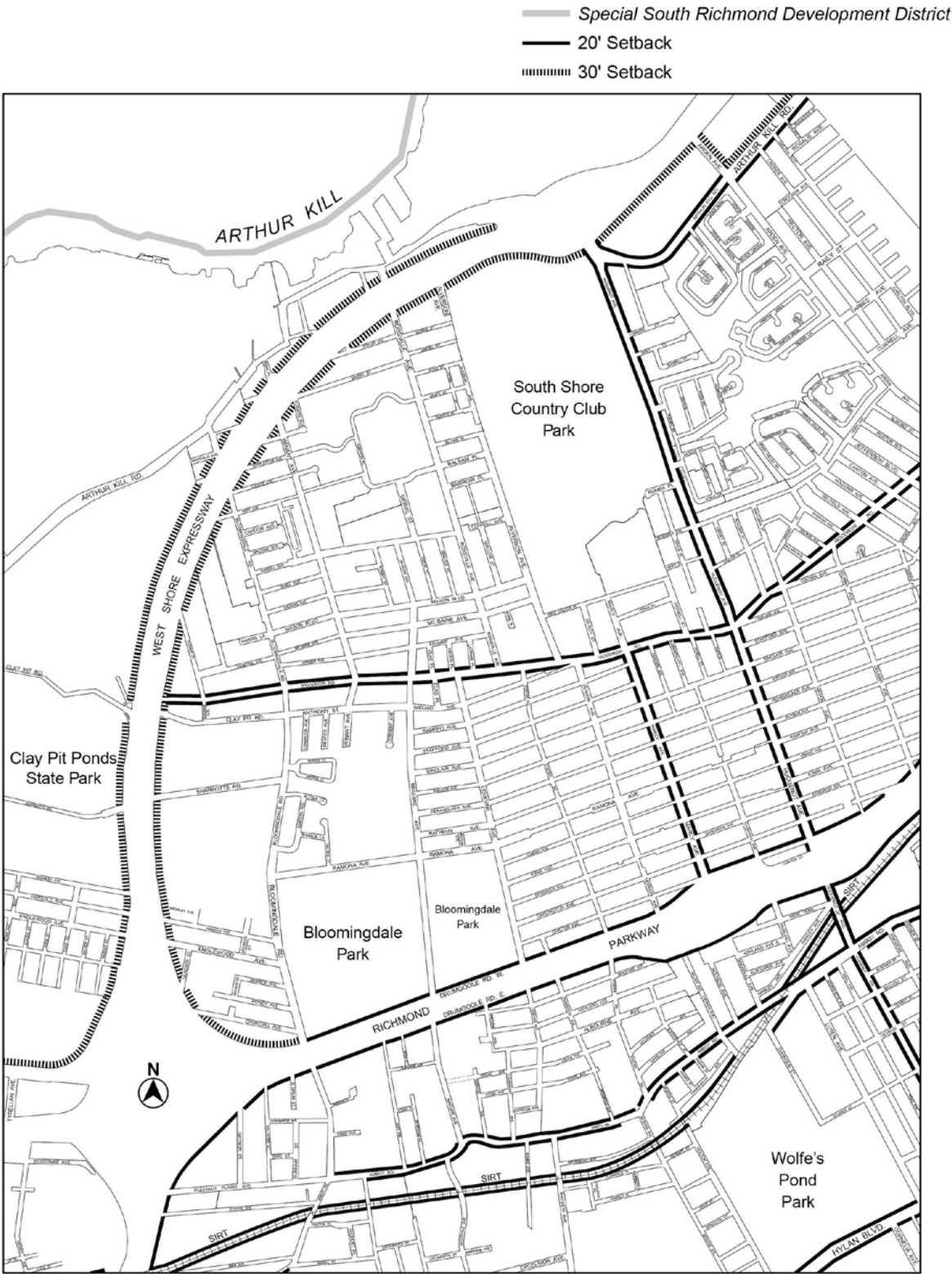
Map 1 - District Plan (9/11/75)



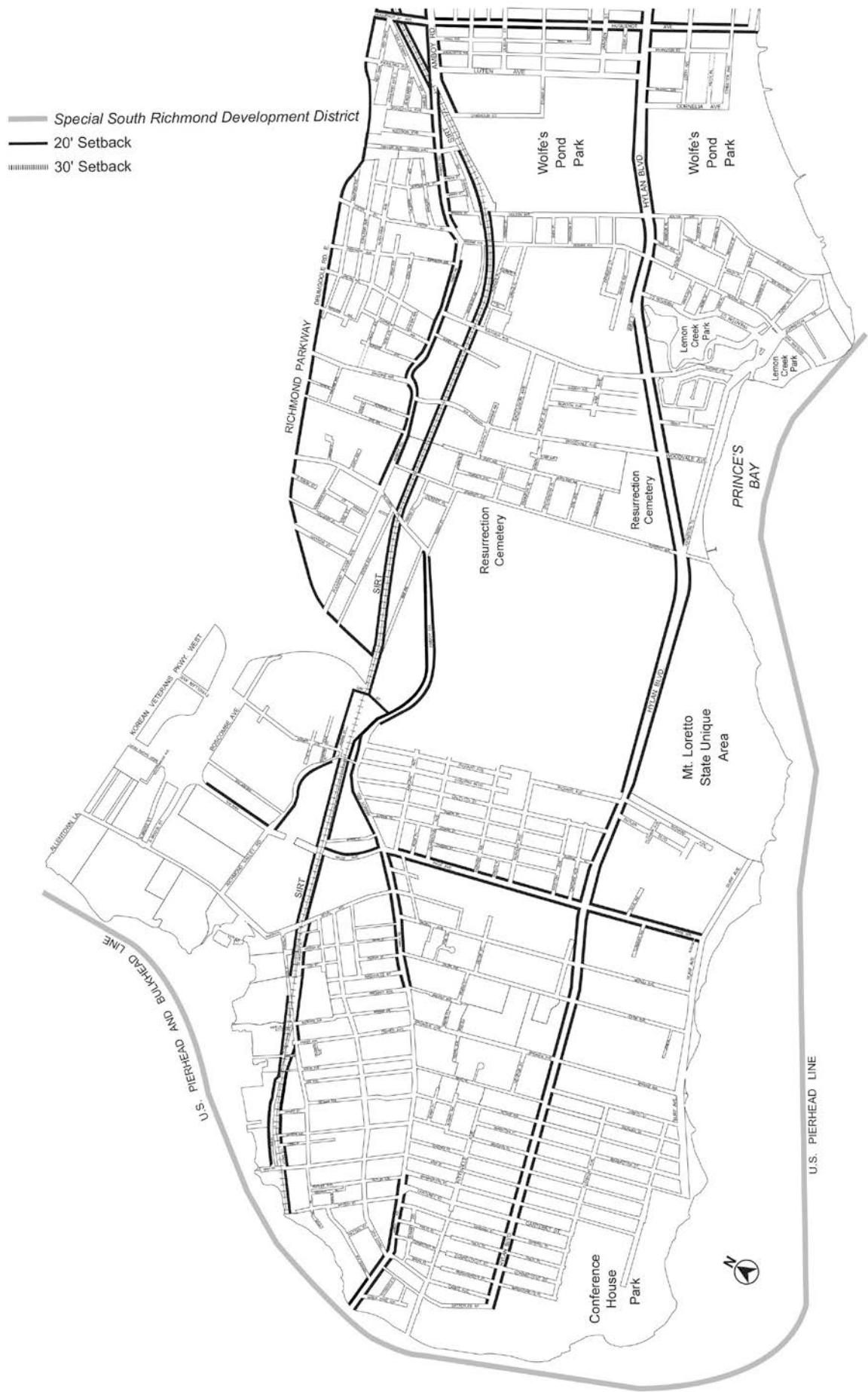
Map 2 - Arterial Setback Plan (2/3/10)



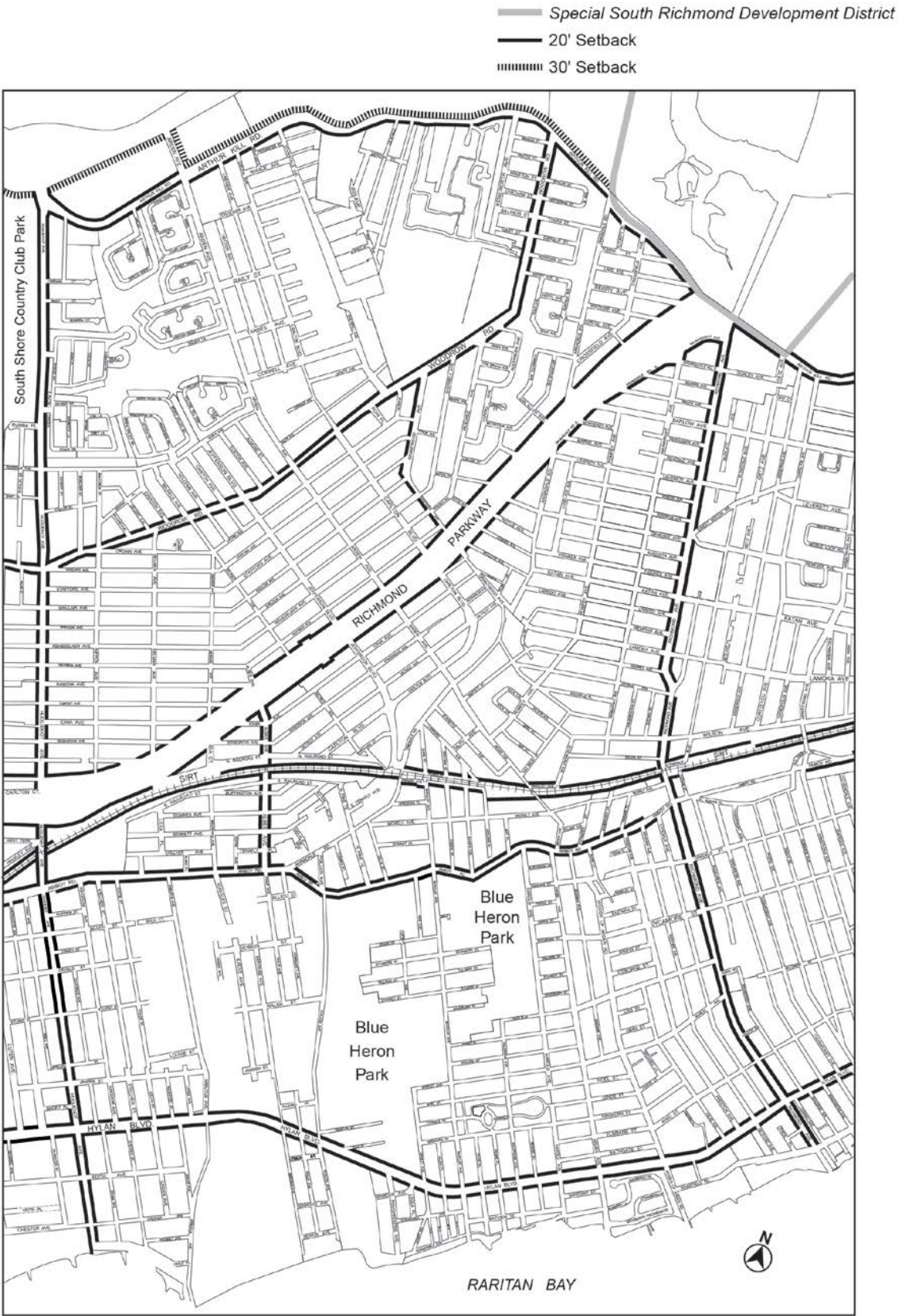
Map 2.1 - Arterial Setback Plan



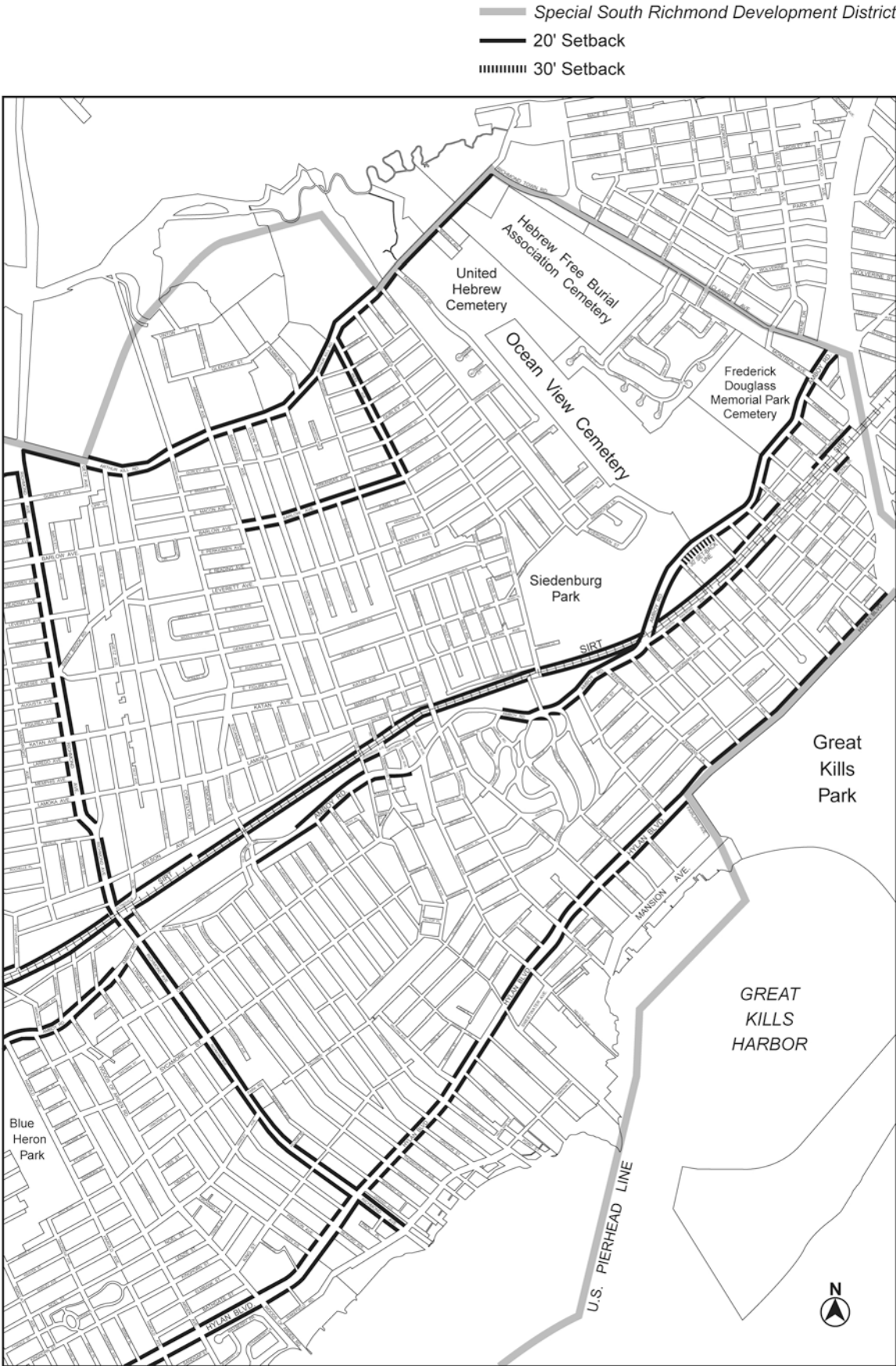
Map 2.2 - Arterial Setback Plan



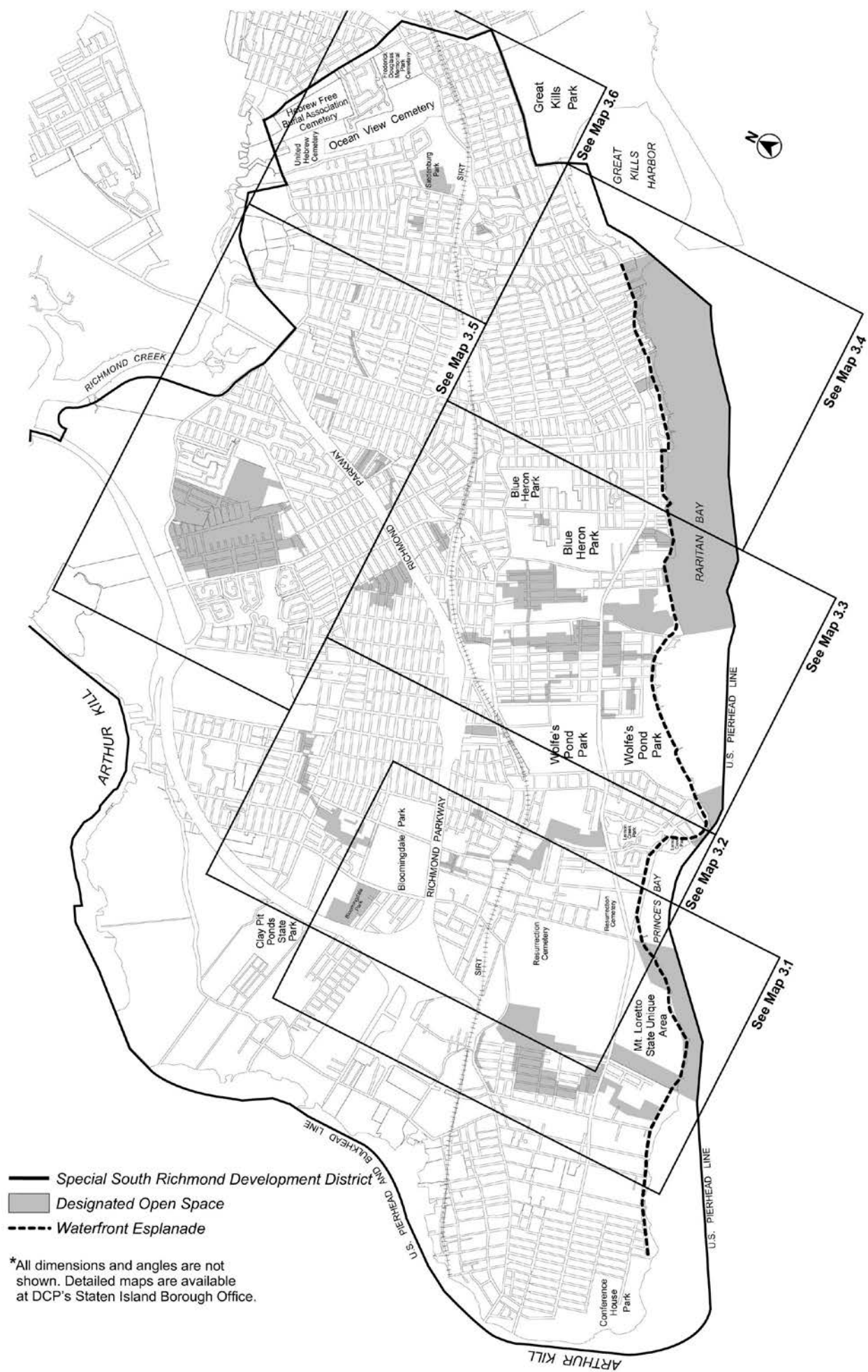
Map 2.3 - Arterial Setback Plan (2/3/10)



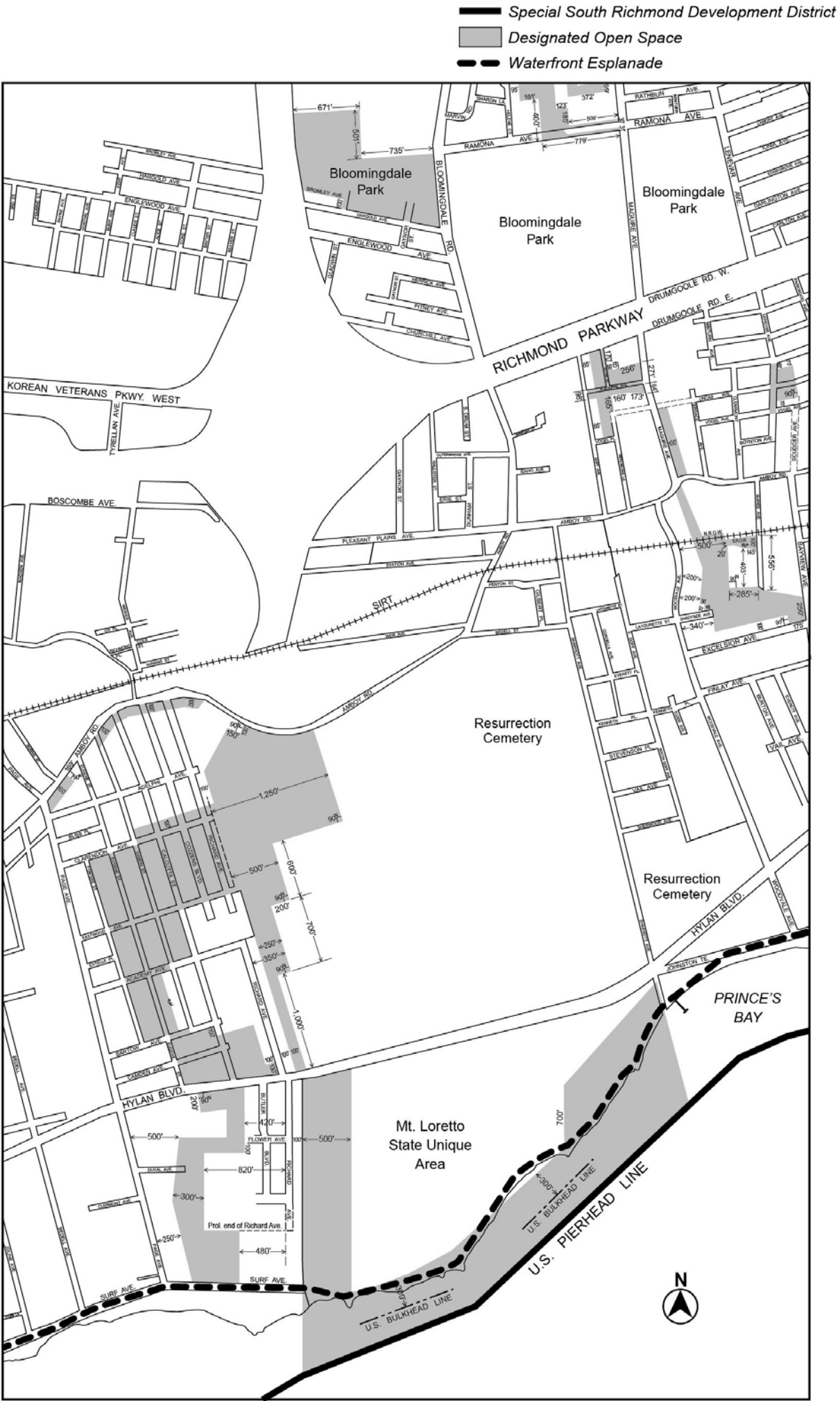
Map 2.4 - Arterial Setback Plan (6/13/12)



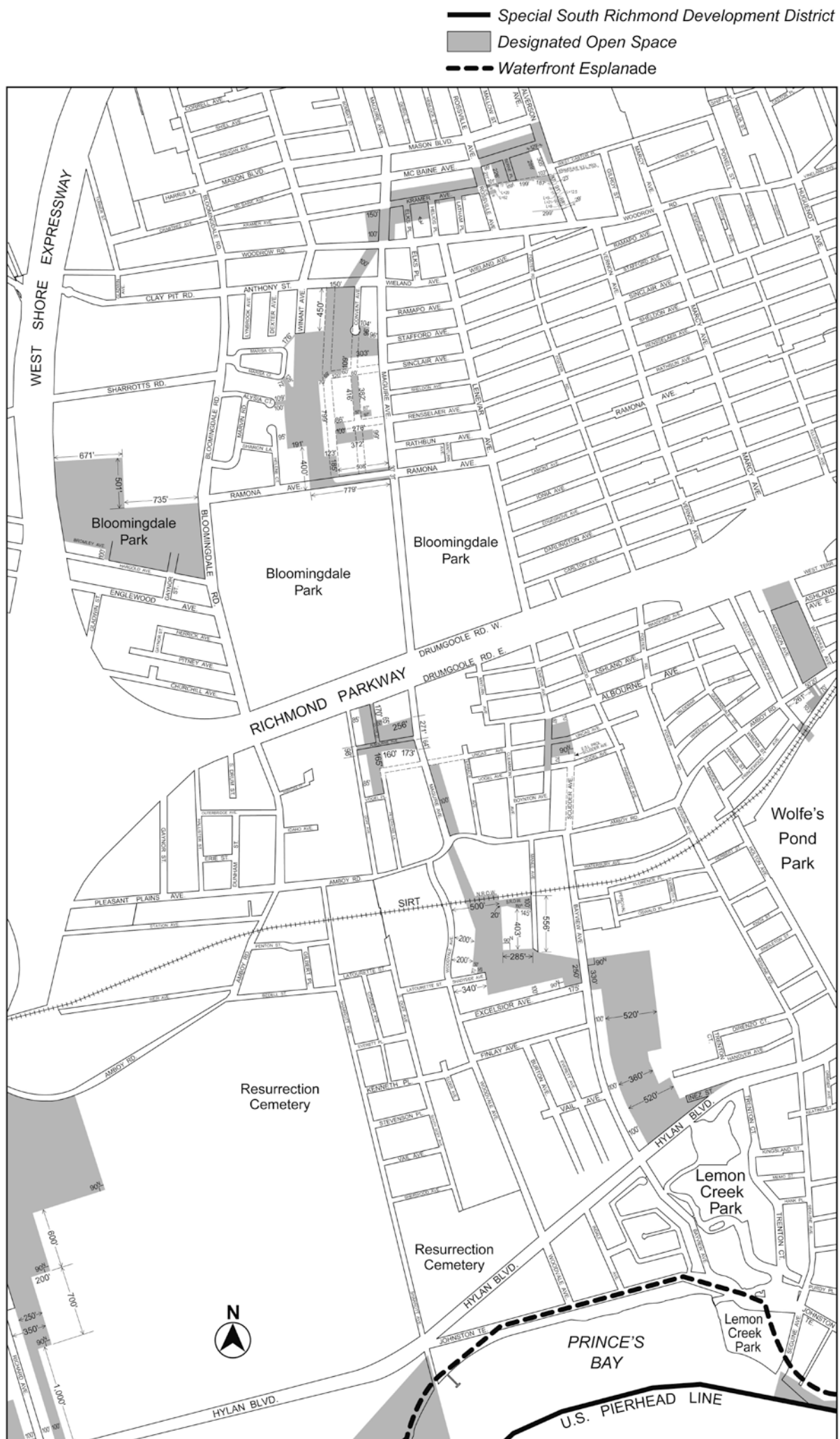
Map 3 - Open Space Network (1/26/10)



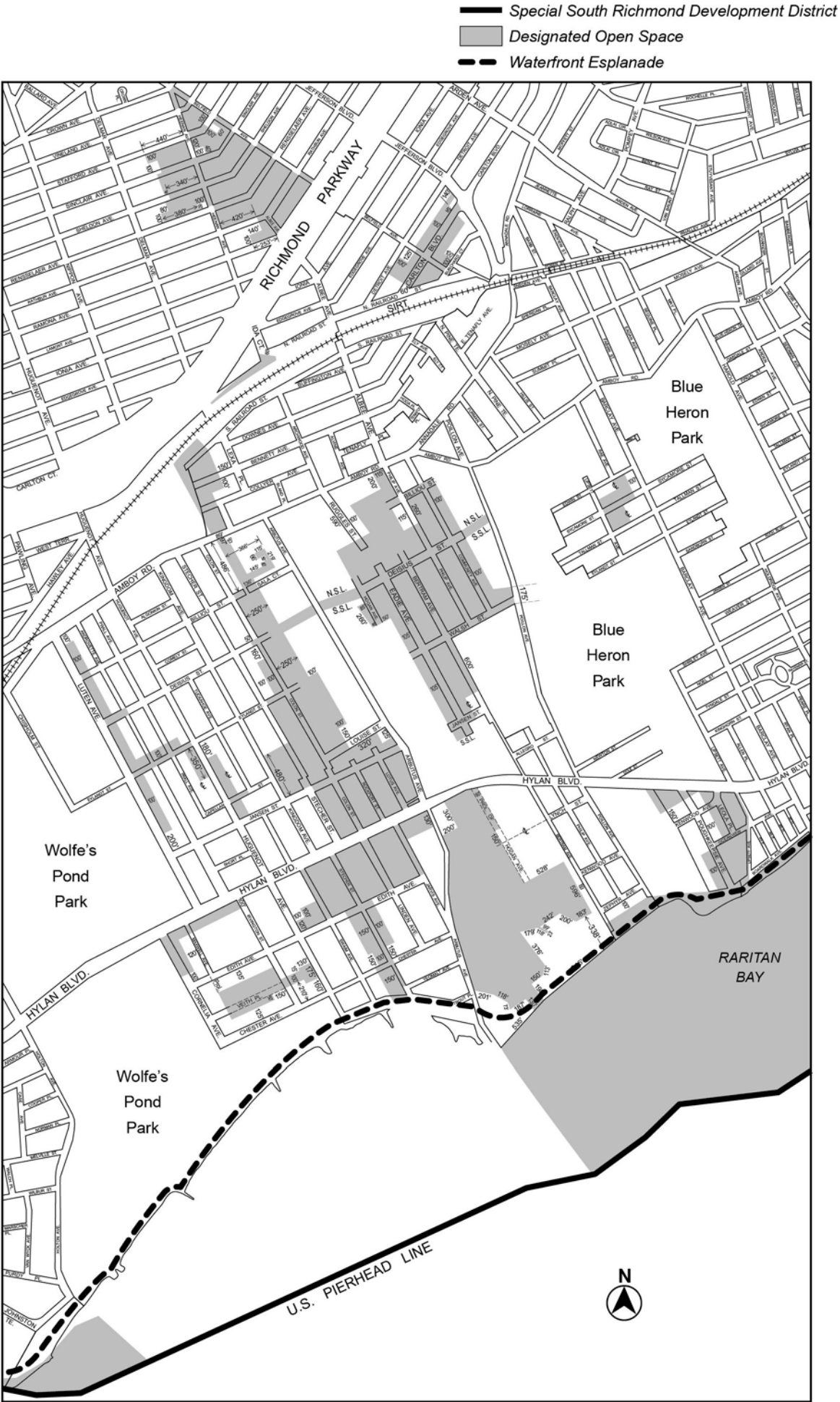
Map 3.1 - Open Space Network



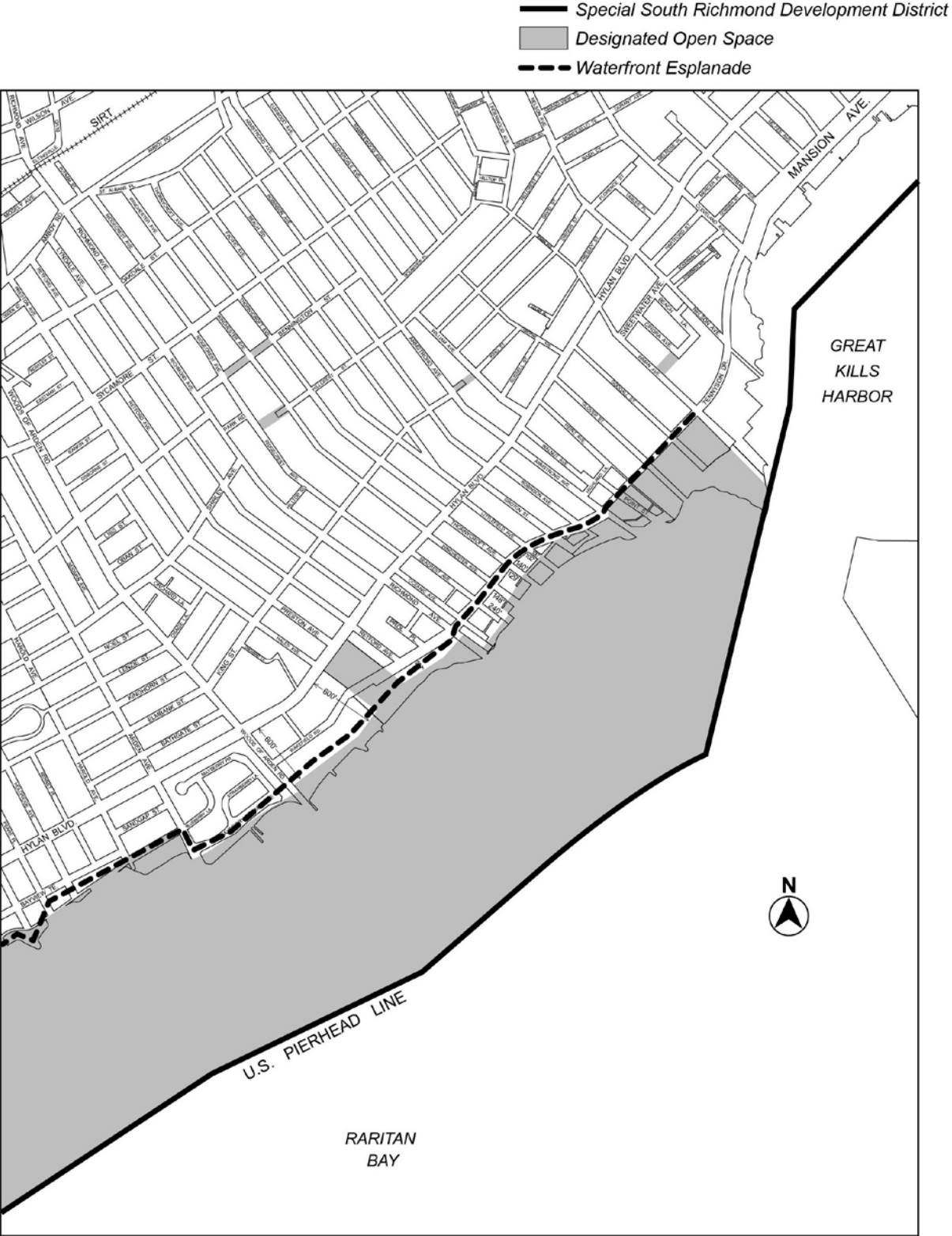
Map 3.2 - Open Space Network (6/29/11)



Map 3.3 - Open Space Network



Map 3.4 - Open Space Network (7/29/92)



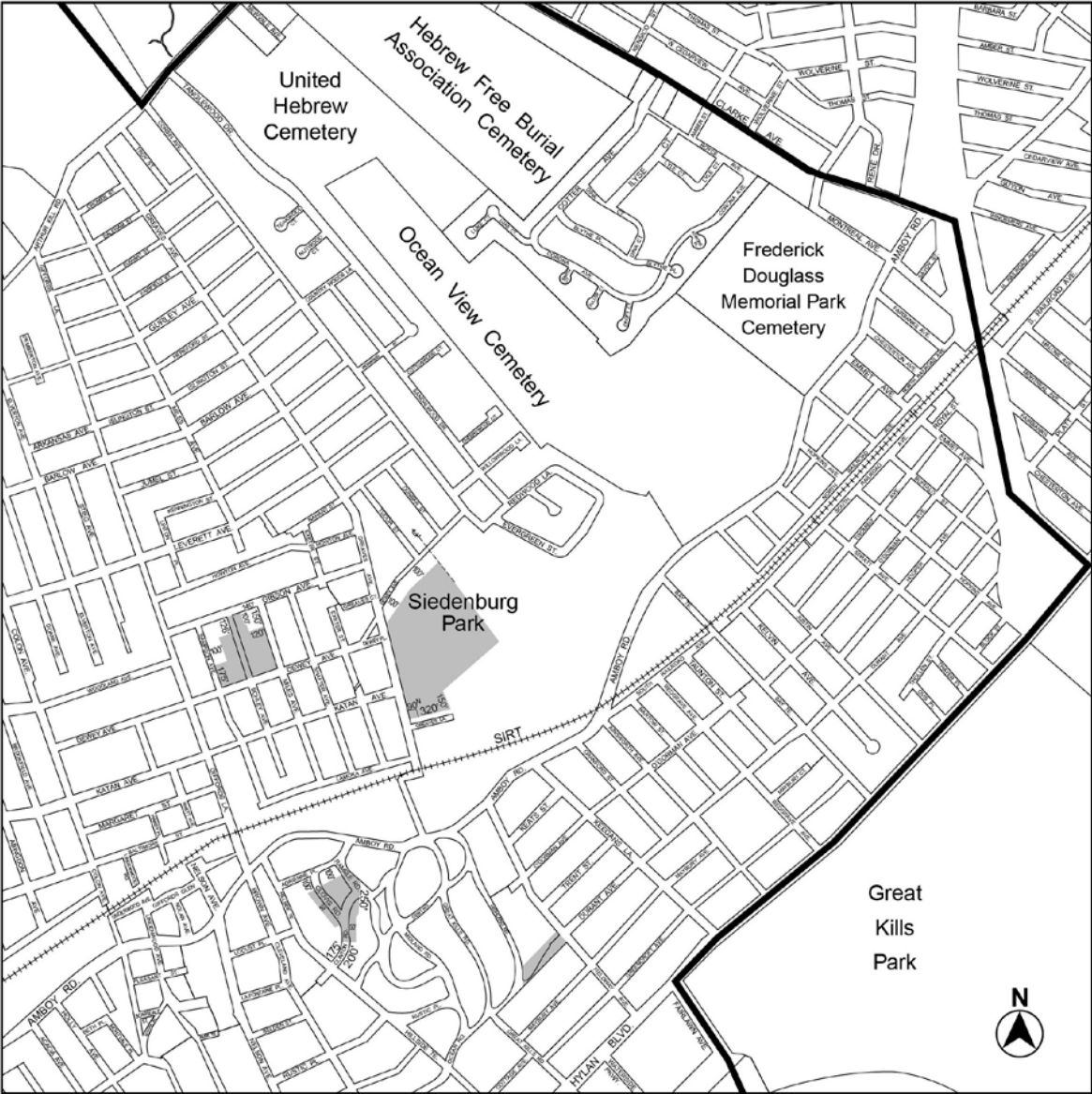
Map 3.5 - Open Space Network (10/22/81)

- Special South Richmond Development District
- Designated Open Space

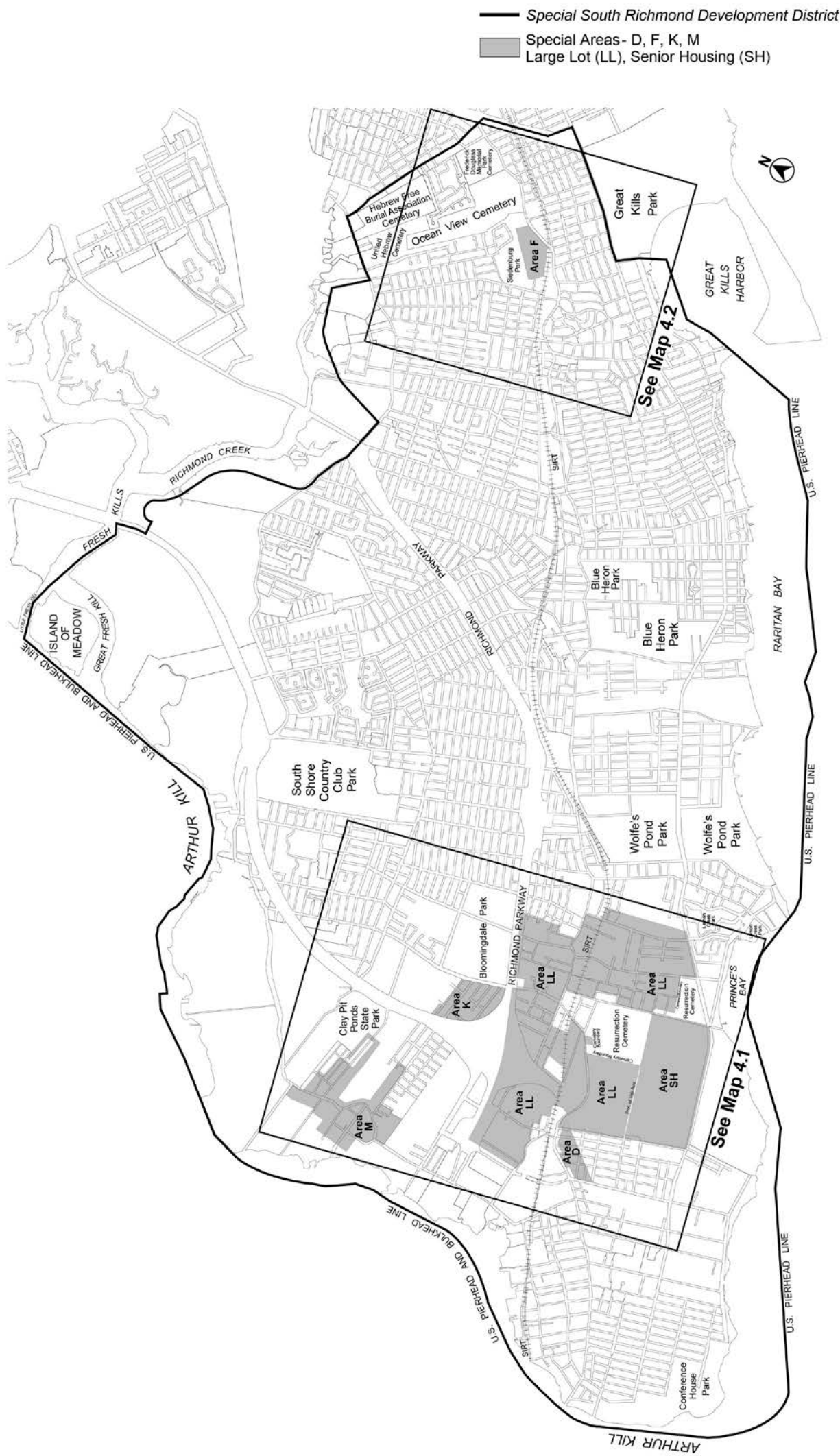


Map 3.6 - Open Space Network

- Special South Richmond Development District
- Designated Open Space

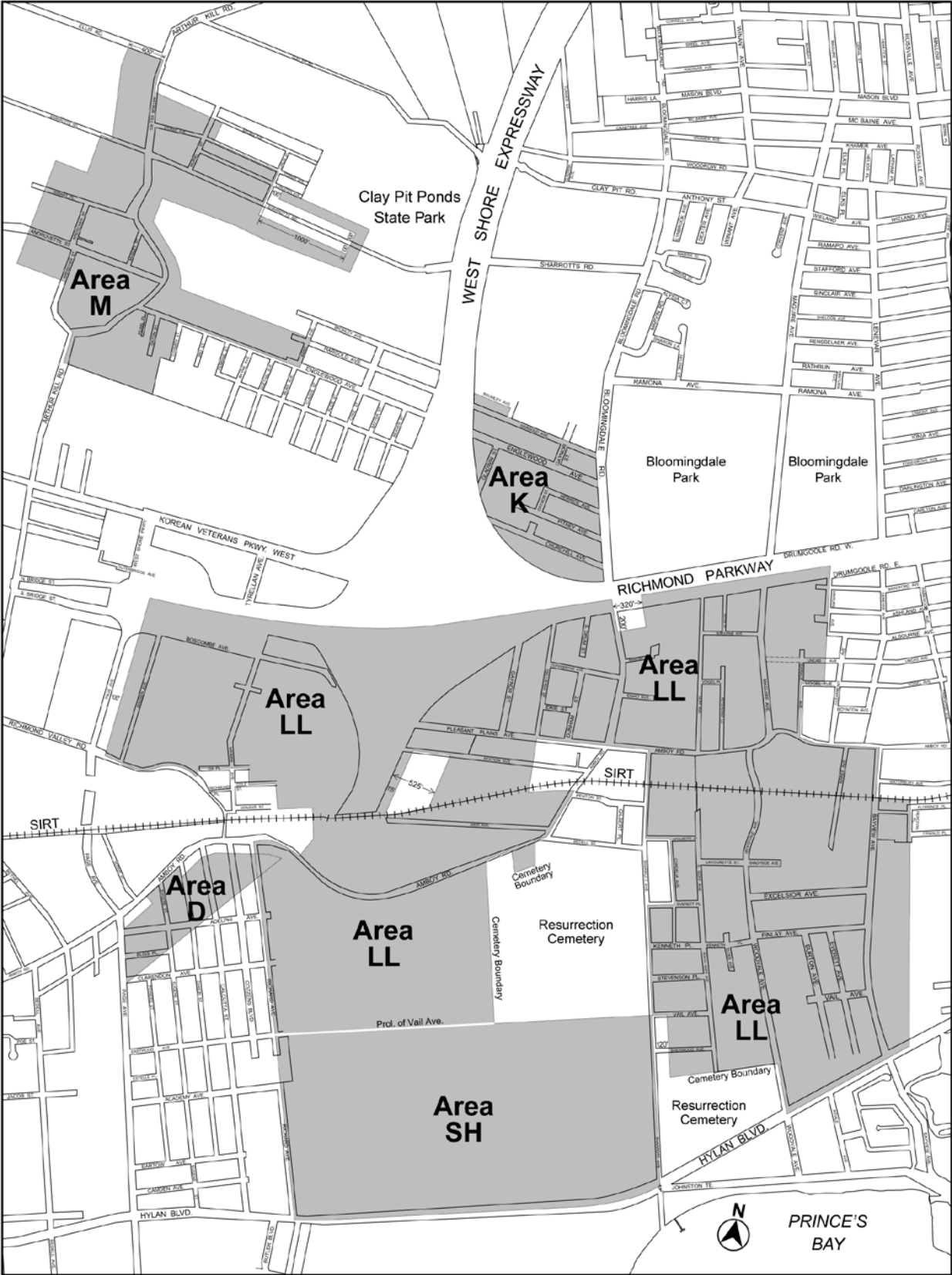


Map 4 - Special Areas (11/15/06)



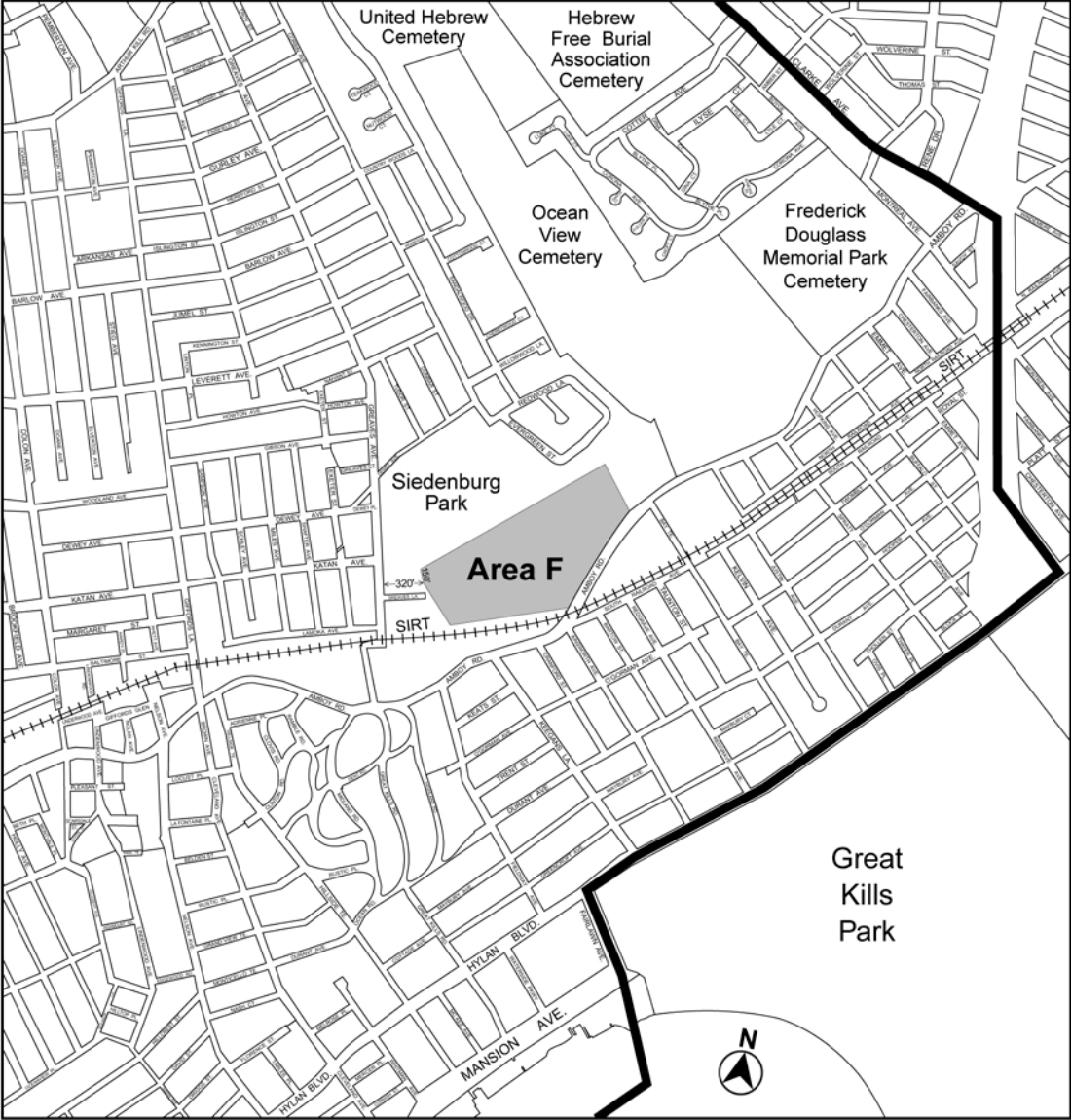
Map 4.1 - Special Areas D, K, LL, M and SH (11/15/06)

Map 4.1: Special Areas D, K, LL, M and SH



Map 4.2 - Special Area F

Map 4.2: Special Area F



(9/11/75)

Appendix B
Tree Selection Tables

Small Trees, 12 - 35 feet at mature height: Uses

Species	Use						
	Sidewalk	On Lot	Common open space	Screen-ing	Setback	Park Street	Replace-ment
Crab Apple (Malus)		x	x				x
Carolina Silver Bell (Halesia Carolina)		x	x				
Flowering Cherry (Prunus)	x	x	x		x	x	x
Flowering Dogwood (Cornus Florida)		x	x		x	x	x
Golden Rain Tree (Koelreuteria Panieulata)	x	x	x			x	x
Hawthorne (Crataegus)		x	x		x		
Hedge Maple (Acer Compestre)		x	x	x	x	x	x
Japanese Maple (Acer Palmatum)		x	x		x		
Mulberry (Morus Alba Tatarica)		x	x			x	
Russian Olive (Elaeagnus Augustifolia)	x	x	x				
Saucer Magnolia (Magnolia Soulangeana)		x	x	x	x	x	x

Small Trees, 12 - 35 feet at mature height: Shape, Foliage, Advantages, Disadvantages and Characteristics.

Species	Shape	Foliage	Advantages	Disadvant-ages	Other Character-istics
Crab Apple (Malus)	round	dense	moderate growth rate, easily transplated, no maintenance	litters, needs full sun	flowering fruit, fall color: yellow orange
Carolina Silver Bell (Halesia Carolina)	round	light	withstands insects	requires well drained soil, requires moist soil	flowers, fall color
Flowering Cherry	round	light	tolerant of	short lived	flowering

(Prunus)			shade		
Flowering Dogwood (Cornus Florida)	spreadin g	light	moderate growth rate, easily transplated, no maintenance	needs wind protection, requires well drained soil	flowers, red fall color
Golden Rain Tree (Koelreuteria Panieulata)	round	dense	all soils, rapid growth rate, tolerates city, easily transplanted	requires sun	flowers
Hawthorne (Crataegus)	round	dense	easily transplanted	needs pruning, thorns, intolerate of pests, slow growth	fall color: bronze, red
Hedge Maple (Acer Compestre)	round	dense	all soils, tolerates city	requires well drained soil	fall color
Japenese Maple (Acer Palmatum)	round	dense	no maintenance	slow growth rate, difficult to transplant	red fall color
Mulberry (Morus Alba Tatarica)	round	dense	all soils, rapid growth rate	litters, needs wind protection, needs pruning	fruit
Russian Olive (Elaeagnus Augustifolia)	spreadin g	light	withstands insects, grows in dry soil	requires sun	flowers
Saucer Magnolia (Magnolia Soulangeana)	round	dense	moderate growth rate, easily transplated, tolerates city	requires well drained soil, requires rich moist soil, needs sun	flowers, bronze fall color

Medium Trees, 35 - 75 feet at mature height: Uses

Species	Use						
	Sidewalk	On Lot	Common open space	Screen-ing	Setback	Park Street	Replacement
American Yellow Wood (Cladrastis lutea)		x	x				
Ash Green (Froxinus pennsylvatica lanceolata)	x	x	x	x	x	x	x
Bradford Pear (Pyrus calleryana)	x	x	x			x	x
Chinese Chestnut (Castanca mellissima)		x	x		x	x	x
Cork Tree, Amur (Phellodendran amurense)	x	x	x				

Elm, Smooth Leaf (Ulmus carpinitolia)	x	x	x	x	x	x	
Elm, Chinese (Ulmus parvifolia)		x	x			x	
Elm, Siberian (Ulmus pumila)		x	x			x	
European Beech (Fagus sylvatica)				x			x
European Hornbeam (Carpinus betulus)		x	x			x	
Honey Locust (Gleditsia triacanthas)							
Katsura (Cercidiphyllum iaponicum)	x	x	x		x	x	
Little Leaf Linden (Tilia cordata)	x	x	x		x	x	x
Maple-Norway (Acer platanoides)		x	x			x	x
Maple-Red (Acer rubrum)	x	x	x	x	x	x	x
Oak-Willow (Quercus phellas)	x		x				x
Poplar-Lombardi (Papulus italica migra)		x	x	x	x	x	x
Zelkova, Japanese (Zelkovaserrata)	x						x

Medium Trees, 35 - 75 feet at mature height: Shape, Foliage, Advantages, Disadvantages and Characteristics.

Species	Shape	Foliage	Advantages	Disadvantages	Other Character- istics
American Yellow Wood (Cladrastis lutea)	round	dense	withstands insects	spreading shallow roots, difficult to transplant	flowers, yellow fall color
Ash Green (Froxinus pennsylvatica lanceolata)	round	dense	all soils, rapid growth rate, wind resistant	low insect resistance	fall color
Bradford Pear (Pyrus calleryana)	pyramidal	dense	tolerates city, withstands fire blight	needs pruning	flowers, fall color: bronze/red
Chinese Chestnut (Castanca mellissima)	spreading round	dense	rapid growth rate withstands insects	requires well drained soil	fruit, fall colors
Cork Tree, Amur (Phellodendran	round	light	rapid growth rate,	litters	fruit, fall

amurense)			tolerates city, easily transplanted		color: yellow
Elm, Smooth Leaf (Ulmus carpinitolia)	round	dense	rapid growth rate, withstands insects	blight	
Elm, Chinese (Ulmus parvifolia)	round-oval	dense	rapid growth rate, withstands insects	blight	
Elm, Siberian (Ulmus pumila)	round	light	all soils, rapid growth rate, withstands insects	blight	
European Beech (Fagus sylvatica)	pyramidal	dense	easily transplanted use as hedge if pruned	slow growth rate, requires well drained soil	fall color: bronze
European Hornbeam (Carpinus betulus)	round	dense	all soils, withstands insects	slow growth rate, requires sun	fruit, fall color
Honey Locust (Gleditsia triacanthas)	open- headed	light	moderate growth rate, tolerates city, all soils	litters, needs sun	fall color: pale yellow
Katsura (Cercidiphyllum iaponicum)	round	dense	no maintenance rapid growth rate, disease free	perfers open sunny site	fall color: yellow some scarlet or purple
Little Leaf Linden (Tilia cordata)	oval- pyramidal	dense	withstands insects, tolerates city, easily transplanted	needs maintenance, slow growth rate	fall color: pale yellow
Maple-Norway (Acer platanoides)	columnar	dense	tolerates city, rapid growth rate, easily transplanted no maintenance	surface roots	fall color: yellow
Maple-Red (Acer rubrum)	round	dense	rapid growth rate, easily transplanted resists disease	litters	fall color: scarlet/ orange yellow
Oak-Willow (Quercus phellas)	pyramidal- spreading	dense	rapid growth rate, easily transplanted	prefers moist soil, can't withstand cold winter	fall color: yellow
Poplar-Lombardi (Papulus italica migra)	fastigiata	light- dense	easily transplanted rapid growth rate	short lived, needs maintenance, roots pry open sewers	fall color: yellow
Zelkova, Japanese (Zelkovaserrata)		dense	all soils, rapid growth rate		

Large Trees, 75 feet or more at mature height: Uses

Species	Use						
	Sidewalk	On Lot	Common open space	Screen -ing	Setback	Park Street	Replacement
American Beech (Fagus grandifolia)		x	x			x	x
Black Gum (Sour Gum) (Nyssa sylvatica)		x	x				
Cucumber Tree (Magnolia acuminata)		x	x				
European White Birch (Betula perdula)		x	x			x	x
Ginkgo (Ginko biloba)	x	x	x	x	x	x	x
Japanese Pagoda (Sophora japonica)	x	x	x				x
Kentucky Coffee Tree (Gymnocladus dioicus)		x	x	x	x	x	x
Linden, Silver (Tilia petiolaris)	x	x	x		x		x
Locust - Black (Robinia pseudoacacia)		x	x		x	x	
Maple - Silver (Acer saccharinum)		x	x			x	x
Maple - Sugar (Acer saccharum)		x	x			x	x
Oak - Pin (Quercus palustris)		x	x		x	x	x
Oak - Red (Quercus borealis)	x	x	x		x	x	x
Oak - White (Quercus alba)		x	x				
Sweetgum	x	x	x	x		x	
Sycamore - London Plane (Platanus Acerifolia)	x	x	x	x	x	x	x
Tulip Tree (Liriodendron-tuliptera)		x	x			x	x
Blue Atlas Cedar (Cedrus altantica glauca)		x	x	x	x		x

Douglas Fir (Pseudotsuga menziesii)		x	x	x	x		x
Eastern White Pine (Pinus strobus)			x	x	x		x

Large Trees, 75 feet or taller at mature height: Shape, Foliage, Advantages, Disadvantages and Characteristics.

Species	Shape	Foliage	Advantages	Disadvantages	Other Character- istics
American Beech (Fagus grandifolia)	round	dense	hedge use if pruned, wind resistant, easily transplanted	slow growth rate, shallow roots	fall color: bronze
Black Gum (Sour Gum) (Nyssa sylvatica)	pyramidal	dense	withstands insects, moderate growth rate no maintenance	difficult to transplant	fall color: scarlet/ orange
Cucumber Tree (Magnolia acuminata)	pyramidal (varies)	dense	withstands insects, rapid growth rate, grows in partial shade/sun		flowers
European White Birch (Betula perdula)	pyramidal	light	easily transplanted rapid growth rate withstands insects	needs protection, prefers cold climate	fall color: yellow
Ginkgo (Ginko biloba)	columnar pyramidal spreading	light	all soils, withstands insects, tolerates city, easily transplanted	slow growth rate, avoid female	fall color: pale yellow
Japanese Pagoda (Sophora japonica)	round- weeping	light	all soils, withstands insects, tolerates city, easily transplanted rapid growth rate	needs maintenance, requires sun	flowers, fall color: yellow
Kentucky Coffee Tree (Gymnocladus dioicus)	fastigiata	light	all soils, long life, withstands insects, long life	needs protection, requires sun, slow growth rate	
Linden, Silver (Tilia petiolaris)	fastigiata	dense	rapid growth rate, withstands heat & drought		fall color: pale yellow
Locust - Black (Robinia pseudoacacia)	columnar	light	all soils, tolerates city, rapid growth rate	susceptible to insects	flowers
Maple - Silver (Acer saccharinum)	fastigiata	dense	rapid growth rate, easily transplanted	brittlewood, needs maintenance	fall color: red/ yellow- orange
Maple - Sugar (Acer saccharum)	fastigiata	dense	easily transplanted long life	slow growth rate, little tolerance for city	fall color: scarlet/ yellow-

					orange
Oak - Pin (Quercus palustris)	pyramidal	dense	all soils, withstands insects, rapid growth rate, easily transplanted	needs maintenance	fall color: scarlet
Oak - Red (Quercus borealis)	oval	dense	tolerates city, grows faster than other oaks, easily transplanted		fall color: red
Oak - White (Quercus alba)	round	dense	holds leaves in winter	slow growth rate, prefers dry soil	
Sweetgum	pyramidal	dense	moderate growth rate, withstands insects	difficult to transplant	flowers, fall color
Sycamore - London Plane (Platanus Acerifolia)	round- spreading	light- dense	all soils, tolerates city, easily transplanted rapid growth rate	overplanted in NYC, susceptible to fungus	
Tulip Tree (Liriodendron- tuliptera)	pyramidal		withstands insects	requires well drained soil	flowers, fall color
Blue Atlas Cedar (Cedrus altantica glauca)	pyramidal	evergreen	moderate growth rate, easily transplanted no maintenance		
Douglas Fir (Pseudotsuga menziesii)	pyramidal	evergreen	easily transplanted rapid growth rate	needs protection	
Eastern White Pine (Pinus strobus)	pyramidal	evergreen	easily transplanted rapid growth rate	requires well drained soil	

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article X: Special Purpose Districts

Chapter 8: Special Hunts Point District

Effective date of most recently amended section of Article X Chapter 8: 10/09/13

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(7/23/08)

Article X - Special Purpose Districts

Chapter 8

Special Hunts Point District

(7/23/08)

108-00

GENERAL PURPOSES

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

- (a) to provide a buffer of high-performance industrial and other commercial establishments around the residential area;
- (b) to encourage the development of food-related businesses and other compatible businesses;
- (c) to create a transition between the Hunts Point Food Market and related businesses and the adjacent neighborhood;
- (d) to retain jobs in New York City;
- (e) to promote the development of retail businesses in the neighborhood;
- (f) to provide an opportunity for the physical improvement of Hunts Point; and
- (g) to promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect City tax revenues.

(10/9/13)

108-01

General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Hunts Point District#, the provisions of this Chapter shall apply to all #developments# and #enlargements# within the #Special Hunts Point District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

(7/23/08)

108-02

District Plan and Maps

The District Plan for the #Special Hunts Point District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Hunts Point District#.

These areas shall include the Residential Buffer and the Food Industry Subdistricts.

The District Plan includes the #Special Hunts Point District# Map located in Appendix A to this Chapter.

The map is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter shall apply.

(7/23/08)

108-10

USE REGULATIONS

(7/23/08)

108-11

Use Modifications in the Special Hunts Point District

In the #Special Hunts Point District#, hotels or motels shall not be permitted within the areas designated on the #Special Hunts Point District# Map in Appendix A.

(7/23/08)

108-12

Use Modifications in the Residential Buffer Subdistrict

- (a) In the #Special Hunts Point District#, the #use# regulations of the underlying M1-2 District within the Residential Buffer Subdistrict shall be modified to permit the following #uses#:

From Use Group 3A

Libraries, museums or non-commercial art galleries

From Use Group 4A

Clubs

Community centers, not including settlement houses

Non-commercial recreational centers

From Use Group 6A, with no limitation as to #floor area# per establishment

Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores

From Use Group 10A, with a limitation of 40,000 square feet of #floor area# per establishment within 500 feet of the center line of Garrison Avenue

Carpet, rug, linoleum or other floor covering stores

Clothing or clothing accessory stores

Department stores

Dry goods or fabric stores

Furniture stores

Television, radio, phonograph or household appliance stores

Variety stores.

- (b) In the #Special Hunts Point District#, Use Group 18 #uses# shall not be permitted in the underlying M1-2 District within the Residential Buffer Subdistrict, except that breweries, limited to 10,000 square feet of #floor area# per establishment, shall be permitted.

(7/23/08)

108-13

Use Modifications in the Food Industry Subdistrict

In the #Special Hunts Point District#, in the underlying M1-2 District within the Food Industry Subdistrict, #uses# listed in Section 42-15 (Use Group 18) shall not be permitted, except for the following:

From Use Group 18A:

Beverages, alcoholic or breweries

Machinery, heavy, including electrical, construction, mining, or agricultural, including repairs

Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing or similar processes

Plastic, raw

Steel, structural products, including bars, girders, rails, wire rope or similar products

From Use Group 18B:

Refrigerating plants.

(7/23/08)

108-14

Enclosure Regulations

In the #Special Hunts Point District#, all #uses# listed in Use Groups 16, 17 and 18 shall be located within completely enclosed #buildings#, except that building materials or contractors' yards, listed in Use Group 17, may be open or enclosed.

(9/21/11)

108-15

Applicability of Article V, Chapter 2 (Non-Conforming Uses)

In the #Special Hunts Point District#, a #non-conforming use# may be changed only to a #conforming use#.

The following sections pertaining to #non-conforming uses# in the #Special Hunts Point District# shall not apply:

Section 52-32 (Land with Minor Improvements)

Section 52-33 (Manufacturing or Related Uses in Residence Districts), inclusive

Section 52-34 (Commercial Uses in Residence Districts)

Section 52-35 (Manufacturing or Related Uses in Commercial Districts)

Section 52-36 (Non-Conforming Commercial Uses in Commercial Districts)

Section 52-37 (Non-Conforming Commercial Uses in Manufacturing Districts)

Section 52-43 (C1 or C4 Districts)

- Section 52-44 (Residence Districts Except R1 and R2 Districts)
- Section 52-45 (Non-Conforming Residential Uses in M1 Districts)
- Section 52-46 (Conforming and Non-conforming Residential Uses in M1-1D through M1-5D Districts)
- Section 52-54 (Buildings Designed for Residential Use in Residence Districts)
- Section 52-56 (Multiple Dwellings in M1-1D through M1-5D Districts)
- Section 52-62 (Residential Buildings in M1-1D through M1-5D Districts)
- Section 52-72 (Land with Minor Improvements)
- Section 52-731 (Advertising signs)
- Section 52-732 (Signs on awnings or canopies)
- Section 52-74 (Uses Objectionable in Residence Districts)
- Section 52-75 (Certain Types of Uses Involving Open Storage or Salvage).

(7/23/08)

108-20

MODIFICATION OF PARKING REQUIREMENTS IN THE RESIDENTIAL BUFFER SUBDISTRICT

In the Residential Buffer Subdistrict, parking shall be provided at the rate of one space per 300 square feet of #floor area# for food stores, including supermarkets, grocery stores, meat markets or delicatessen stores. #Cellar# space used for retailing shall be included for the purpose of calculating requirements for #accessory# off-street parking spaces and #accessory# off-street loading berths.

(7/23/08)

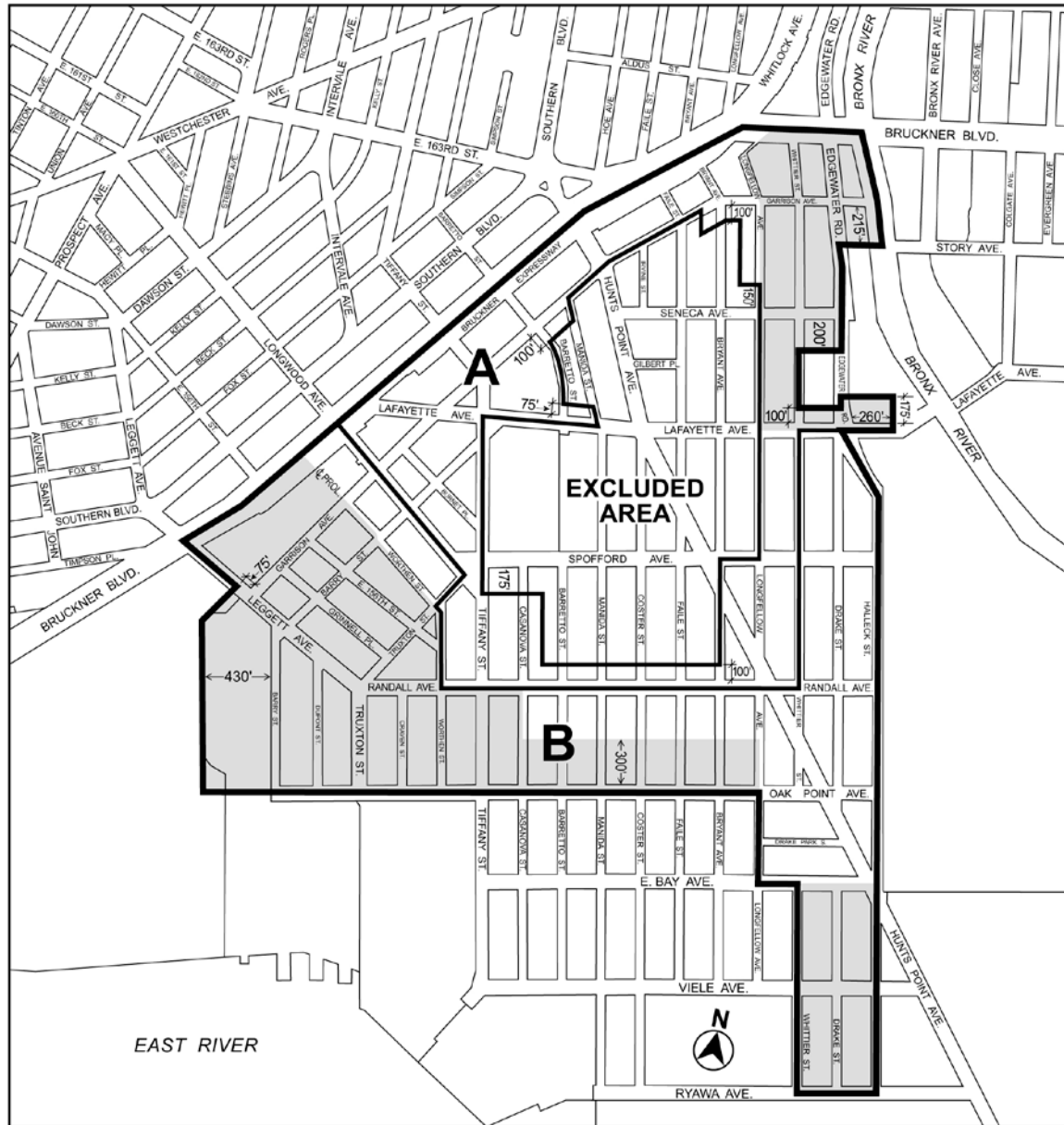
108-30

MODIFICATION OF STREET TREE REQUIREMENTS

Notwithstanding the provisions of Section 43-02 (Street Tree Planting in Manufacturing Districts), all #developments# or #enlargements# within the #Special Hunts Point District# that include #uses# listed in Use Group 17 or 18 shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 17 or 18.

(7/23/08)

Appendix A Special Hunts Point District



- | | |
|---------------------------------------|---|
| Special Hunts Point District Boundary | A Residential Buffer Subdistrict |
| Subdistrict Boundary | B Food Industry Subdistrict |
| Hotels or motels not allowed | |

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article X: Special Purpose Districts Chapter 9: Special Little Italy District

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(2/3/77)

Article X - Special Purpose Districts

Chapter 9

Special Little Italy District

(2/3/77)

109-00

GENERAL PURPOSES

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

- (a) to preserve and strengthen the historical and cultural character of the community;
- (b) to protect the scale of storefronts and character of the existing retail uses along Mulberry Street and other major shopping streets so that Little Italy will remain a unique regional shopping area, and thereby strengthen the economic base of the City;
- (c) to preserve the vitality of street life by reducing conflict between pedestrian and vehicular traffic;
- (d) to permit rehabilitation and new development consistent with the residential character and scale of the existing buildings in the area;
- (e) to provide amenities, such as public open space, and street trees, to improve the physical environment;
- (f) to discourage the demolition of noteworthy buildings which are significant to the character of the area; and
- (g) to promote the more desirable use of land in the area and thus to preserve the value of land and buildings, and thereby protect and strengthen the City's tax revenues, consistent with the foregoing purposes.

(2/2/11)

109-01

Definitions

For the purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) or Section 109-01 (Definitions).

Open recreation space

"Open recreation space" is that part of a #zoning lot#, including #courts#, #yards# and roof areas, which is unobstructed from its lowest level to the sky except for landscaping and planting requirements pursuant to Sections 109-14, 109-34 and 109-42.

(2/2/11)

109-02

General Provisions

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Little Italy District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Little Italy District# are superimposed are made inapplicable, and special regulations are substituted therefore in this Chapter.

Except as modified by the express provisions of this Special District, the regulations of the underlying zoning district remain in effect. For the purposes of this Chapter, the provisions of Sections 23-14, 23-20 and 33-13 are made inapplicable.

The use of the public #streets# and sidewalks for the maintenance of #sidewalk cafes#, outdoor cafes or any other structures shall require the separate approval of the Board of Estimate, which may be granted upon such terms and conditions as the Board of Estimate may deem appropriate.

Within the Special District, in accordance with a comprehensive survey of its structures, #buildings# of special significance to the community and City as a whole, have been identified and are listed in Appendix B. Such #buildings# are unique either because they are socially or traditionally significant or because they are important physical influences in the life and image of the community. Such #buildings# shall not be demolished or have their external architectural features altered except as set forth in Section 109-52 (Special Permit Provisions). No demolition permit

or alteration permit for alterations which may affect the exterior of such #buildings# shall be issued by the Department of Buildings for any such #building# except as permitted by the City Planning Commission pursuant to Section 109-52 (Special Permit Provisions) unless it is an unsafe #building# and demolition is required pursuant to the provisions of Title 28, Chapter 2, Article 216 of the New York City Administrative Code.

(2/3/77)

109-03

District Map

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

Area A - PRESERVATION AREA (Section 109-10)

Area A1 - MULBERRY STREET REGIONAL SPINE (Section 109-20)

Area B - HOUSTON STREET CORRIDOR (Section 109-30)

Area C - BOWERY, CANAL, KENMARE STREET CORRIDOR (Section 109-40)

The District Map (Appendix A) is hereby incorporated as an integral part of the #Special Little Italy District#.

(2/3/77)

109-04

Zoning Lots Located in More Than One Area

Whenever a #zoning lot# is divided by the boundaries of an area as created by Section 109-03 (District Map) and as indicated on the District Map in Appendix A, the #zoning lot# shall be subject to the regulations of the area in which the greater portion of its frontage lies except that, in the case of any #zoning lot# having fifteen feet or more frontage within Area A1 (Mulberry Street Regional Spine), the regulations of Area A1 shall apply to such #zoning lot#.

(2/2/11)

109-10

PRESERVATION AREA (Area A)

The provisions of this Section shall apply within Area A (Preservation Area) as shown on the District Plan (Appendix A).

(2/3/77)

109-11

Special Use Regulations

(2/3/77)

109-111

Special regulations for existing commercial or manufacturing uses

The continuation, #enlargement#, #extension# or change of #use# of existing #commercial# or #manufacturing uses# within Area A shall be governed by the underlying district regulations.

(2/2/11)

109-112

Special use regulations for developments

For any #building# or portion of a #building developed# or #enlarged# after February 3, 1977, within Area A, #uses# listed in the underlying district regulations are permitted except that such #uses# shall not include those listed in Use Groups 6D, 8C, 10, and 12D, unless authorized by the City Planning Commission pursuant to Section 109-514 (Modifications by authorization).

(2/3/77)

109-12

Bulk Regulations

(2/2/11)

109-121

Floor area regulations

Within Area A, the maximum #floor area ratio# for a #zoning lot# shall not exceed the following:

Lot Type	Maximum Permitted #Floor Area Ratio#
#Corner lots#	4.8
#Interior# or #through lots#	4.1

(2/2/11)

109-122

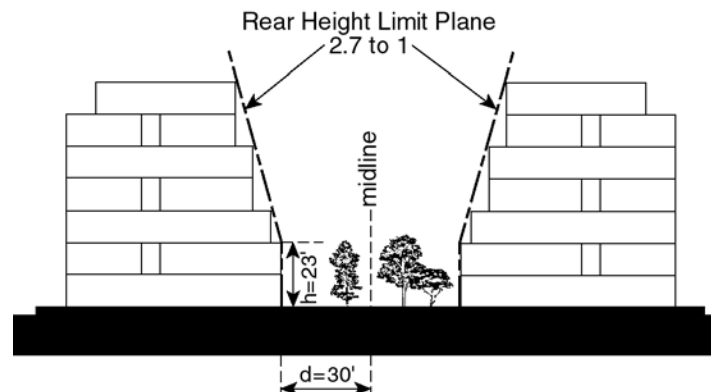
Lot coverage, through lot and rear yard regulations

Within Area A, the maximum #lot coverage# for a #zoning lot# shall not exceed the following percentages:

Lot Type	Maximum #Lot Coverage# (in percent)
#Corner lot#	70
#Interior lot#	60
#Through lot#, except as provided below	60

However, when a #through lot# is #developed# with more than one #building#, the maximum #lot coverage# on such #through lot# may be increased from 60 percent to 70 percent, provided that no portion of any #building# on such #zoning lot# penetrates the "Rear Height Limit Plane," as set forth in this Section. The Rear Height Limit Plane shall begin at a point 23 feet above #curb level# and shall be located 30 feet away from, and on both sides of, the line equidistant from the two #street lines#. The slope of the Rear Height Limit Plane shall be 2.7 feet vertical to 1 foot horizontal. All #buildings developed# after February 3, 1977, shall have a #rear yard# with a depth of not less than 30

feet.



REAR HEIGHT LIMIT PLANE

(7/26/01)

109-123

Floor area per room regulations

For the purposes of this Chapter, the density requirements of Sections 23-22, 23-24 or 35-40 shall not apply to any #development# or #enlargement#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #residential floor area#.

(2/2/11)

109-124

Height and setback regulations

The maximum height of any #building or other structure# shall not exceed 75 feet or seven #stories# above the #curb level#, whichever is less, unless allowed by the City Planning Commission pursuant to Section 109-514.

However, the provisions of this Section shall not apply to #enlargements# if, prior to February 2, 2011, a building permit has been lawfully issued authorizing such construction.

(2/3/77)

109-13
Special Front Wall Regulations

(2/2/11)

109-131
Building facades

The front #building# wall of any #building# shall extend along the full length of its #front lot line# not occupied by existing #buildings# to remain and shall rise without setback up to a height of six #stories# or 65 feet, or the height of the #building#, whichever is less. Above that height, the front #building# wall shall set back at least 10 feet. Front wall recesses are permitted provided that the aggregate length of such recesses, excluding window fenestration, at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted. In the event that a #development# occupies an entire #block# frontage, additional recesses are permitted provided that there are no front wall recesses within 10 feet of the intersection of two #street lines#. The exterior #building# materials of the front wall shall be predominantly of masonry.

(2/2/11)

109-132
Treatment of the ground level wall

For #buildings developed# after February 3, 1977, and for #buildings enlarged# on the ground floor level after February 3, 1977, at least 25 percent of the total surface area of the entire front wall of a #development# or the #enlarged# portion, up to a height of 12 feet above #curb level# or to the ceiling of the ground #story#, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section 109-50. Door or window openings within such surface areas shall be considered transparent. Such opening shall have a minimum width of two feet. In addition, any portion of such #building# wall 20 feet or more in length, which contains no transparent areas at ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, or be treated so as to

provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.

(2/3/77)

109-14

Open Recreation Space and Landscaping Regulations

(2/2/11)

109-141

Open recreation space regulations

For any #building# or portion of a #building developed# or #enlarged# after February 3, 1977, a minimum of 20 percent of the #lot area# of the #zoning lot# shall be provided as usable landscaped #open recreation space# accessible to the occupants of such #development# or #enlargement#. Such #open recreation space# may be accessible to the public.

Such #open recreation space# shall be located at the ground level and/or the roof level. However, if such #open recreation space# is located both at the ground level and at the roof level, not less than 40 percent may be located at either location. Such #open recreation space# shall be landscaped and properly maintained in accordance with the provisions of Section 109-142.

(2/2/11)

109-142

Landscaping regulations

The required #open recreation space#, as provided in Section 109-141, on a #zoning lot# containing a #development# or #enlargement# shall be landscaped and maintained in the following manner.

Ground level #open recreation space# shall:

- (a) have a minimum dimension of 20 feet for a #development# and 10 feet for an #enlargement#, measured perpendicular to its

perimeter;

- (b) have no portion used as a driveway, vehicular access way or for parking, and shall be screened from off-street loading and service areas;
- (c) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to the following standards:
 - (1) seating shall have a minimum depth of 16 inches; seating with backs at least 12 inches high shall have a minimum depth of 14 inches; seating 30 inches or more in depth shall count double provided there is access to both sides;
 - (2) seating higher than 36 inches and lower than 12 inches above the level of the adjacent walking surface shall not count toward meeting the seating requirements;
 - (3) the tops of walls including but not limited to those which bound planting beds, fountains and pools may be counted as seating when they conform to the dimensional standards in paragraphs (c)(1) and (c)(2) of this Section;
 - (4) movable seating or chairs may be credited as 30 inches of linear seating per chair; and
 - (5) steps do not count toward the seating requirements;
- (d) have paved areas paved with unit pavers, such as bricks or quarry tiles, 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 a non-skid surface;
- (e) be landscaped with shrubs, vines, ground cover or plants in planters over a minimum of 25 percent of the #open recreation space# area;
- (f) be planted with one tree of not less than three and one half inch caliper for every 1,000 square feet or portion thereof of required #open recreation space#. Such trees shall be planted in at least 100 cubic feet of soil of at least 3 feet, 6 inches in depth;
- (g) have all mechanical equipment which is located at the same elevation as the #open recreation space#, or on a wall of

the #building# frontage upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly into the #open recreation space#; and

- (h) be maintained by the #building# owner who shall be responsible for the maintenance of the #open recreation space# including, but not limited to, the repair and confinement of all amenities, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjacent to the #zoning lot#, pursuant to Section 109-14 (Open Recreation Space and Landscaping Regulations).

#Open recreation space# at roof level shall:

- (1) have all mechanical equipment which is located at the same elevation as the #open recreation space#, or on a wall of the #building# fronting upon such #open recreation space# within a height of 10 feet, 6 inches above the level of the #open recreation space#, screened and buffered with no intake or exhaust fans facing directly onto the #open recreation space#;
- (2) have a minimum of one linear foot of seating for each 50 square feet of #open recreation space#, conforming to seating standards set forth for ground level #open recreation space#; and
- (3) be landscaped with shrubs, vines, flowers, ground cover and/or plants in planters over a minimum of 25 percent of the #open recreation space# area.

(2/2/11)

109-15

Regulations for Rehabilitation or Conversion of Existing Buildings

When #residential buildings# or #residential# portions of #mixed buildings# are rehabilitated, the density regulations of the underlying districts shall not apply. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# within the rehabilitated #residential building# or #residential# portion of a #mixed building#.

Furthermore, when a #non-residential building#, or portion

thereof, is #converted# for #residential use#, the density regulations of the underlying districts shall not apply to that portion of the #building# containing #dwelling units#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #floor area# provided within the #converted building# or portion thereof.

(5/8/13)

109-16

Parking Regulations

No #accessory# off-street parking is permitted for any #development# or #enlargement# in Area A, except as set forth herein.

The City Planning Commission, may allow #accessory# off-street parking facilities for any #development# or #enlargement# on a #zoning lot# pursuant to the applicable authorization or special permit in Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core).

(4/30/08)

109-17

Mandatory Street Trees

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# within the same or to other Use Groups involving at least 50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the #building# value of an existing #building# pursuant to the applicable articles of the Building Code of the City of New York, within Area A, shall provide trees in accordance with Section 26-41 (Street Tree Planting).

(2/3/77)

109-20

MULBERRY STREET REGIONAL SPINE (AREA A1)

The provisions set forth in Sections 109-10 through 109-16 (Preservation Area--Area A) are applicable within Area A1

(Mulberry Street Regional Spine) as shown on the District Plan (Appendix A), except as modified herein.

(2/2/11)

109-21

Use Regulations

The provisions of Section 109-11 (Special Use Regulations) shall apply, except that in order to retain the existing retail character of the area, the ground floor of any #building# shall be limited to #uses# listed in Section 109-211 (Use Group LI). Any #street# frontage occupied by entrances to other #uses# such as #residential# lobbies shall be no wider than 25 feet. A change of #use# on the ground floor of a #building# shall be subject to the provisions of this Section.

(2/2/11)

109-211

Use Group LI

Use Group LI comprises a group of specially selected #uses# to strengthen the existing #commercial# character of the area.

A. Convenience Retail Establishments

Bakeries

Barber shops

Beauty parlors

Drug stores

Dry cleaning or clothes pressing establishments, limited to 2,500 square feet of #floor area# per establishment on the ground floor

Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified showtime

Eating or drinking establishments, with entertainment but not dancing, with a capacity of 200 persons or less

Eating or drinking establishments, with musical entertainment but not dancing, with a capacity of 200 persons or less

Food stores, including supermarkets, grocery stores, meat markets, delicatessen stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Hardware stores

Package liquor stores

Post offices

Stationery stores

Tailor or dressmaking shops, custom

Variety stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

B. Retail or Service Establishments

Antique stores

Appliance stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Art galleries

Artist supply stores

Bicycle sales and rental establishments

Book stores

Candy or ice cream stores

Carpet or rug stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Cigar or tobacco stores

Clothing or clothing accessory stores, limited to 5,000 square feet of #floor area# per establishment

Clothing rental

Clubs, non-commercial, without restrictions on activities or facilities, limited to 2,500 square feet of #floor area# per

establishment on the ground floor

Dry goods or fabric stores, limited to 5,000 square feet on the ground floor

Florist shops

Furniture stores, limited to 5,000 square feet of #floor area# per establishment on the ground floor

Furrier shops, custom

Gift shops

Interior decorating establishments, limited to 750 square feet of #floor area# per establishment on the ground floor

Jewelry or art metal craft shops

Leather goods, crafts or luggage stores

Locksmiths shops

*Meeting halls, limited to 25 foot frontage

Millinery shops

Music stores

Newsstands, open or enclosed

Optician or optometrist

Paint stores

Pet shops

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Record stores

Shoe stores

Stamp or coin stores

Telegraph offices

*Theaters, limited to 25 foot frontage

Toy stores

Travel bureaus

Watch or clock stores or repair shops

- * A change of #use# in a #building# constructed prior to February 3, 1977, which does not comply with the frontage requirements, is permitted provided the degree of #non-compliance# of the frontage is not increased

(2/3/77)

109-22

Bulk Regulations

(2/2/11)

109-221

Floor area regulations

Within Area A1, the maximum #floor area ratio# on a #zoning lot# shall not exceed the following:

#Use#	#Floor Area Ratio#	
	#Corner Lot#	#Through Lot# or #Interior Lot#
#Commercial#	5.1	4.5
#Community facility# or #residential#	4.1	3.5

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

(2/3/77)

109-222

Lot coverage regulations

The requirements set forth in Section 109-122 shall not apply to the ground floor portion of a #building#, provided that such portion contains only #commercial uses#, and provided that such portion is no more than 23 feet above #curb level#.

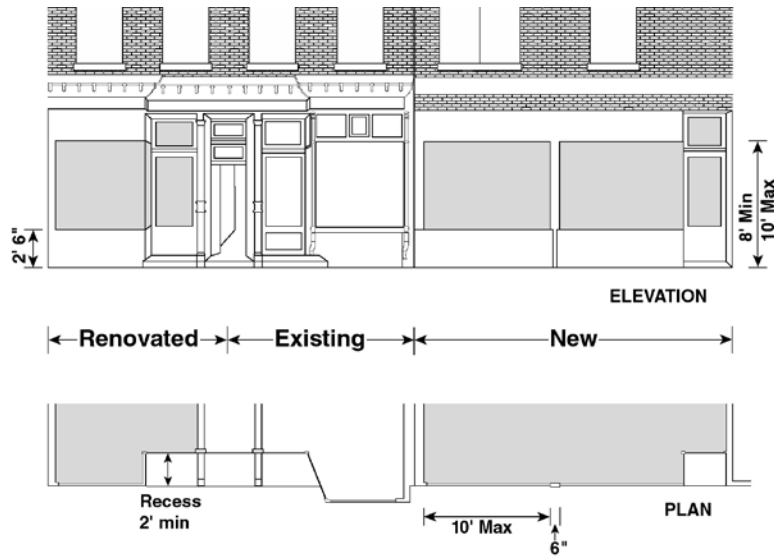
(2/2/11)

109-23

Storefronts in New Buildings and Alterations of Existing Storefronts

Storefronts in #buildings developed# after February 3, 1977, in portions of #buildings# located on the ground floor that are #enlarged# after February 3, 1977, and any existing storefronts that are altered, shall comply with the following standards:

- (a) #show windows# shall have a sill height of not more than 2 feet, 6 inches above #curb level# and extend to a maximum height between 8 feet, 0 inches and 10 feet, 0 inches above #curb level#.
- (b) the storefront shall have transparent areas no more than ten feet in width, measured horizontally, and which transparent areas shall be separated by a mullion of no less than six inches in width; and
- (c) storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the #show windows#.



STOREFRONT ILLUSTRATION

(4/8/98)

109-24

Sign Regulations

In addition to the underlying district #sign# regulations, the following regulations shall apply to all #signs#:

- (a) #signs# may not occupy more than 25 percent of the total area of the storefront measured from #curb level# to 10 feet above #curb level#;
- (b) all permitted #signs# which project from the front #building# wall shall be located not less than 10 feet, 0 inches above #curb level#; and
- (c) #signs# may not cover columns, cornices or sills.

(2/3/77)

109-30

HOUSTON STREET CORRIDOR (Area B)

The provisions of this Section are applicable within Area B, as shown on the District Plan (Appendix A).

(2/3/77)

109-31
Special Use Regulations

(2/3/77)

109-311
Special regulations for existing commercial or manufacturing uses

The continuation, #enlargement#, #extension# or change of #use# of existing #commercial# or #manufacturing uses# within Area B, shall be governed by the underlying district regulations.

(2/2/11)

109-312
Special use regulations for new development

For any #building# or portion of a #building developed# or #enlarged# after February 3, 1977, within Area B, #uses# listed in the underlying district regulations are permitted, except that such #uses# shall not include those listed in Use Groups 6D, 8C and 12D.

(2/2/11)

109-32
Bulk Regulations

The #bulk# regulations of the underlying district shall apply to the Houston Street Corridor (Area B), except as set forth in this Section.

(2/2/11)

109-321
Floor area regulation

The maximum #floor area ratio# permitted on a #zoning lot# is 7.52 for #residential use#, 6.0 for #commercial use# and 7.5 for #community facility use#. In no event shall the total #floor area ratio# for all #uses# exceed 7.52.

(2/2/11)

109-322

Lot coverage regulations

For any #zoning lot# within Area B, the maximum #lot coverage# shall not exceed the following percentages:

Lot Type	Maximum #Lot Coverage# (in percent)
#Corner lot#	80
#Interior# or #through lot#	70

(2/2/11)

109-323

Height and setback regulations

The #street wall# of any #building# for the first two #stories# or 23 feet, whichever is greater, shall be located on the #street line# and extend the entire length of the #street line# of the #zoning lot# not occupied by existing #buildings# to remain. However, at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines parallel to, and 10 feet from each #street line#. No #street wall# shall be required along a #street line# bounding any portion of a #zoning lot# which is less than 25 feet in depth measured from the #street line# of a #wide street#.

For #street walls# above the level of the second #story# or 23 feet, whichever is greater, at least 50 percent of the aggregate length of the #street walls# shall be located on the #street line#. The remainder of the aggregate length of the mandatory #street walls# at each #story# may be recessed from the #street line# to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25 percent of the aggregate

length of the #street walls# at each #story#.

The mandatory minimum height above #curb level# of a required #street wall# without setback shall be 60 feet on a #wide street# and 23 feet on a #narrow street#, or the height of the #building#, whichever is less. No setback shall be permitted on a #narrow street# below a height of 55 feet.

The maximum permitted height of a #street wall# at the #street line# without setback shall not exceed 100 feet above #curb level# and, above this height, no portion of a #building or other structure# shall penetrate a #sky exposure plane# commencing at 100 feet and rising over the #zoning lot# at a ratio of 1.5 to 1.0.

In addition, no portion of a #building or other structure# shall penetrate a #rear sky exposure plane# commencing at a height of 100 feet above #curb level# and at a distance of 100 feet from and parallel to the #street line#, and rising over the #zoning lot# at a ratio of 1.5 to 1.0 along #wide streets# and at a ratio of 1.0 to 1.0 along #narrow streets#.

(2/3/77)

109-33

Special Front Wall Regulations

(11/16/89)

109-331

Building facades

For all #buildings# within Area B, the exterior materials of the front wall shall be predominantly of masonry.

(12/11/07)

109-332

Treatment of the ground level wall

For a #building# wall facing a #narrow street#, at least 25 percent of the total surface area of such #building# wall up to a height of 12 feet above #curb level# or to the ceiling of the

ground floor, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section 109-50 (SPECIAL REVIEW PROVISIONS). Door or window openings within such surface areas shall be considered transparent. Such openings shall have a minimum width of two feet.

In addition, any portion of such #building# wall 20 feet or more in length, which contains no transparent area at ground floor level, shall be covered with vines or similar planting in permitted front wall recesses, or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.

(2/2/11)

109-34

Open Recreation Space and Landscaping Requirements

For any #building developed# or #enlarged# after February 3, 1977, a minimum of 20 percent of the #lot area# of the #zoning lot# shall be provided as usable, landscaped #open recreation space#, accessible to the occupants of such #development# or #enlargement# or to the public. Such #open recreation space# shall be located either at the ground level and/or roof level, and shall be landscaped and properly maintained in accordance with the provisions of Section 109-142 (Landscaping regulations).

(5/8/13)

109-35

Curb Cuts

(5/8/13)

109-351

Curb cut regulations

There shall be not more than one curb cut on each #street line# frontage of a #zoning lot#.

(4/30/08)

109-36

Mandatory Street Trees

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# within the same or to other Use Groups of at least 50 percent of the #floor area# of an existing #building#, or alterations above 30 percent of the #building# value of an existing #building#, pursuant to the applicable articles of the Building Code of the City of New York, within Area B, shall provide #street# trees as set forth in Section 26-41 (Street Tree Planting), except that for a #zoning lot# frontage on Houston Street such mandatory trees may alternatively be located on the median traffic island of Houston Street.

(11/16/89)

109-37

Noise Attenuation

For any #residential# or #commercial use# in a #development# within Area B:

- (a) window wall attenuation of 35 dB(A) for #residential uses# or 30 dB(A) for #commercial uses#, shall be provided; and
- (b) alternative means of ventilation shall be provided, such as, but not limited to, central air conditioning or the provision of air conditioning sleeves, with such alternative means to conform to the provisions of Sections 27-752 to 27-756 of the Building Code of the City of New York.

(2/2/11)

109-40

BOWERY, CANAL, KENMARE STREET CORRIDOR (AREA C)

The provisions of this Section are applicable within Area C, as shown on the District Plan in Appendix A of this Chapter.

(2/3/77)

109-41
Bulk Regulations

(2/2/11)

109-411
Height and setback regulations

The maximum height of any #building or other structure# shall not exceed 85 feet or eight #stories# above #curb level#, whichever is less, unless authorized by the City Planning Commission pursuant to Section 109-514. The front #building# wall shall extend along the full length of the #front lot line# not occupied by existing #buildings to remain and shall rise without setback.

(2/2/11)

109-412
Lot coverage regulations

Within Area C, the maximum #lot coverage# for any #zoning lot# shall be:

	Above Ground Floor (in percent)	At Ground Floor Only (in percent)
#Residential Use#	60	60
#Commercial Use#	70	100

(2/2/11)

109-42
Open Recreation Space and Landscaping Requirements

All #buildings developed# after February 3, 1977, that contain #residences# shall provide a minimum of 20 percent of the #lot area# of the #zoning lot# as usable landscaped #open recreation space# in conformance with the requirements of Section 109-142 (Landscaping regulations).

(2/2/11)

109-43

Additional Requirements

Any #zoning lots# partially located within 100 feet of the #street line# of Mulberry Street (Area A1) shall comply with the requirements set forth in Sections 109-211 (Use Group LI), 109-23 (Storefronts in New Buildings and Alterations of Existing Storefronts) and 109-24 (Sign Regulations).

(2/3/77)

109-50

SPECIAL REVIEW PROVISIONS

The City Planning Commission may allow certain modifications of the provisions of this Chapter as set forth below.

(11/16/89)

109-51

Modification of the Provisions of the Special Little Italy District

(2/2/11)

109-514

Modifications by authorization

Modifications of the provisions of this Chapter may be authorized by the City Planning Commission based upon receipt of an application, except that there shall be no modifications of any provision of Section 109-12, 109-22, 109-32 or 109-41 unless specifically allowed therein, provided that the Commission, after notification to the affected Community Board, certifies to the Commissioner of Buildings that there exists a compelling need for such modification and that such modifications are consonant with the objectives of the #Special Little Italy District#. The Commission may prescribe other appropriate conditions and safeguards to minimize adverse effects on the surrounding area.

Notwithstanding any other provisions of the Resolution, the Commission may, after notification to the affected Community Board, authorize a #non-complying inner court# within an existing #building# to be eliminated, and may modify the applicable provisions of this Chapter relating to an #enlargement#, provided that:

- (a) the #building# is an existing old law or new law tenement, not higher than seven #stories#;
- (b) any additional #floor area# created through such elimination of a #non-complying inner court# is not more than 10 percent of the existing #floor area# of the #building#, and the width of such #inner court# is not more than 20 feet;
- (c) the renovation of such #building# will result in improved arrangements for adequate access of light and air, and for privacy between #dwelling units#, to the newly created #dwelling units# and to the surrounding developments;
- (d) such #enlargement# will not increase the density of population or intensity of #use# to the detriment of the occupants of the #buildings# in the #block# or nearby #blocks#;
- (e) the #enlargement# as proposed shall comply with the applicable provisions of Sections 109-14, 109-17, 109-25, 109-34 or 109-42, except as otherwise modified by the Commission; and
- (f) the Commission is in receipt of a report from the Department of Buildings and the Fire Department concerning said #building#.

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

(2/3/77)

109-52

Special Permit Provisions

(2/3/77)

109-521

Modification of accessory off-street parking facilities

The City Planning Commission may, by special permit, modify #accessory# off-street parking facilities for the #residential# portion of any #development# on a #zoning lot# as set forth in Section 109-16 or Section 109-351.

(2/2/11)

109-522

Special provisions for the preservation of certain existing buildings

#Buildings# listed in Appendix B of this Chapter, shall not be demolished or have their external architectural features altered, except as set forth in this Section.

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

- (a) in such #buildings#, for a change of a conforming #use# to another conforming #use#, the applicable underlying district, or #Special Little Italy District#, #bulk# regulations shall not apply to such change of #use#; or
- (b) the alteration of such #buildings#, provided that such alteration and treatment of the facade relates harmoniously to the character and materials of the original facade and of adjoining #buildings#; and
- (c) the demolition of such #buildings#, other than unsafe #buildings#, provided that the Commission finds that the existing #building# is not suitable for rehabilitation.

For the purposes of this Section, a change of #use# is a change to another #use# listed in the same or any other conforming Use Group; however, a change in ownership or occupancy shall not, by itself, constitute a change of #use#. #Enlargements# of such #buildings# shall be subject to all applicable district regulations. The Commission may prescribe appropriate conditions and safeguards to ensure that any interim #uses# proposed on the site prior to any construction are in conformance with the purposes of the Special District.

(2/2/11)

109-523

Applications for special permit

An application to the City Planning Commission for the grant of a special permit respecting provisions of Sections 109-16 and 109-351 of this Chapter, shall include: a site plan showing the location and proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and off-street parking and loading spaces; the amount and nature of traffic to be generated by such #development# or #enlargement# and an indication of the routes that will provide vehicular access to a #manufacturing#, #commercial# or #community facility# establishment; and such other information as may be required by the Commission.

An application to the Commission for the grant of a special permit respecting provisions of Section 109-522, shall include floor plans of all major floors; all major elevations; a site plan depicting all structures on the site, and all structures and major features within 100 feet of the site; and such other information as may be required by the Commission.

(2/3/77)

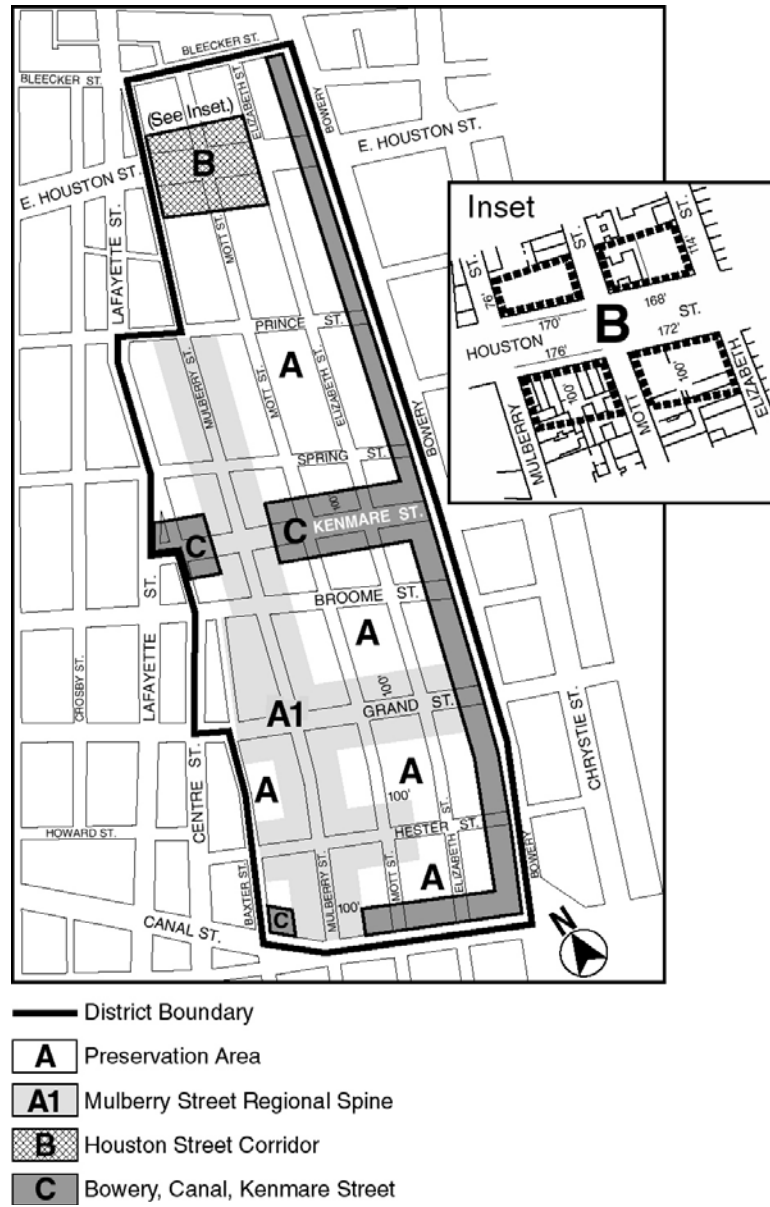
109-525

Relationship to public improvement projects

In all cases, the City Planning Commission shall deny an application for a special permit whenever the #development# or #enlargement# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities) which is approved by the Board of Estimate or City Planning Commission, or Site Selection Board, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

(11/16/89)

Appendix A Special Little Italy District Map



(2/3/77)

APPENDIX B
Buildings of Special Significance

#Buildings# of special significance to be preserved in accordance with the provisions of Section 109-522 are as follows:

Block Number	Lot Number	Address
206	1	113 Baxter Street
470	12	363 Broome Street
471	41	375 Broome Street
470	64	124-26 Bowery
472	31	240 Centre Street
492	21	209 Elizabeth Street
507	17-21	260-68 Elizabeth Street
471	28	174 Grand Street
471	58	190 Grand Street
471	57	192 Grand Street
238	6	128-130 Mott Street
508	6	256-58 Mott Street
508	9	262-72 Mott Street
509	34	277 Mott Street
481	23	201-05 Mulberry Street
509	1	266 Mulberry Street
492	44	11 Spring Street
480	21	34-36 Spring Street

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article XI: Special Purpose Districts

Chapter 1: Special Tribeca Mixed Use District

Effective date of most recently amended section of Article XI Chapter 1: 10/09/13

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CITY PLANNING COMMISSION

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(8/27/98)

Article XI - Special Purpose Districts

Chapter 1

Special Tribeca Mixed Use District

(10/13/10)

111-00

GENERAL PURPOSES

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

- (a) to retain adequate wage, job producing, stable industries within the Tribeca neighborhood;
- (b) to protect light manufacturing and to encourage stability and growth in the Tribeca neighborhood by permitting light manufacturing and controlled residential uses to coexist where such uses are deemed compatible;
- (c) to provide housing opportunity of a type and at a density appropriate to this mixed use zone;
- (d) to ensure the provision of safe and sanitary housing units in converted buildings; and
- (e) to promote the most desirable use of land and building development in accordance with the Plan for Lower Manhattan as adopted by the City Planning Commission.

(8/27/98)

111-01

Definitions

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

Special Tribeca Mixed Use District

(repeated from Section 12-10)

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

(10/9/13)

111-02

General Provisions

The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed, and changes in #uses# within the Special District.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

(10/13/10)

111-03

District Map

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

Area A1 - General Mixed Use Area

Area A2 - Limited Mixed Use Area

Area A3 - General Mixed Use Area

Area A4 - General Mixed Use Area

Area A5 - General Mixed Use Area

Area A6 - General Mixed Use Area

Area A7 - General Mixed Use Area

(4/9/81)

111-10

SPECIAL USE REGULATIONS

(10/13/10)

111-11

Residential Use Modification

(a) Loft dwellings

#Loft dwellings# created prior to October 13, 2010, shall be governed by the provisions for #loft dwellings# in Section 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010). Such #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with such provisions. No #loft dwellings# may be created after October 13, 2010, except as the result of a subdivision of a #loft dwelling# existing prior to October 13, 2010.

(b) Home occupations

A #home occupation# may occupy a #loft dwelling#, or a #dwelling unit# converted pursuant to Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), as an #accessory use# pursuant to Section 15-13 (Special Home Occupation Provision), except that:

- (1) businesses operated as #home occupations# may have up to three non-#residential# employees; and
- (2) notwithstanding the limitation on #uses# listed in the definition of #home occupation# in Section 12-10, a #home occupation# may include a permitted #commercial# or permitted #manufacturing use#.

(10/13/10)

111-12

Ground Floor Use Restrictions

In all areas except Area A2, ground floor spaces in separate #buildings# may not be combined for #uses# in Use Groups 3, 4, 5 and 6, except in those #buildings# having frontage on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street.

(10/13/10)

111-13

Additional Use Regulations

(a) Areas A1 and A3

- (1) #Uses# in Use Groups 16 and 17 shall be permitted, except the following #uses# are prohibited:

within Use Group 16A: crematoriums, poultry or rabbit killing establishments, unenclosed automobile, boat, motorcycle or trailer sales, motorcycle rentals;

all Use Group 16B #uses#, except #automotive service stations# by special permit pursuant to Section 73-21;

all Use Group 16C #uses#;

within Use Group 16D: dry cleaning or cleaning or dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment;

within Use Group 17B: manufacture of aircraft, automobiles, trucks, trailers, boats, motorcycles or chemicals; and

all Use Group 17C #uses#, except agriculture.

- (2) The following #uses# are prohibited in #buildings# that do not front on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway:

all Use Group 8A #uses#;

all Use Group 8D #uses#;

all Use Group 10A #uses#, except depositories, photographic or motion picture studios, radio or television studios; and

all Use Group 12A #uses#.

- (3) In #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, the following #uses# shall be limited to 20,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allotted to such #uses#, except as otherwise provided in Section 111-32 (Special Permit For Certain Large Commercial Establishments):

all #uses# in Use Groups 6A and 6C;

all #uses# in Use Group 10 with parking categories B or B1; and

the above #uses# when listed in other use groups.

Separate #buildings# on separate #zoning lots# may not be combined for #uses# in Use Groups 6A, 6C or all #uses# with parking categories B or B1 in Use Group 10.

In addition, in #buildings# not fronting on the #streets#, listed in paragraph (a)(3) of this Section, #uses# listed in Use Groups 6A and 6C shall be limited to 10,000 square feet of #floor area# on a #zoning lot#, including retail #cellar# space allocated to such #uses#, except as otherwise provided in Section 111-32 (Special Permit For Certain Large Commercial Establishments).

- (b) Areas A4, A5, A6 and A7

- (1) All #uses# listed in Use Groups 16B, 16C or 16D shall be permitted;

- (2) The following #uses# listed in Use Group 16 shall be permitted:

Carpentry, custom woodworking or custom furniture making shops

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 sq. ft.

Household or office equipment or machinery repair shops

Machinery rental or sales establishments.

- (3) All #uses# in Use Group 17 shall be permitted, except that the following #uses# shall be prohibited:

Building materials or contractors' yards, open or enclosed

Produce or meat markets, wholesale

Adhesives, including manufacture of basic components

Food products, including slaughtering of meat or preparation of fish for packing

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, including manufacture of natural or synthetic rubber

Shoddy

Soap or detergents.

- (4) For establishments with frontage on #wide streets#, #uses# listed in Use Groups 6A, 6C and 10 shall be limited to 10,000 square feet of #floor area#. For establishments that front only upon a #narrow street#, such #uses# shall be limited to 5,000 square feet of #floor area#. For the purposes of this Section, #floor area# shall include retail #cellar# space allocated to such #uses#.

The #floor area# requirements of this paragraph, (b)(4), may be modified only pursuant to Section 111-

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

- (d) Areas A4, A5, A6 and A7

#Transient hotels# shall be allowed, except that #developments#, #enlargements#, #extensions# or changes of #use# that result in a #transient hotel# with greater than 100 sleeping units shall only be allowed pursuant to Section 111-31 (Special Permit For Large Transient Hotels).

However, any #transient hotel# that received a special permit pursuant to Section 74-711, granted prior to October 13, 2010, may continue under the terms of such approval.

- (e) Environmental conditions for Area A2

- (1) All #developments# or #enlargements# shall be subject to Ambient Noise Quality Zone Regulations*. #Uses# listed in Use Group 11A shall be subject to the performance standards of an M1 District.
- (2) All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less, with windows closed. Therefore, an alternate means of ventilation is required.

* Ambient Noise Quality Regulations for an M2 District as set forth in the Noise Control Code for the City of New York, Article VI(B)

(10/9/13)

111-20

SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

(a) Area A1

The regulations applicable to a C6-2A District shall apply to #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

The maximum #floor area ratio# permitted on a #zoning lot# shall be 5.0.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of a #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or enlargements), provided the portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of the #building# facing a #narrow street#.

(b) Area A2

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

(1) Maximum #floor area ratio#

No #floor area# bonuses shall be permitted in Area A2.

The maximum #floor area ratio# permitted shall be 7.52. In no case shall the #floor area ratio# of the #commercial# or #community facility# portion of the #building# be more than 6.0.

(2) #Open space# and #lot coverage# regulations

The #open space# and #lot coverage# regulations of Article II, Chapters 3 and 4, and Article III, Chapter 5, for a #residential building#, or the #residential# portion of a #mixed building#, are not applicable. In lieu thereof, the maximum permitted #lot coverage# on a #zoning lot# shall not exceed 80 percent of the #lot area#. However, any permitted obstruction on a #zoning lot# pursuant to Sections 23-44, 24-12 or 33-23 shall not count as #lot coverage#.

- (3) #Yard#, #court# and minimum distance between #buildings# regulations

The #yard# and #court# regulations of a C6-3 District shall apply, except that on a #through lot# the provisions of paragraphs (b) and (c) of Sections 23-533 and 24-382 (Required rear yard equivalents) and 23-71 (Minimum Distance between Buildings on a Single Zoning Lot) shall not apply. On any single #zoning lot# within Area A2, if a #development# or #enlargement# results in two or more #buildings# or portions of #buildings# detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.

- (4) #Height factor#, front height and setback regulations

The #height factor#, front height and setback, alternate front setback and tower regulations of a C6-3 District shall not apply. In lieu thereof, for the first two #stories# of any #development# or #enlargement#, the #street wall# shall be located on the #street line# and shall extend the entire width of the #zoning lot#, not occupied by existing #buildings# to remain, except that at the intersection of two #street lines# the #street wall# may be located within five feet of the #street line#. Above the ceiling of the second #story# for any #development# or #enlargement#, there shall be mandatory #street walls# extending the entire width of the #zoning lot# not occupied by existing #buildings# to remain, as set forth in this paragraph, (b)(4). Along #wide streets# and along #narrow streets#, within 75 feet of the intersection with #wide streets#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 100 feet above #curb level#. Along a #narrow street#, beyond a distance of 75 feet from the intersection of a #wide street# and a #narrow street#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not

exceed a height of 85 feet above #curb level#. Notwithstanding the above requirements, for the 25 feet of a #zoning lot# furthest from the intersection of a #wide street# and a #narrow street#, the height of the #street wall# shall be 60 feet or the height of the adjacent #building# fronting on the same #street line#, whichever is greater. Above the ceiling of the second #story#, 75 percent of the aggregate area of the mandatory #street walls# at each #story# shall be within five feet of the #street line#; the mandatory #street wall# shall abut the #street line# at least once every 25 feet; and at the intersection of two #street lines# the mandatory #street wall# shall be located within five feet of the #street line#, measured perpendicular to the #street line#. For #residential# and #community facility developments# or #enlargements#, recesses shall comply with the applicable #outer court# provisions of Sections 23-84 and 24-63.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Chapter and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(5) Curb cuts

Curb cuts shall not be permitted on Greenwich Street, Murray Street and Chambers Street.

(c) Area A3

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

(1) Height and setback regulations

The height and setback regulations of Section 35-24

(Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall not apply. In lieu thereof, the following height and setback regulations shall apply:

(i) Permitted obstructions

Permitted obstructions for all #buildings or other structures# shall be as set forth in Section 33-42.

(ii) Measurement of height

Heights of all #buildings or other structures# shall be measured from the #base plane#.

(iii) #Street wall# location

The #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings#, and shall rise to at least a height of 60 feet or the height of the #building#, whichever is less. However, 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. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. At any level above the ground floor, but at least 12 feet above the level of the #base plane#, recesses shall be permitted in the #street wall# for #outer courts# or articulation of #street walls# at the intersection of two #street lines# as set forth in this Section. The aggregate width of such recesses shall not exceed 30 percent of the width of the #street wall# at any level.

(iv) Maximum height of #street walls# and required setbacks

The maximum height of a #street wall# before setback shall be 85 feet or the height of an adjoining #building# fronting on the same #street

line# with a height of at least 60 feet, whichever is less. Setbacks are required for all portions of #buildings# that exceed these maximum #street wall# heights. At a height not lower than 60 feet nor higher than 85 feet, or the height of an adjoining #building# fronting on the same #street line# which is less than 85 feet, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except that such dimensions may include the depth of any permitted recesses in the #street wall#.

(v) Maximum #building# height

No #building or other structure# shall exceed a height of 135 feet.

(vi) Vertical #enlargements# of low #buildings#

Existing #buildings# with #street walls# less than 60 feet in height may be vertically #enlarged# by up to one #story# or 15 feet, whichever is less, without regard to the #street wall# location provisions of paragraph (c)(1)(iii) of this Section.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or enlargements), provided such portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion of a #building# is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of a #building# facing a #narrow street#.

(d) Area A4, A5, A6 and A7

Except as set forth herein, the #bulk# regulations of the underlying district shall apply.

(1) Height and setback regulations, as set forth in Section 35-24, shall be modified, as follows:

Area	Minimum Base Height (in ft.)	Maximum Base Height (in ft.)	Maximum #Building# Height (in ft.)
A4	60	70	140
A5	60	70	110
A6	60	85	120
A7	60	85	120

For any #building# or portion thereof within Area A4, a penthouse portion of a #building#, not exceeding ten feet in height, may be constructed within Area A4 above the maximum #building# height, provided that such penthouse portion is set back at least 25 feet from any #narrow street#.

However, for any #building# or portion thereof located within Area 4 and within an Historic District designated by the Landmarks Preservation Commission, the underlying height and setback regulations of Section 35-24 shall apply, except that the maximum height of such #buildings#, or portions thereof, shall be 160 feet and the 10 foot penthouse allowance set forth in this paragraph, (d)(1), shall not apply.

- (2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).
- (3) The maximum #floor area ratio# permitted on a #zoning lot# shall be as follows:

Area	Maximum #Floor Area Ratio#
A4	6.5
A5	5.5
A6	5.4
A7	5.0

- (4) Applicability of Inclusionary Housing Program

R8A Districts within Area A6 shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the

Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. The base #floor area ratio# for any #zoning lot# containing #residences# shall be 5.4. Such base #floor area ratio# may be increased to a maximum of 7.2 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90, except that the height and setback regulations of Section 23-954 (Height and setback for compensated developments Inclusionary Housing designated areas) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

- (5) #Buildings# that have received a certification from the Chairperson of the City Planning Commission pursuant to paragraph (c) of the former Section 111-20 (MINOR MODIFICATIONS), prior to October 13, 2010, to modify the rooftop open space requirements of the former Section 111-112 (Open space equivalent), shall be exempt from the rooftop open space requirements of Section 15-24 (Open Space Equivalent).
- (6) 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), the #development# of a #building# pursuant to a variance granted by the Board of Standards and Appeals under Calendar No. 231-09-BZ to modify #bulk# regulations, may be continued provided that a building permit has been issued, in accordance with the terms of said variance, within six years of the original granting of said variance.

(10/13/10)

111-30 SPECIAL PERMITS

(10/13/10)

111-31 Special Permit for Large Transient Hotels

In Areas A4 through A7, the City Planning Commission may permit #transient hotels# that are comprised of more than 100 sleeping

units, provided the Commission shall find that such #transient hotel#, resulting from a #development#, #enlargement#, #extension# or change of #use#, is so located as not to impair the essential residential character of, or the future use or development, of the surrounding area. The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

(10/13/10)

111-32

Special Permit for Certain Large Commercial Establishments

The City Planning Commission may permit the total #floor area# of large #commercial# establishments to exceed the underlying #floor area# requirements set forth in Section 111-13, paragraphs (a)(3) and (b)(4), including the #floor area# requirements for #cellar# space provided the Commission finds that:

- (a) such #development#, #enlargement#, #extension# or change of #use# is so located as not to impair the essential character or the future use of, or development of, the surrounding area; and
- (b) the #streets# providing access to the facility will be adequate to handle the vehicular and pedestrian traffic generated by such #use#.

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

(10/13/10)

111-40

REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO OCTOBER 13, 2010

The following is applicable to all existing #loft dwellings#, created prior to October 13, 2010, within the #Special Tribeca Mixed Use District#.

- (a) All #loft dwellings# shall have one or more windows which open into a #street# or a #yard# with a minimum depth of 30 feet.

- (b) (1) The minimum #floor area# contained within a #loft dwelling# shall be not less than 2,000 square feet, except that:
- (i) where a #loft dwelling# occupies the entire usable area of a floor, there shall be no minimum #floor area#;
 - (ii) where a #loft dwelling# has a minimum clear width of 14 feet throughout and has windows opening onto both a #street# and a #yard# which has a depth of 10 percent of the depth of the #loft dwelling#, there shall be no minimum #floor area#;
 - (iii) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# exceeds five percent, the minimum #floor area# contained within the #loft dwelling# may be reduced by 200 square feet for each additional percent, to a ratio of 10 percent; or
 - (iv) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# equals or exceeds 10 percent, there shall be no minimum #floor area#.
- (2) The minimum #loft dwelling# size and #yard# requirement may be replaced by the requirements of Section 15-026 (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) for #loft dwellings#:
- (i) for which a determination of #residential# occupancy on September 1, 1980 has been made;
 - (ii) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
 - (iii) that the Loft Board determines were occupied for #residential use# on September 1, 1980.

#Loft dwellings# existing on September 1, 1980, may not be subsequently divided into multiple #loft dwellings# that do not meet the requirements of paragraphs (a), (b)(1) and (c) of this Section, unless required by the Loft Board for the

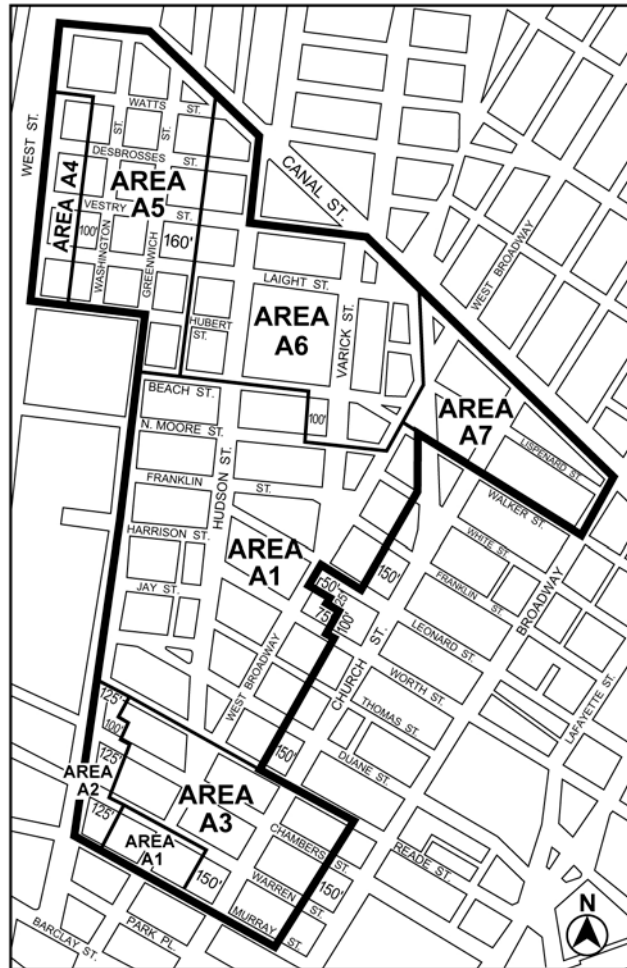
legalization of Interim Multiple Dwelling units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

No #building# that meets the density requirements of paragraph (c) of this Section may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

- (c) The number of #loft dwellings# shall not exceed one per 1,000 square feet of #floor area# devoted to #loft dwellings#, except as a result of the application of paragraph (b)(2) of this Section.
- (d) Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #loft dwellings#, provided that the gross #floor area# of each mezzanine does not exceed 33 and 1/3 percent of the #floor area# contained within such #loft dwelling#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #loft dwelling# or for calculating #floor area# devoted to #loft dwellings#.
- (e) At least 30 percent of the gross roof area of a #building# containing 15 or more #loft dwellings# shall be provided for recreational #use#. For each additional #loft dwelling#, 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 #loft dwellings# and their guests for whom no fees are charged.
- (f) Existing #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with the provisions of this Section. In addition, #floor area# added to an existing #loft dwelling# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

(10/13/10)

Appendix A
Special Tribeca Mixed Use District Map



— Special Tribeca Mixed Use District
— Area Boundary

Area A1: General Mixed Use Area
Area A2: Limited Mixed Use Area
Area A3: General Mixed Use Area
Area A4: General Mixed Use Area
Area A5: General Mixed Use Area
Area A6: General Mixed Use Area
Area A7: General Mixed Use Area

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XI: Special Purpose Districts

Chapter 2: Special City Island District

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(1/20/77)

Article XI - Special Purpose Districts

Chapter 2

Special City Island District

(2/2/11)

112-00

GENERAL PURPOSES

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

- (a) to promote and strengthen the unique character of the Special City Island District for nautical and waterfront activities by limiting permitted uses to those which complement and enhance the existing character of the Special District;
- (b) to maintain the existing low-rise residential and commercial character of the district by regulating the height of buildings;
- (c) to maintain and protect the environmental quality and "village" character of City Island Avenue by imposing special controls on building setbacks and signs; and
- (d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.

(2/2/11)

112-01

Definitions

Development

For purposes of this Chapter, a "development" includes both #development# and #enlargement#, as defined in Section 12-10 (DEFINITIONS).

(1/20/77)

112-02

General Provisions

In harmony with the general purposes of the #Special City Island District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special City Island District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying zoning districts remain in force.

(1/20/77)

112-04

Requirements for Application

An application to the City Planning Commission for the grant of a special permit under the provisions of this Chapter shall include a site plan showing the location and #use# of all #buildings# on the #zoning lot# and such other information as may be required by the Commission.

(1/20/77)

112-05

Relationship to Public Improvement Projects

In all cases, the Commission shall deny a special permit application whenever the #development# will interfere with a public improvement project (including housing, highways, public #building# or facilities redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) which has been approved by the Board of Estimate, City Planning Commission or Site Selection Board as determined from the calendar of each agency issued prior to the date of the public hearing on the application for a special permit.

(2/2/11)

112-06

District Plan

The District Plan for the #Special City Island District# identifies those areas within the Special District in which there are special height restrictions. The District Plan is set forth in Appendix A and is made an integral part hereof.

(2/2/11)

112-07

Special Use Regulations

Within the Special District, and notwithstanding the provisions of Article V, Chapter 2, where #commercial# or #manufacturing uses# are permitted by the underlying district regulations, such #commercial# or #manufacturing uses# shall be limited to those #uses# set forth in this Section. This Section shall apply to a new #use# in a #development# and to a change of #use# in an existing #building# to another #use# listed in the same or another Use Group.

(2/2/11)

112-071

Uses permitted in C1 Districts

Within a C1 District, all #uses# permitted in Use Groups 1, 2, 3, 4, 5 and 6, as listed in Sections 32-11 to 32-15, are permitted, except:

Court houses

Electric and gas substations

Public utility stations

Telephone exchanges.

Additional permitted #uses# are:

Custom manufacturing and sale of jewelry, ceramics, art and needlework, limited to 10,000 square feet per establishment.

(2/2/11)

112-072

Uses permitted in C2 Districts

Within a C2 District, all #commercial uses# listed in Section 112-071 (Uses permitted in C1 Districts) are permitted as well as all #uses# permitted as-of-right in C2 Districts, as set forth in Section 32-10, except:

Automobile sales, including motorcycle and #trailer#

Prisons

Refreshment stands, drive in

Wholesale establishments.

(2/2/11)

112-073

Uses permitted in C3 Districts

Within a C3 District, Use Groups 1, 2, 3 and 4 in Sections 32-11 to 32-13, and all #commercial uses# listed in Use Group 14 in Section 32-23, are permitted, as well as:

#Boatels#

Eating or drinking places, including those that provide outdoor table service or incidental musical entertainment.

(2/2/11)

112-074

Ground floor use restrictions on certain blocks

For all #buildings# fronting on City Island Avenue between Bay Street and Carroll Street, only non-#residential uses# shall be permitted on the ground floor level or within #stories# that have a floor level within five feet of #curb level#, except for #residential# lobbies.

(2/2/11)

112-075

Uses permitted in M1 Districts

Within an M1 District, all #uses# listed in Use Groups 4B, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16A and 17 are permitted, except:

Automobile sales, including motorcycle and #trailer#

Bottle works

Cotton ginning or cotton wadding or linters

Fuel, ice, coal or wood establishments with open storage

Manufacturing of autos, trucks or #trailers#, including parts

Motorcycle manufacturing, including parts

Motorcycle or motor scooter rental

Poultry or rabbit killing establishments

Prisons

Public transit or railroad substations

Public utility stations

Railroads, including rights-of-way

Refreshment stands, drive in

Telephone exchanges

Truck weighing scales

Trucking terminals and motor freight stations.

(2/2/11)

112-08

Uses Permitted by Special Permit

In C1, C2 or C3 Districts, the City Planning Commission may permit #automotive service stations#, auto repair establishments, #public parking garages# or #public parking lots#. As a condition

for permitting such #use#, the Commission shall make the following findings:

- (a) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (b) that such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 cars or 20 percent of the spaces so provided, whichever amount is less; and
- (c) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for the shielding of floodlights or for setback of any roof parking areas from #lot lines#.

(1/20/77)

112-09

Sign Regulations

In addition to meeting the #sign# regulations of the applicable underlying zoning district, all #signs# within the Special District shall meet the following restrictions:

- (a) #signs# attached to the #street wall# of a #building# shall have a vertical dimension of not more than three feet and shall have a horizontal dimension of not more than 75 percent of the #street# frontage; and
- (b) outdoor #signs# may be illuminated by indirect means only.

(9/30/03)

112-10

SPECIAL BULK REGULATIONS

(9/28/04)

112-101**Special open space and lot coverage regulations**

In C3 Districts, for a #residential use#, the maximum #lot coverage# shall be 65 percent and the minimum required #open space# shall be 35 percent.

(9/30/03)

112-102**Special floor area regulations for mixed buildings**

In C1, C2 and C3 Districts, for #buildings# containing #residences# with frontage on City Island Avenue, not more than one #story# of #commercial use# may be provided in such #buildings# and such #story# shall be excluded from the definition of #floor area#.

(2/2/11)

112-103**Special height and setback regulations**

The underlying height and setback regulations shall apply, except that no #building or other structure# shall exceed a height limit of 35 feet, and the height shall be measured from the #base plane#. Such height and setback regulations may be modified only by authorization or special permit of the City Planning Commission, as applicable, pursuant to Sections 112-106 or 112-107.

(2/2/11)

112-104**Special transparency requirements along City Island Avenue**

For #buildings# with ground floor #commercial# or #community facility uses# fronting upon City Island Avenue, the provisions of this Section shall apply to any #street wall# of such #building# facing City Island Avenue. 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 less, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point of any transparency that is provided to satisfy this requirement shall not be higher than two feet, six inches above #curb level#.

In addition, solid security gates that are swung, drawn or lowered to secure #commercial# or #community facility uses# shall be prohibited. All security gates installed after September 30, 2003, shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.

(2/2/11)

112-106

Authorization for modification of height and setback regulations

The City Planning Commission may authorize, within Area B, as shown on the District Plan Map in Appendix A, modifications of the underlying height and setback regulations, provided the Commission finds that:

- (a) the distribution of the #bulk# of the #building# on the #zoning lot# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water;
- (b) the modification of the height of the #building# permits better site planning and distribution of #open space#; and
- (c) the height of the #building# does not exceed 35 feet.

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #zoning lot# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

(2/2/11)

112-107

Special permit for modification of height and setback regulations

The City Planning Commission may permit, within Area A, as shown on the District Plan Map in Appendix A, modifications of the

underlying height and setback regulations, provided the Commission finds that:

- (a) the distribution of the #bulk# of the #building# on the #zoning lot# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water;
- (b) the modification of the height of the #building# permits better site planning and distribution of #open space#; and
- (c) the height of the #building# does not exceed 50 feet.

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #zoning lot# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

(4/30/08)

112-11

Special Parking Regulations

(2/2/11)

112-111

Accessory parking for commercial uses

For any #commercial# or mixed use #development# except for eating or drinking establishments, one off-street #accessory# parking space shall be provided for every 300 square feet of #commercial floor area#. The provisions of Section 73-45 (Modification of Off-Site Parking Provisions) are hereby made inapplicable.

(2/2/11)

112-112

Accessory parking and floor area requirements for eating or drinking establishments

After July 10, 1985, for any #development#, #extension# or change of #use# involving an eating or drinking establishment that, in the aggregate, results in an increase of more than 150 square

feet of #floor area#, one off-street #accessory# parking space shall be provided for each 150 square feet of the total of the existing and new #floor area#.

After July 10, 1985, any reduction in the number of existing off-street #accessory# parking spaces, either on-site or off-site, that lowers the ratio of off-street #accessory# parking space per #floor area# to less than one space per 150 square feet of #floor area# is prohibited.

New off-site #accessory# parking for eating or drinking establishments in C1 or C2 Districts may be located only in C1 or C2 Districts.

For the purposes of this Section, #floor area# shall also include #cellar# space, except for a room or rooms in the #cellar# used exclusively for storage, and outdoor table service areas used for eating or drinking establishments. The outdoor table service area shall be delineated and shown on the plans filed with the application for a building or work permit and used to determine the minimum requirement for #accessory# off-street parking. Such outdoor table service area shall be separated from the #accessory# off-street parking by a fence, wall, railing or planted screening.

For eating or drinking establishments, the provisions of Sections 36-23 or 44-23 (Waiver of Requirements for Spaces below Minimum Number) or Sections 52-41 (General Provisions) with respect only to #enlargements# or #extensions# to provide off-street parking spaces, 73-43 (Reduction of Parking Spaces for Houses of Worship or Places of Assembly) and 73-45 (Modification of Off-Site Parking Provisions) are hereby made inapplicable. For eating or drinking establishments with frontage on City Island Avenue, if less than 15 #accessory# off-street parking spaces are required, all such parking spaces shall be waived.

(2/2/11)

112-113

Reservoir space requirements for eating and drinking establishments

All #developments#, #extensions# or changes of #use# involving an eating or drinking establishment with attendant-operated parking services shall provide adequate on-site reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 10 percent of the total number of spaces, but in no event shall such reservoir space be required for more than 10

automobiles. Reservoir space shall be delineated by painted stripes or lines pursuant to the standards of the Department of Buildings.

Within one year of March 6, 1986, all existing eating or drinking establishments with attendant-operated parking services shall provide adequate reservoir space pursuant to this Section and shall file a site plan and documented evidence of compliance with the appropriate enforcement agency, either the Department of Buildings or Department of Ports and Terminals.

(4/30/08)

112-114

Screening and tree planting requirements for all parking lots with 10 or more spaces

All new or #enlarged# parking lots with 10 or more spaces shall comply with the screening requirement provisions of this Section.

#Accessory# parking spaces that adjoin #zoning lots# with #residential uses# shall be screened by an opaque wall or fence extending not less than six feet but not higher than eight feet above finished grade, or alternatively, by a planting strip at least five feet wide and densely planted with evergreen shrubs at least four feet high at time of planting, and of a variety expected to reach a height of six feet within three years, or by both. No chain link fences shall be permitted.

#Accessory# parking spaces that adjoin #zoning lots# with non-#residential uses# shall be screened by an opaque wall or fence extending at least four feet high but not higher than six feet above finished grade, or alternatively by a planting strip at least five feet wide and densely planted with evergreen shrubs at least two and one-half feet high at time of planting. Open chain link fences shall be permitted only within such planting strip, and such fences shall extend at least four feet but not more than six feet above finished grade.

#Accessory# parking spaces that front upon a #street# shall be screened in accordance with the provisions of paragraphs (a), (b) and (c) of Section 37-921 (Perimeter landscaping).

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs), 32-63 (Permitted Advertising Signs) or 42-52 (Permitted Signs).

(4/30/08)

112-115

Location of parking spaces along City Island Avenue

No parking shall be permitted between the #street line# of City Island Avenue and the #street wall# of any #building# or its prolongation facing City Island Avenue. However, this provision shall not apply to #waterfront zoning lots#.

(2/2/11)

112-13

Zoning Applicability at the Shoreline

(2/2/11)

112-131

Location of zoning district boundary lines

Zoning district boundary lines shall coincide with the #shoreline# lawfully existing on November 13, 1981, or any natural or lawful alteration thereof.

(2/2/11)

112-132

Naturally or lawfully altered shorelines and development rights on piers

A zoning district boundary line which intersects the #shoreline# lawfully existing on November 13, 1981, shall be prolonged, in a straight line, to such naturally or lawfully altered #shoreline#. Lawfully approved piers or other lawfully approved structural extensions of the #shoreline#, as may be so altered, shall not generate development rights; however, #uses accessory# to the principal upland permitted #use#, except for off-street parking, shall be permitted.

(2/2/11)

112-14

Special Requirements for Waterfront Access

Except in R1 and R2 Districts, for #developments# containing #residences# on #waterfront zoning lots# of 65,000 square feet or more, a publicly accessible waterfront sitting area shall be provided. Such sitting area shall abut the #shoreline#, have a minimum area of 2,500 square feet, a minimum depth of 50 feet measured from the #shoreline# and contain at least one linear foot of seating for every 100 square feet of public access area. Entrances of #buildings# may not front upon such sitting area.

Such sitting area shall be accessible by means of either a direct connection to a public sidewalk or a public way through the #zoning lot# directly connecting the sitting area with a public sidewalk. Such public way shall be comprised of a planting strip of at least four feet in width containing one tree of at least three-inch caliper for every 25 linear feet of length of such way, and a paved sidewalk of at least six feet in width or, for #developments# with #private roads#, sidewalks provided in accordance with the requirements for #private roads#, as set forth in Article II, Chapter 6.

Such public access areas shall comply with the provisions of Sections 62-74 (Requirements for Recordation), 62-70 (MAINTENANCE AND OPERATION REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), 62-651 (Guardrails, gates and other protective barriers), 62-652 (Seating) and 62-654 (Signage).

The Chairperson of the City Planning Commission shall certify to the Department of Buildings or Department of Business Services, as applicable, that a site plan has been submitted showing compliance with the provisions of this Section.

Appendix A

Special City Island District - Height Areas



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article XI: Special Purpose Districts

Chapter 3: Special Ocean Parkway District

Effective date of most recently amended section of Article XI Chapter 3: 10/09/13

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CITY PLANNING COMMISSION

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DEPARTMENT OF CITY PLANNING

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(1/20/77)

Article XI - Special Purpose Districts

Chapter 3

Special Ocean Parkway District

(1/20/77)

113-00

GENERAL PURPOSES

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

- (a) to promote and strengthen the scenic landmark designation of Ocean Parkway by requiring landscaping along Ocean Parkway;
- (b) to maintain the existing scale and character of the community by limiting the bulk of permitted community facilities;
- (c) to protect the environmental quality of and improve circulation within the District by requiring enclosed parking for all uses along Ocean Parkway and by requiring off-street loading for certain community facilities throughout the District; and
- (d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.

(10/9/13)

113-01

General Provisions

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special

District, the regulations of the underlying districts remain in force. In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

The Subdistrict of the #Special Ocean Parkway District# is identified in Appendix A of this Chapter. In addition to the requirements of Sections 113-10 through 113-40, inclusive, the special regulations set forth in Sections 113-50 through 113-57, inclusive, shall apply to the Subdistrict.

(1/20/77)

113-10 SPECIAL BULK REGULATIONS

(2/2/11)

113-11 Special Bulk Regulations for Community Facilities

All #community facility buildings#, and portions of #buildings# containing #community facility uses#, shall be subject to the applicable underlying district #bulk# regulations of Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), except as provided below:

- (a) in R2X Districts, the #residential bulk# regulations of an R3-1 District shall apply to #community facility buildings#;
- (b) in R6 or R7 Districts with a letter suffix, the applicable #bulk# regulations set forth in Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts) shall apply;
- (c) in the Subdistrict, the #bulk# regulations of Article II, Chapter 3 shall apply, except as set forth in Section 113-503 (Special bulk regulations); and
- (d) in R6 or R7 Districts without a letter suffix, the #community facility bulk# regulations of Article II, Chapter 4, may be made applicable by certification of the City Planning Commission, pursuant to Section 113-41 (Certification for Community Facility Uses on Certain Corner Lots).

(2/2/11)

113-12

Special Front Yard Regulations

For all #zoning lots# with frontage along Ocean Parkway, there shall be a 30 foot #front yard#. No obstructions including porches either open or enclosed, canopies or stairs are permitted within the #front yard#. Any driveway within such #front yard# shall be perpendicular to the #street line# or, in the case where the #street wall# is not parallel with the #street line#, the driveway shall be perpendicular to the #street wall#.

Balconies pursuant to Section 23-13 may, by a depth of not more than six feet, penetrate #front yards# except along Ocean Parkway.

(1/20/77)

113-20

SPECIAL PARKING AND OFF-STREET LOADING REGULATIONS

(2/2/11)

113-21

Special Parking Regulations

For all #developments# having frontage on Ocean Parkway, all required or permitted #accessory# off-street parking spaces shall be #completely enclosed#.

(2/2/11)

113-22

Special Off-Street Loading Regulations

- (a) For any #building# containing a #school# for children below grade 7, off-street loading facilities shall be provided in accordance with the requirements of this Section. Such off-street loading facilities shall be so situated and arranged

to provide head-in and head-out movement of vehicles on two separate #streets#, and shall have a minimum dimension of 12 feet. All such off-street loading facilities shall be screened from adjacent #zoning lots# by a four foot buffer of shrubbery that is at least four feet high at the time of planting.

- (b) For other #schools# with no children below grade 7, an off-street loading facility shall be provided with a minimum dimension of 12 by 18 feet.

(1/20/77)

113-30

SPECIAL LANDSCAPING REGULATIONS

Within the 30 foot #front yard# required along Ocean Parkway, landscaping in the form of grass, ground cover, trees or shrubs shall be provided at #curb level# or the natural grade level. Paving within the #front yard# shall be limited to the amount necessary for driveways or walkways. Fences are permitted along the #front# or #side lot line# provided that such fence is no higher than 4 feet above #curb level#.

(4/30/08)

113-31

Tree Planting Requirements

In addition to the applicable underlying #street# tree planting requirements, all changes of #use# on #zoning lots# having frontage on Ocean Parkway, shall provide #street# trees in accordance with the provisions of Section 26-41 (Street Tree Planting).

(12/19/96)

113-40

CERTIFICATIONS AND AUTHORIZATIONS FOR COMMUNITY FACILITIES

(2/2/11)

113-41

Certification for Community Facility Uses on Certain Corner Lots

Within the #Special Ocean Parkway District#, the City Planning Commission may allow, by certification, #community facility developments# or #enlargements# or changes of #use# containing #community facility uses#, to exceed the #bulk# regulations of Section 113-11 (Special Bulk Regulations for Community Facilities) when located on #corner lots#, one #lot line# of which is the #street line# of a #wide street#, provided that:

- (a) the #community facility building# will comply with the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts); and
- (b) the scale of the proposed #community facility building# is appropriate to the scale of the surrounding #development#.

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

(2/2/11)

113-42

Authorization for Enlargements of Community Facility Buildings

Within the #Special Ocean Parkway District#, the City Planning Commission may authorize #enlargements# that exceed the #bulk# limitations of Section 113-11 (Special Bulk Regulations for Community Facilities), provided:

- (a) the existing #building# is a #community facility building developed# prior to December 19, 1996;
- (b) the existing #community facility building# is located partially or wholly on a #corner lot#, one #lot line# of which is the #street line# of a #wide street#;
- (c) the #enlarged community facility building# will comply with the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts); and
- (d) the scale of the proposed #community facility building# is appropriate to the scale of the surrounding area.

The Commission may prescribe appropriate conditions and

safeguards to minimize adverse effects on the character of the surrounding area.

(8/3/93)

113-50
THE SUBDISTRICT

(8/3/93)

113-501
General purposes

In order to preserve and enhance the character of the neighborhood, the Subdistrict within the Special Ocean Parkway District is established which encourages large single- or two-family detached and semi-detached residences.

(8/3/93)

113-502
Special use regulations

Within the Subdistrict, #single-# and #two-family detached# and #semi-detached residences# and #uses# listed in Use Groups 3 or 4 are the only permitted #uses#. #Non-conforming single-# or #two-family residences# may be #enlarged# or #extended# pursuant to the provisions of the Subdistrict provided that a 30 foot #rear yard# is maintained. All other #non-conforming uses# shall be subject to the provisions of Article V, Chapter 2 (Non-Conforming Uses).

(2/2/11)

113-503
Special bulk regulations

For #single-# and #two-family detached# and #semi-detached residences#, and for #zoning lots# containing both #community facility# and #residential uses#, certain underlying district #bulk# regulations are set forth in Article II, Chapter 3 (Bulk

Regulations for Residential Buildings in Residence Districts), except as superseded by those set forth in Sections 113-51 through 113-55, inclusive. The regulations applicable to a #predominantly built-up area# shall not apply in the Subdistrict.

For #community facility buildings#, the #bulk# regulations of Article II, Chapter 3, are superseded by those set forth in Sections 113-51 (Maximum Permitted Floor Area Ratio), 113-542 (Minimum required front yards), 113-543 (Minimum required side yards), 113-544 (Minimum required rear yards) and 113-55 (Height and Setback Regulations). The provisions of Sections 24-01 (Applicability of this Chapter), 24-011 (Exceptions to the bulk regulations of this Chapter), paragraph (a), and 24-04 (Modification of Bulk Regulations in Certain Districts), pertaining to R4-1 Districts, shall not apply in the Subdistrict.

(8/3/93)

113-51

Maximum Permitted Floor Area Ratio

The maximum permitted #floor area ratio# shall be 1.50.

(7/26/01)

113-52

Density Regulations

The regulations set forth in Section 23-22 (Maximum Number of Dwelling Units or Rooming Units) pertaining to R4-1 Districts shall apply.

(2/2/11)

113-53

Lot Area, Lot Width and Density Regulations

The regulations set forth in Section 23-31 (Minimum Lot Area or Lot Width for Residences) pertaining to R4-1 Districts shall apply to #residential uses#. The regulations set forth in Section 24-20 (APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES), pertaining to R4 Districts, shall apply to #buildings# used partly for #residence# and partly for #community facility use#.

(8/3/93)

113-54

Yard Regulations

(2/2/11)

113-541

Permitted obstructions in required yards or rear yard equivalents

For permitted #residential uses#, the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall apply with the following modifications:

- (a) open #accessory# off-street parking spaces shall not be located within a #front yard# unless such spaces are located in a permitted #side lot ribbon#;
- (b) three-foot overhangs in a required 18 foot #front yard# in R4 or R5 Districts shall not be permitted; and
- (c) balconies shall not be a permitted obstruction in #rear yards# or #rear yard equivalents#.

(8/3/93)

113-542

Minimum required front yards

The regulations set forth in Section 23-45 (Minimum Required Front Yards) pertaining to R4-1 Districts shall apply.

(2/2/11)

113-543

Minimum required side yards

The regulations set forth in Section 23-461 (Side yards for single- or two- family residences) pertaining to R4A Districts shall apply to #detached buildings#. The regulations in that

Section pertaining to R4-1 Districts shall apply to #semi-detached residences#.

For an existing #single-# or #two-family residence# with a #non-complying side yard#, an #enlargement# involving a straight line extension of the existing #building# walls facing such #non-complying side yard# is permitted, provided that:

- (a) the portion of the #building# which is #enlarged# complies with the height and setback regulations set forth in Section 113-55;
- (b) the minimum distance between such #building# wall and the nearest #building# wall, or prolongation thereof, on an adjoining #zoning lot# across the common #side lot line# is eight feet;
- (c) the #enlarged building# does not contain more than two #dwelling units#;
- (d) that there is no encroachment on the existing #non-complying side yard#, except as set forth in this Section; and
- (e) the #enlargement# does not otherwise result in the creation of a new #non-compliance# with the applicable #bulk# regulations.

(8/3/93)

113-544

Minimum required rear yards

One #rear yard# with a depth of not less than 20 feet shall be provided on any #zoning lot# except a #corner lot#. The provisions of Section 23-52 (Special Provisions for Shallow Interior Lots) shall be inapplicable. The provisions of Section 23-53 (Special Provisions for Through Lots) pertaining to R4 Districts shall apply except that the provisions in Section 23-533 (Required rear yard equivalents) shall be modified to require 40 feet instead of 60 feet in paragraph (a), or 20 feet instead of 30 feet in paragraphs (b) and (c).

(2/2/11)

113-545

Special provisions for side lot line walls

The regulations set forth in Section 23-49 (Special Provisions for Side Lot Line Walls) pertaining to R4-1 Districts shall apply.

(2/2/11)

113-55

Height and Setback Regulations

The height and setback regulations of a #building or other structure# in the Subdistrict shall be as set forth in Section 23-631, for #buildings or other structures# in R4A Districts, except that paragraph (b) (2) shall be modified as follows:

Each perimeter wall of the #building or other structure# may have one or more apex points directly above it on the 35 foot high plane. (See Section 23-631, Figure B).

(8/3/93)

113-56

Parking Regulations

(8/3/93)

113-561

General provisions

Except as set forth in this Section, the regulations set forth in Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations), pertaining to R2X Districts shall apply.

(2/2/11)

113-562

Parking requirements

One #accessory# off-street parking space shall be provided for each #dwelling unit# created after August 3, 1993. This requirement may be waived for a #single-family residence# on an

#interior zoning lot# that has a width of less than 25 feet along a #street#.

(8/3/93)

113-57
Administration

(8/3/93)

113-571
Special provisions for zoning lots divided by district boundaries

For the purposes of applying the regulations of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), the Subdistrict shall be considered an R4-1 District.

(8/3/93)


Appendix A
Special Ocean Parkway District



Continued

INSET



 Subdistrict Area

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XI: Special Purpose Districts Chapter 4: Special Bay Ridge District

Effective date of most recently amended section of Article XI Chapter 4: 04/30/12

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(11/2/78)

Article XI - Special Purpose Districts

Chapter 4

Special Bay Ridge District

(3/23/05)

114-00

GENERAL PURPOSES

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

- (a) to preserve, protect and maintain the existing scale and character of the residential and commercial community;
- (b) to encourage design of residential, commercial and community facility development which is in character with the neighborhood and surrounding community; and
- (c) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby to protect the City's tax revenues.

(2/2/11)

114-01

General Provisions

In harmony with the general provisions and intent of this Resolution and the general purposes of the #Special Bay Ridge District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. The provisions of this Chapter shall apply to all #buildings#.

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

(3/23/05)

114-10

SPECIAL BULK REGULATIONS

In the #Special Bay Ridge District#, the maximum #floor area ratio# and height and setback regulations shall apply as modified in this Section, inclusive.

(2/2/11)

114-11

Special Floor Area Regulations

In C8-2 Districts, for any #zoning lot#, the maximum #floor area ratio# for any #community facility use# shall not exceed 3.0.

In R4A, R4-1, R4B or R5B Districts, the #bulk# regulations of Article II, Chapter 4, shall apply only to a #building# that is used entirely for #community facility use#, except that the maximum #floor area ratio# shall not exceed 1.65. For a #building# that is used partly for #community facility use# and partly for #residential use#, the #bulk# regulations of Article II, Chapter 3, shall apply to all portions of such #building#, except that where:

- (a) such #community facility use# has received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law; or
- (b) such #building# has received an authorization pursuant to Section 24-04 (Modifications of Bulk Regulations in Certain Districts);

the #bulk# regulations of Article II, Chapter 4, shall apply to the #community facility# portion of such #building#, provided that the maximum #floor area ratio# for the #community facility use# shall not exceed 1.65.

(3/23/05)

114-12

Special Height and Setback Regulations

(4/30/12)

114-121

Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in R6A, R6B, R7A, R7B, C4-2A and C8-2 Districts in the #Special Bay Ridge District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

(2/2/11)

114-122

Maximum building height and setback

In the #Special Bay Ridge District#, the height and setback and maximum #building# height regulations of the underlying districts have been modified as follows:

(a) In C8-2 Districts

In C8-2 Districts, the maximum height of a #building or other structure# shall be 70 feet. Any portion of a #building or other structure# that exceeds a height of 60 feet shall be set back with a depth of at least ten feet from a #wide street line# and at least 15 feet from a #narrow street line#.

(b) For #community facilities# in #Residence Districts#

In R3A, R3X, R3-2, R4A, R4-1, R4B and R5B Districts, the maximum height of a #building or other structure# containing #community facility uses# shall not exceed 32 feet.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XI: Special Purpose Districts Chapter 5: Special Downtown Jamaica District

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(9/10/07)

Article XI - Special Purpose Districts

Chapter 5

Special Downtown Jamaica District

(2/2/11)

115-00

GENERAL PURPOSES

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

- (a) strengthen the business core of Downtown Jamaica by improving the working and living environments;
- (b) foster development in Downtown Jamaica and provide direction and incentives for further growth where appropriate;
- (c) encourage the development of affordable housing;
- (d) expand the retail, entertainment and commercial character of the area around the transit center and to enhance the area's role as a major transportation hub in the City;
- (e) provide transitions between the downtown commercial core, the lower-scale residential communities and the transportation hub;
- (f) improve the quality of development in Downtown Jamaica by requiring the provision of specified public amenities in appropriate locations;
- (g) encourage the design of new buildings that are in character with the area;

- (h) enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities; and
- (i) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

(2/2/11)

115-01

General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Downtown Jamaica District#, the regulations of this Chapter shall apply within the #Special Downtown Jamaica District#. The regulations of all other chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

Any special permit granted by the City Planning Commission before September 10, 2007, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

(9/10/07)

115-02

District Plan and Maps

The regulations of this Chapter implement the #Special Downtown Jamaica District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

- Map 1 - Special Downtown Jamaica District
- Map 2 - Ground Floor Use and Transparency and Curb Cut Restrictions
- Map 3 - Street Wall Location
- Map 4 - Street Wall Height
- Map 5 - Maximum Building Height
- Map 6 - Sidewalk Widening

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

(9/10/07)

115-10

SPECIAL USE REGULATIONS

In the #Special Downtown Jamaica District#, the #use# regulations of the underlying district shall apply except as modified in this Section, inclusive. The #use# regulations of the underlying C4-5X, C6 and M1-4 Districts relating to #public parking garages# are modified in Section 115-11. The #use# regulations of the underlying C6-4 District relating to Use Group 11B, are modified in Section 115-12. Special ground floor #use# and transparency regulations shall apply in the C4-5X and C6 Districts pursuant to Sections 115-13 (Ground Floor Use, Frontage and Major Building Entrance Regulations in C4-5X and C6 Districts) and 115-14 (Transparency Requirement in C4-5X and C6 Districts). The #use# regulations of the underlying M1-4 District, including Use Groups 3, 4, 6, 10, 16, 17 and 18, are modified as specified in Section 115-15.

(4/14/10)

115-11

Public Parking Garages

In the #Special Downtown Jamaica District#, the #use# regulations of the underlying C4-5X, C6-2, C6-3, C6-4 and M1-4 Districts shall be modified to permit #public parking garages# with a capacity of 150 spaces or less, as-of-right, subject to the provisions set forth for #accessory# off-street parking spaces in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening). #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#, except as provided by the special permit provisions of Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

(9/10/07)

115-12

Use Group 11B in C6-4 Districts

In C6-4 Districts, the provisions of Section 32-20 (Use Group 11), paragraph B (Wholesale or Similar Establishments), shall be modified to allow wholesale establishments with no limitation on #accessory# storage.

(2/2/11)

115-13

Ground Floor Use, Frontage and Major Building Entrance Regulations in C4-5X and C6 Districts

On designated #streets#, as shown on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter, the special ground floor #use#, frontage and major #building# entrance regulations of this Section shall apply to any #building or other structure# fronting on such #streets#.

#Uses# within #stories# on the ground floor or with a floor level within five feet of the level of the adjoining sidewalk, and within 30 feet of the #street line#, shall be limited to #community facility uses# without sleeping accommodations, as listed in Section 115-15 (Modification

of Use Regulations in M1-4 Districts), and #uses# listed in Use Groups 5, 6A, 6B, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C. A #building's street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations.

In no event shall the length of #street# frontage occupied by lobby space, entrance space and/or a #building# entrance recess exceed, in total, 30 feet, or 50 percent of the #building's# total #street# frontage, whichever is less.

For #buildings developed# or #enlarged# after September 10, 2007, where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon such designated #street#, such #development# or #enlargement# shall provide a major #building# entrance onto such #street#. However, #developments# or #enlargements# on #zoning lots# with frontage on more than one designated #street#, may provide a major #building# entrance on only one designated #street#.

(2/2/11)

115-14

Transparency Requirement in C4-5X and C6 Districts

For #buildings developed# or #enlarged# after September 10, 2007, where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon designated #streets# as shown on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter, each ground floor #street wall# shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk.

(2/2/11)

115-15

Modification of Use Regulations in M1-4 Districts

The #use# regulations of the underlying M1-4 District shall apply, except as modified as follows:

Use Groups 3A and 4A

The following #community facility uses# as listed in Sections 22-13 (Use Group 3) and 22-14 (Use Group 4) shall be permitted as-of-right, provided that such #uses# are without sleeping accommodations:

From Use Group 3A:

College or universities, including professional schools but excluding business colleges or trade schools

Libraries, museums or non-commercial art galleries, without limitation

#Schools#

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency, for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, #physical culture or health establishments# or ophthalmic dispensing

Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs;
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; or
- (d) any activity or #use# listed within the definitions of either #adult physical culture establishments# or

#physical culture or health establishments# in
Section 12-10 (DEFINITIONS)

Community centers or settlement houses

Non-commercial recreation centers

Philanthropic or non-profit institutions, without
limitation on central office functions

Rectories and parish houses

Seminaries

Welfare centers

Use Groups 6 and 10

All #uses# listed in Sections 32-15 (Use Group 6) and 32-19
(Use Group 10), shall be permitted and shall not be subject
to the limitations specified in Section 42-12 (Use Groups
3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B,
10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16).

Use Groups 16, 17 and 18

The following #uses# from Sections 32-25 (Use Group 16),
42-14 (Use Group 17) and 42-15 (Use Group 18) shall be
permitted, provided that such #uses# are in #completely
enclosed buildings#, except as specifically modified in
this Section.

From Use Group 16A (Retail or Service Establishments):

Animal hospitals or kennels

Automobile, motorcycle, trailer or boat sales

Building materials sales, limited to 10,000 square feet
of #lot area# per establishment

Carpentry, custom woodworking or custom furniture making
shops

Electrical, glazing, heating, painting, paper hanging,
plumbing, roofing or ventilating contractors'
establishments

Fuel, ice, oil, coal or wood sales, limited to 5,000 square feet of #lot area# per establishment

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units

Machinery rental or sales establishments

Mirror silvering or glass cutting shops

Motorcycle or motor scooter rental establishments

Sign painting shops, with no limitation on #floor area# per establishment

Silver plating shops, custom

Soldering or welding shops

Tool, die or pattern making establishments, or similar small machine shops

Trade schools for adults

From Use Group 16B (Automotive Service Establishments):

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a #completely enclosed building#

From Use Group 16C (Vehicle Storage Establishments):

Commercial or public utility vehicle storage, including #accessory# motor fuel pumps

From Use Group 16D (Heavy Service, Wholesale or Storage Establishments):

Carpet cleaning establishments

Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment

Laundries, with no limitation on type of operation

Linen, towel or diaper supply establishments

Moving or storage offices, with no limitation as to storage or #floor area# per establishment

Packing or crating establishments

Photographic developing or printing, with no limitation on #floor area# per establishment

Warehouses

Wholesale establishments, with no limitation on #accessory# storage

From Use Group 17A (Service or Wholesale Establishments):

Building materials or contractors' yards, including sales, storage, or handling of building materials, with no limitation on #lot area# per establishment, except that lumber yards shall be limited to 20,000 square feet of #lot area# per establishment

Produce or meat markets, wholesale

From Use Group 17B (Manufacturing Establishments):

Advertising displays

Aircraft, including parts

Apparel or other textile products from textiles or other materials, including hat bodies, or similar products

Beverages, non-alcoholic

Bottling work, for all beverages

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas or canvas products

Carpets

Ceramic products, including pottery, small glazed tile, or similar products

Chemicals, compounding or packaging

Cork products

Cosmetics or toiletries

Cotton ginning, or cotton wadding or linters

Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances

Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies

Film, photographic

Food products, except slaughtering of meat or preparation of fish for packing

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt or feather products, except washing, curing or dyeing

Hosiery

Ice, dry or natural

Ink or inked ribbon

Jute, hemp, sisal or oakum products

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Luggage

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products

Mattresses, including rebuilding or renovating

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar processes

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks, or similar precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products

Perfumes or perfumed soaps, compounding only

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Printing or publishing, with no limitation on #floor area# per establishment

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber

Scenery construction

Silverware, plate or sterling

Soap or detergents, packaging only

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products

Statuary, mannequins, figurines, or religious art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage

Tobacco, including curing or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products

Toys

Umbrellas

Upholstering, bulk, excluding upholstering shops dealing directly with consumers

Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles

Venetian blinds, window shades, or awnings, with no limitation on production or on #floor area# per establishment

Wax products

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

From Use Group 17C (Miscellaneous #Uses#):

Public transit, railroad or electric utility substations, open or enclosed, subject to the special permit provisions of Sections 73-16 or 74-61 (Public Transit, Railroad or Electric Utility Substations)

Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations

From Use Group 18:

Breweries, limited to 10,000 square feet of #floor area# per establishment

#Uses accessory# to the preceding listed #uses#

(9/10/07)

115-16

Modification of Article V, Chapter 2

Within the #Special Downtown Jamaica District#, for any #zoning lot# in a C8-1 District prior to September 10, 2007, the provisions of paragraph (b) of Section 52-332 (Other buildings or structures in Residence Districts) and the provisions of paragraph (b) of Section 52-35 (Manufacturing or Related Uses in Commercial Districts) shall be modified as follows: A #non-conforming use# listed in Use Group 16 may not be changed to a #use# listed in Use Group 17.

(9/10/07)

115-20

SPECIAL BULK REGULATIONS

(2/2/11)

115-21

Floor Area Ratio, Open Space and Lot Coverage

- (a) Maximum #floor area ratio# for #zoning lots# containing non-#residential uses#

In C6-2 and C6-3 Districts, the underlying #floor area ratio# and #open space# provisions shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial# and #community facility uses#, separately or in combination, shall not exceed 6.0 in C6-2 Districts and 8.0 in C6-3 Districts. No #floor area# bonuses shall be permitted.

In C6-4 Districts, the underlying #floor area ratio# provisions, including #floor area# bonus provisions, shall apply to #community facility uses#. For #commercial uses#, the maximum #floor area ratio# shall be 12.0, and no #floor area# bonuses shall apply.

In M1-4 Districts, the maximum #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 2.0.

- (b) Maximum #floor area ratio# for #zoning lots# containing #residential uses#

The maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the #floor area ratio# set forth in Section 115-211 (Special Inclusionary Housing regulations) for the applicable district.

- (c) #Lot coverage#

In C4 and C6 Districts, for #residential buildings# or the #residential# portion of a #mixed building#, the maximum #lot coverage# shall be 80 percent on a #corner lot# and 70 percent on an #interior# or #through lot#. However, no #lot coverage# provisions shall apply to any #zoning lot# comprising an entire #block# or to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

(2/2/11)

115-211

Special Inclusionary Housing regulations

(a) Applicability

R7A, R7X, C4-4A, C4-5X, C6-2, C6-3 and C6-4 Districts within the #Special Downtown Jamaica District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINTIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified, within the Special District.

(b) Maximum #floor area ratio#

The maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# set forth in the table in this Section, except that such base #floor area ratio# may be increased to the maximum #floor area ratio#, set forth in Section 23-952, through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90, inclusive.

District	Base #Floor Area Ratio#
R7A C4-4A	3.45
R7X C4-5X	3.75
R8 C6-2	5.4
R9 C6-3	6.0
R10 C6-4	9.0

(c) Modification of location requirements

The requirements of paragraph (a) of Section 23-96 (Requirements for Generating Sites) shall be modified as follows: a #generating site# may be located in any #Inclusionary Housing designated area# within the #Special Downtown Jamaica District#.

(d) Height and setback

The height and setback regulations of paragraph (a) of Section 23-954 shall not apply. In lieu thereof, the special height and setback regulations of Section 115-23, inclusive, of this Chapter shall apply.

(10/29/07)

115-22

Modification of Rear Yard Regulations

#Rear yard# requirements shall not apply to non-#residential uses# along such portion of a #lot line# that coincides with a boundary of a railroad right-of-way, or in any portion of a C6-4 District.

(10/29/07)

115-23

Height and Setback Regulations

In M1-4 Districts, the underlying height and setback regulations shall apply except as modified in Section 115-231 (Permitted obstructions).

In C4 and C6 Districts, the underlying height and setback regulations are modified as set forth in Sections 115-231 through 115-235, inclusive.

For #zoning lots# subject to the sidewalk widening requirements of Section 115-31, the boundary of the sidewalk widening furthest from the #street line# shall be considered the #street line# for the purposes of applying all height and setback regulations.

All heights shall be measured from the #base plane#.

(4/30/12)

115-231

Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Jamaica District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

(2/2/11)

115-232

Street wall location

C4 C6

In the districts indicated, #street walls# shall be provided in accordance with the provisions of this Section.

- (a) For all locations, except as specified on Map 3 (Street Wall Location) in Appendix A of this Chapter, the #street wall# of a #building# shall be located on the #street line# and extend along at least 70 percent of the #street# frontage of the #zoning lot#. No #street wall# location rules shall apply to the remaining portion of the #street frontage# of the #zoning lot#; however, any #street walls# provided in such portion shall be located on the #street line# or recessed within an #outer court#. All required #street walls# shall rise without setback to at least the minimum base height specified in Section 115-233 (Street wall height), or the height of the #building#, whichever is less. For #zoning lots# bounded by more than one #street line#, these #street wall# location requirements shall apply on all such #street lines#.
- (b) Map 3 (Street Wall Location) in Appendix A of this Chapter, specifies the #street# frontages where the regulations set forth in this paragraph, (b), apply.

- (1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage as specified on Map 3, and shall rise without setback to at least the minimum base height specified in Section 115-233, or the height of the #building#, whichever is less. This requirement shall also apply along that portion of any #street line# that intersects such #street# frontage, specified on Map 3, within 50 feet of such intersection.
- (2) To allow articulation of #street walls# at the intersection of two #street lines# with mandatory #street wall# requirements, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 20 feet from such #street lines# may be unoccupied by a #building#.
- (3) Where corner articulation is specified on Map 3, the following regulations shall apply:
 - (i) Where base corner articulation is specified, the #building# shall occupy, at every level up to the level of the setback provided pursuant to Section 115-233, not less than 50 percent and not more than 75 percent of the area bounded by the two #street lines# and lines parallel to and 20 feet from such #street lines#.
 - (ii) Where tower corner articulation is specified, no articulation is required where all portions of the #building# that exceed a height of 60 feet are located at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#. Where a #building# rises without setback along those #street lines# where no setback is required, as specified on Map 4 (Street Wall Height), in Appendix A of this Chapter, the #building# shall cover, at every level above the setback provided pursuant to Section 115-233, not less than 50 percent and not more than 75 percent of the area bounded by:

- (a) the #street line# of the #street# where no setback is required;
 - (b) a line 10 feet from and parallel to a #wide street# with a setback requirement or 15 feet from and parallel to a #narrow street# with a setback requirement; and
 - (c) lines parallel to and 20 feet from such lines.
- (4) No #street wall# location requirements shall apply to any open space fronting on Sutphin Boulevard between 94th and 95th Avenues provided pursuant to the Jamaica Gateway Urban Renewal Plan, as shown on Map 3.
- (5) For #building# walls facing Archer Avenue on Blocks 9988 and 9994, the #street walls# required pursuant to this paragraph, (b), shall not be located along the Archer Avenue #street line#, but shall instead be located along the northern boundary of the Public Place mapped on each such block. However, if the Public Place is not mapped on Block 9994, then the #street wall# shall be located on a line perpendicular to 147th Place and passing through a point 51.77 feet distant (as measured along the southwesterly #street line# of 147th Place) from the corner of the northeasterly #street line# of Archer Avenue and the southwesterly #street line# of 147th Place. To accommodate the #development# of a one #story building# which may be located within each Public Place, such #street walls# shall have no #building# entrances or windows up to a height of 30 feet within 100 feet of 147th Place on Block 9994 and within 100 feet of 146th Street on Block 9988.
- (c) In all locations where #street walls# are required, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

Above a height of 12 feet, up to 30 percent of the aggregate width of required #street walls# may be

recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in this Section.

Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet, without regard to the #street wall# location requirements of this Section.

(2/2/11)

115-233

Street wall height

C4 C6

Except in the locations indicated on Map 4 (Street Wall Height) in Appendix A of this Chapter, the minimum and maximum heights before setback of a #street wall# required pursuant to Section 115-232 (Street wall location), shall be as set forth in the following table:

District	#Street Wall# Height	Minimum	Maximum
		#Street Wall# Height	#Street Wall# Height
C4-4A	40 feet		65 feet
C4-5X	40 feet		85 feet
C6	40 feet		60 feet

Any portion of a #building# that exceeds the maximum height of a #street wall# shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

In the locations indicated on Map 4, required #street walls# shall rise without setback to the minimum height specified for that location on Map 4 or the height of the #building#, whichever is less. Any portion of a #building# that exceeds the maximum #street wall# height specified for that location shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

However, in the locations indicated on Map 4 where no maximum #street wall# height or setback is required, #street walls# required pursuant to Section 115-232 shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less. Above a height of 40 feet, no setbacks are required for any portion of the #building#.

(2/2/11)

115-234

Maximum building height

C4 C6

In C4-4A Districts, no #building or other structure# shall exceed a height of 80 feet.

In C4-5X Districts, no #building or other structure# shall exceed a height of 125 feet.

In C6-2 and C6-3 Districts, no #building or other structure# shall exceed a height of 250 feet. In C6-4 Districts, no #building or other structure# shall exceed a height of 290 feet. However, no maximum #building# height limitation shall apply on Block 9993, shown on Map 5 (Maximum Building Height) in Appendix A of this Chapter, if such #block# is #developed# or if a #building# on such #block# is #enlarged#, pursuant to the Jamaica Gateway Urban Renewal Plan.

(10/29/07)

115-235

Transition area

R6 R7 R8 R9 R10

In the districts indicated, and in #Commercial Districts# where such #Residence District bulk# regulations are applicable, that portion of a #building# located within 25 feet of an adjacent #zoning lot# in an R1, R2, R3, R4 or R5 District shall not exceed a maximum height of 35 feet. In

addition, an open area not higher than #curb level# shall be provided within eight feet of such adjacent #zoning lot#. Such open area may be used for #accessory# parking.

(9/10/07)

115-30

MANDATORY IMPROVEMENTS

(4/9/13)

115-31

Sidewalk Widening

The provisions of this Section shall apply to all #developments# fronting upon locations requiring sidewalk widenings as shown on Map 6 (Sidewalk Widening) in Appendix A of this Chapter. A sidewalk widening is a continuous, paved open area along the #street line# of a #zoning lot# having a depth of two feet or five feet, as set forth on Map 6. Such depth shall be measured perpendicular to the #street line#. Sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalk and directly accessible to the public at all times. No #enlargement# shall be permitted to decrease the depth of such sidewalk to less than such minimum required total sidewalk depth.

All mandatory sidewalk widenings must provide lighting in accordance with the requirements of Section 37-743, except that the minimum level of illumination shall be not less than two horizontal foot candles throughout the entire mandatory sidewalk widening.

(2/2/11)

115-32

Refuse Storage, Recreation Space and Planting Areas

All #buildings# containing #residences# shall provide refuse storage space, recreation space and planting areas in accordance with the provisions of Sections 28-23 (Refuse Storage and Disposal) and 28-30 (RECREATION SPACE AND PLANTING AREAS), whether or not they are #Quality Housing buildings#.

(2/2/11)

115-40

RESIDENTIAL CONVERSIONS

In all #Commercial Districts#, the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (Minor Modifications), paragraph (b).

#Uses# in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Building).

(9/10/07)

115-50

SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

(2/2/11)

115-51

Parking and Loading Regulations

Within the #Special Downtown Jamaica District#, the off-street parking and loading regulations shall be modified, as follows:

(a) #Commercial# and #manufacturing uses#

In C4, C6 and M1 Districts, the off-street parking and loading regulations of a C4-4 District shall apply, except as modified in this Section.

- (1) For any #use# that is not allowed in a C4 District, the underlying off-street parking requirements of the applicable C6-2, C6-3, C6-4 or M1-4 District shall apply.
- (2) In C4, C6 and M1 Districts, the provisions of Sections 36-12 and 44-12 (Maximum Size of Accessory Group Parking Facilities) shall be modified to permit an #accessory group parking facility# to contain up to 300 off-street parking spaces. Pursuant to the provisions of Sections 36-13 and 46-13 (Modification of Maximum Size of Accessory Group Parking Facilities), the Commissioner of Buildings may permit such #group parking facility# to contain up to 150 additional spaces.
- (3) In C4, C6 and M1 Districts, the provisions of Section 36-21 (General Provisions) pertaining to #accessory# off-street parking spaces for #commercial# or #community facility uses# shall be modified as follows: #uses# in Use Groups 6B (Offices), 10B (Wholesale Establishments) and 11B (Wholesale Establishments), with parking requirement category B1, shall be required to provide one parking space per 2,000 square feet of #floor area#.
- (4) Modification of Waiver of Parking Requirements
 - (i) In C4, C6 and M1 Districts, the provisions of Sections 36-23 and 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on September 10, 2007 and on the date of application for a building permit.
 - (ii) In C4, C6 and M1 Districts, for any #commercial use# permitted in a C4 or C6 District, the waiver provisions for a C4-4 District set forth in Section 36-232 (In districts with very low parking

requirements) shall not apply. In lieu thereof, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be 15 spaces, pursuant to the waiver provisions for a C4-2 District set forth in Section 36-231 (In districts with high, medium or low parking requirements).

- (iii) The provisions of Sections 36-342 (Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) and 36-344 (Waiver of requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply in the #Special Downtown Jamaica District#.

(b) #Residential uses#

- (1) The provisions of Section 25-12 (Maximum Size of Accessory Group Parking Facilities) shall be modified to permit an #accessory group parking facility# to contain up to 300 off-street parking spaces. Pursuant to the provisions of Section 25-13 (Modification of Maximum Size of Accessory Group Parking Facilities), the Commissioner of Buildings may permit such #group parking facility# to contain up to 150 additional spaces.
- (2) The required #accessory# off-street parking space regulations of the underlying districts in the #Special Downtown Jamaica District# shall be modified as follows: The regulations set forth for an R6A District in Section 25-20 shall apply. The regulations set forth for an R6 District in Sections 25-50 (RESTRICTIONS ON LOCATIONS OF ACCESSORY OFF-STREET PARKING SPACES), inclusive, and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES), inclusive, shall apply except as modified in paragraphs (b)(3) and (b)(4) of this Section.
- (3) In all #Residence Districts#, the provisions of Section 25-26 (Waiver of Requirements for Small Number of Spaces) are modified, as follows:

- (i) The provisions of Section 25-26 shall only apply to #zoning lots# existing both on September 10, 2007, and on the date of application for a building permit.
 - (ii) For all #developments# or #enlargements# containing #residences#, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.
- (4) The provisions of Section 25-52 (Off-Site Spaces for Residences) and 25-521 (Maximum distance from zoning lot) shall be modified to permit the location of permitted or required off-street parking spaces #accessory# to #residences# on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that such #zoning lot# is no more than 1,500 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.
- (5) The provisions of Section 36-42 (Off-Site Spaces for Residences) and 36-421 (Maximum distance from zoning lot) shall be modified to permit the location of permitted or required off-street parking spaces #accessory# to #residences# on a #zoning lot# other than the same #zoning lot# as the #residences# to which such spaces are #accessory#, provided that such #zoning lot# is no more than 1,500 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

(9/10/07)

115-52

Location of Access to the Street

Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter specifies locations where curb cuts shall be prohibited within the #Special Downtown Jamaica District#.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access only to such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one sixteenth inch to a foot, showing the size and location of the proposed curb cut.

The waiver provisions of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), shall not apply to the special location of access requirements of this Section.

(2/2/11)

115-60

SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

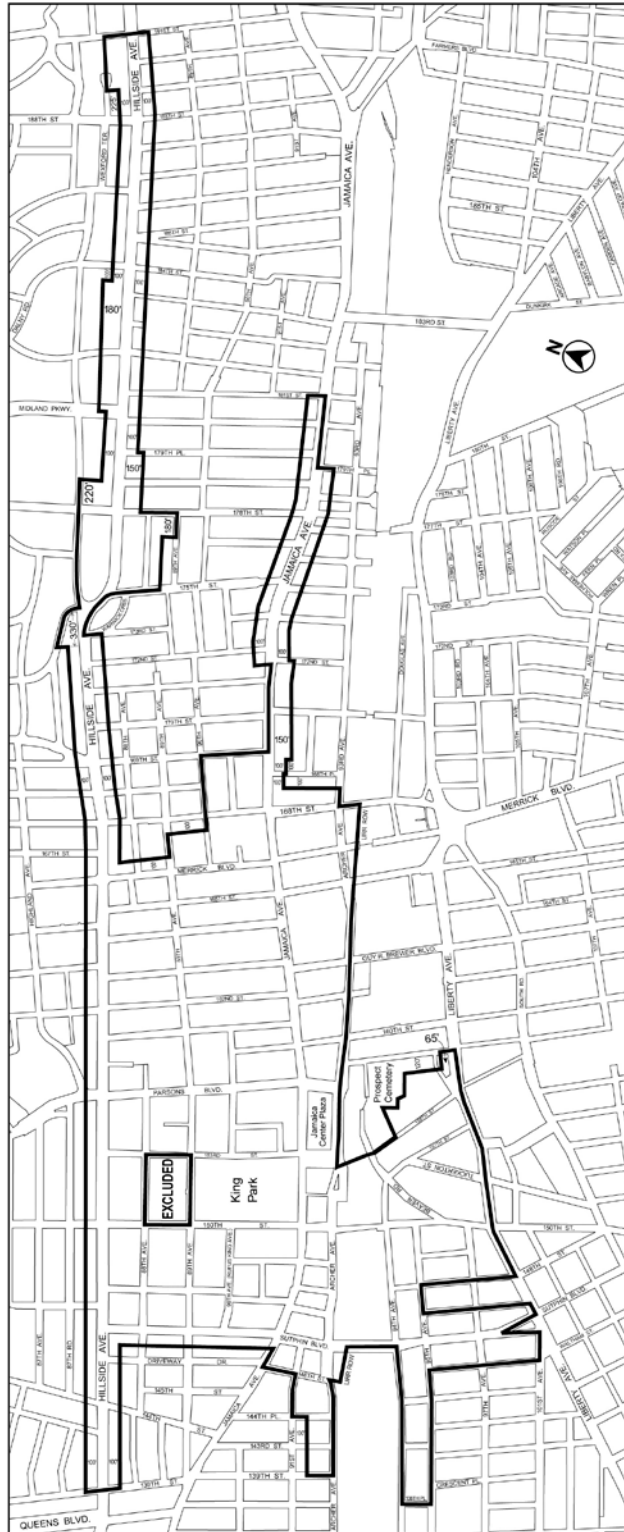
For any #zoning lot# within the #Special Downtown Jamaica District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

- (a) #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification will encourage a lively pedestrian environment along the #street# or mandatory sidewalk widening, or is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;
- (c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;
- (d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties;
and

(e) #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

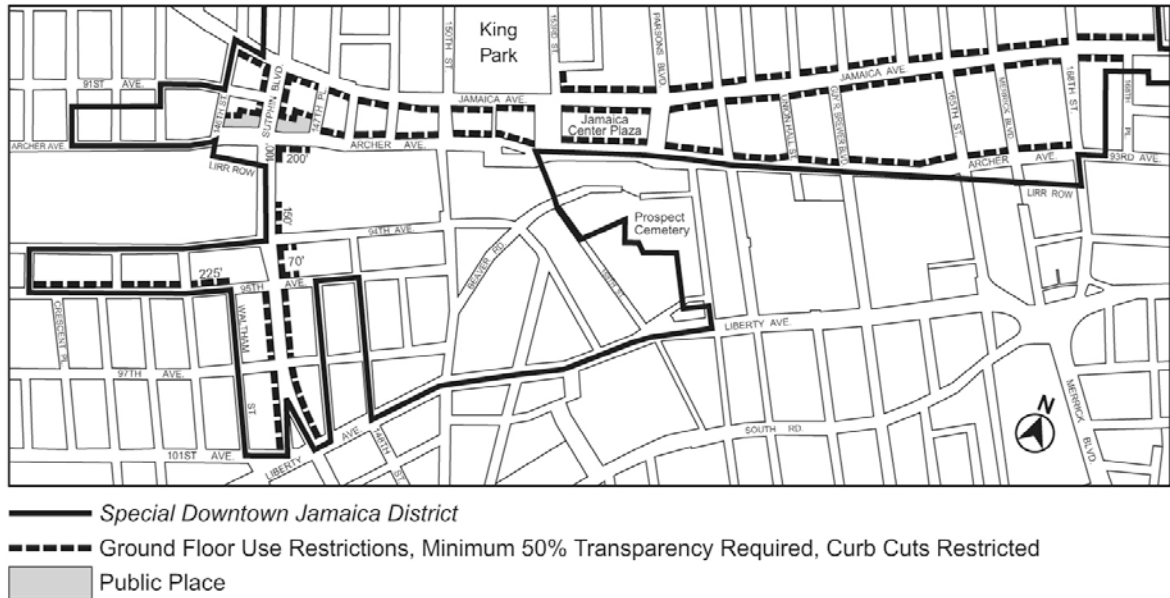
The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Appendix A
Special Downtown Jamaica District Maps (9/10/07)

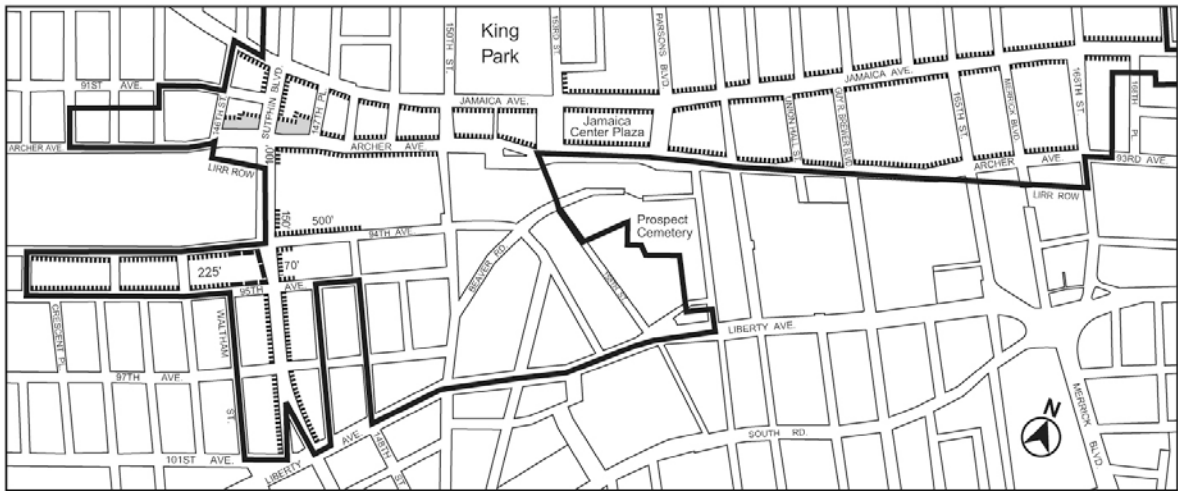


Special Downtown Jamaica District

Map 2 - Ground Floor Use and Transparency and Curb Cut Restrictions (4/9/13)



Map 3 - Street Wall Location (4/9/13)

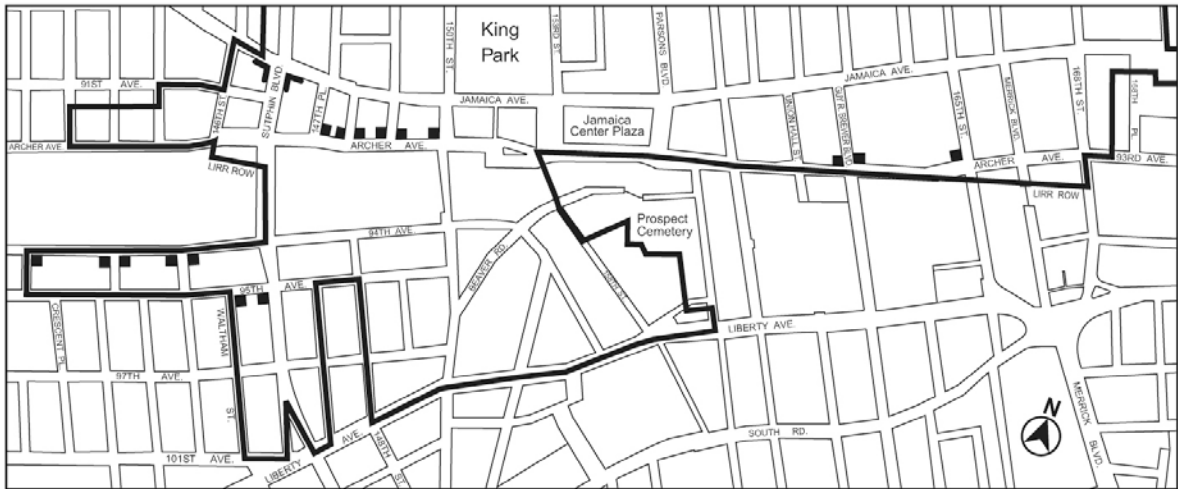


— Special Downtown Jamaica District

Required Street Wall

— The street wall location requirements of Section 115-232(b)(1) and (2) shall apply unless developed pursuant to the Jamaica Gateway Urban Renewal Plan, in which case no street wall location requirements shall apply

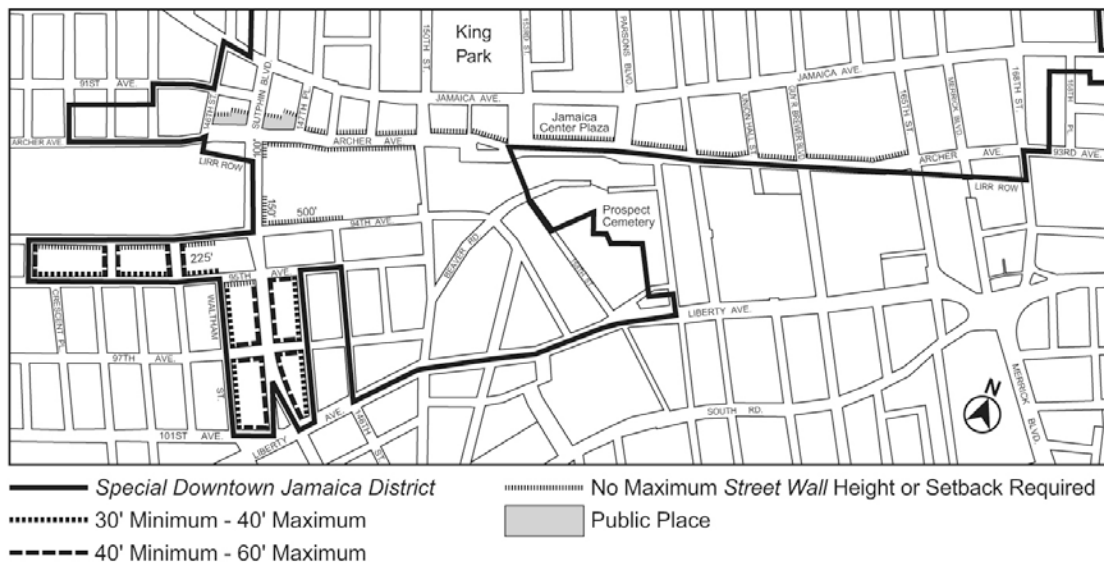
Public Place



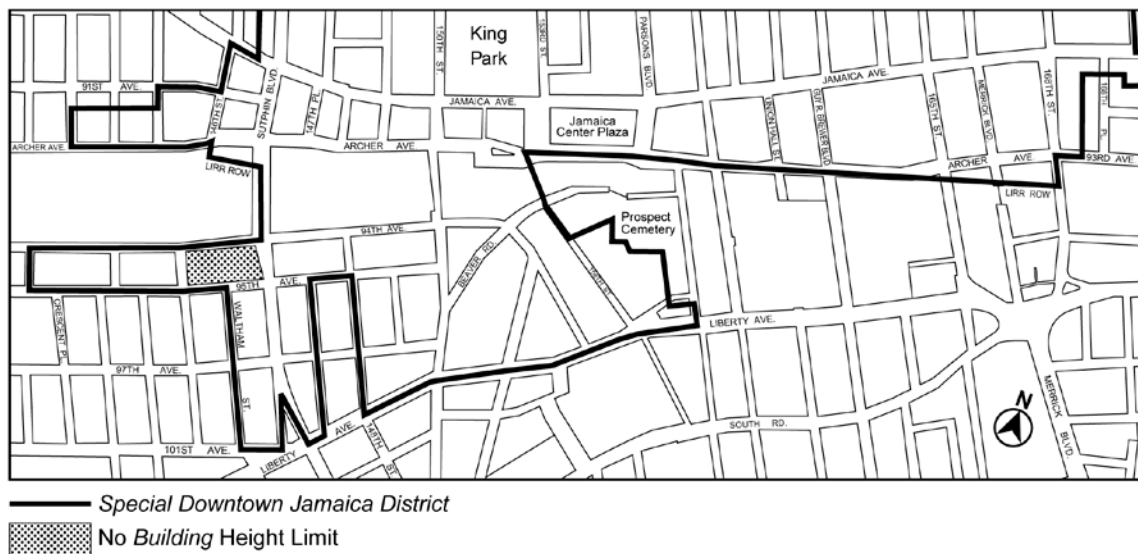
■ Required Tower Corner Articulation

└ Required Corner Articulation at Base

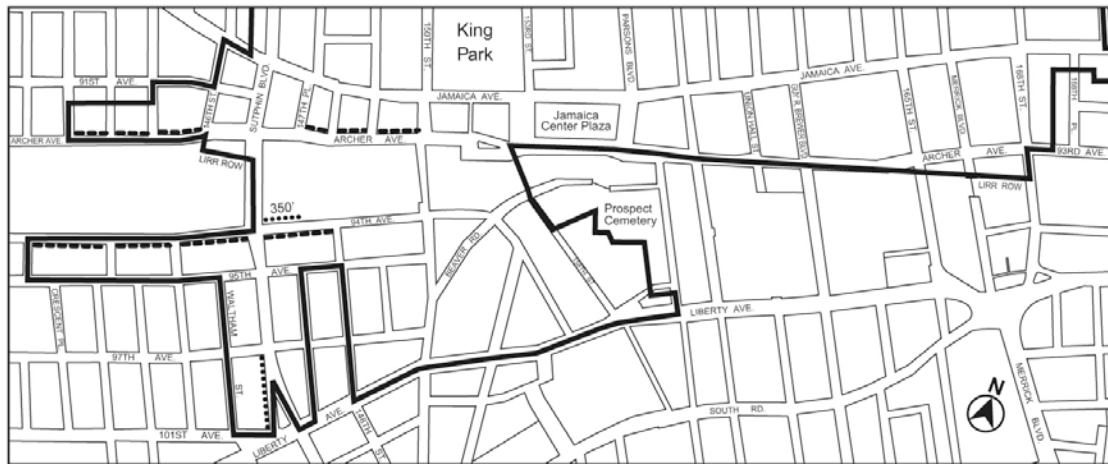
Map 4 - Street Wall Height (4/9/13)



Map 5 - Maximum Building Height (9/10/07)



Map 6 - Sidewalk Widening (4/9/13)



- Special Downtown Jamaica District
- 2' Sidewalk Widening
- 5' Sidewalk Widening

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



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Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Article XI: Special Purpose Districts

Chapter 6: Special Stapleton Waterfront District

Effective date of most recently amended section of Article XI Chapter 6: 10/09/13

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(10/25/06)

Article XI - Special Purpose Districts

Chapter 6

Special Stapleton Waterfront District

(2/2/11)

116-00

GENERAL PURPOSES

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

- (a) encourage design of development that is in character with the neighborhood and surrounding community;
- (b) maintain and reestablish physical and visual public access to and along the waterfront;
- (c) strengthen the traditional town center of Stapleton by allowing the development of residential and commercial uses;
- (d) encourage the creation of a lively and attractive environment that will provide daily amenities and services for the use and enjoyment of the working population and the new residents;
- (e) take maximum advantage of the beauty of the New York Harbor waterfront, thereby best serving the business community, the residential population and providing regional recreation; and
- (f) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect City tax revenues.

(10/25/06)

116-01

Definitions

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

Esplanade

The "Esplanade" is a park extending along all waterfront edges of the #Special Stapleton Waterfront District#. The #Esplanade# is shown in the District Plan, Map 1 (Special Stapleton Waterfront District, Subareas and Public Spaces), in the Appendix to this Chapter.

Mandatory front building wall

A "mandatory front building wall" is the front wall of a #building# that generally coincides with a #mandatory front building wall line#, as provided in Section 116-232 (Street wall location).

Mandatory front building wall line

"Mandatory front building wall lines" are imaginary lines extending through Subarea B of the #Special Stapleton Waterfront District# which are shown on Map 3 (Mandatory Front Building Wall Lines) in the Appendix to this Chapter, and with which #building# walls must generally coincide, as provided in Section 116-232.

Pier Place, the Cove

"Pier Place" and the "Cove" are designated open spaces accessible to the public, located within the #Special Stapleton Waterfront District# as shown in the District Plan, Map 1, in the Appendix to this Chapter.

Upland connection

An "upland connection" is a pedestrian way that provides a public access route from the #Esplanade# to a public sidewalk within a public #street#. Required #upland connections# are shown in the District Plan, Map 5 (Upland Connections and Visual Corridors), in the Appendix to this Chapter.

Visual corridor

A "visual corridor" is a public #street# or tract of land within a #block# that provides a direct and unobstructed view to the water from a vantage point within a public #street#. Required #visual corridors# are shown in the District Plan, Map 5, in the Appendix to this Chapter.

(10/9/13)

116-02

General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Stapleton Waterfront District#, the provisions of this Chapter shall apply to all #developments#, #enlargements# and changes of #use# within the #Special Stapleton Waterfront District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

Within the #Special Stapleton Waterfront District#, the regulations of the underlying C4-2A District shall apply, as modified in this Chapter.

(10/25/06)

116-03

District Plan and Maps

The District Plan for the #Special Stapleton Waterfront District# identifies specific areas comprising the Special District in which special zoning regulations are

established in order to carry out the general purposes of the #Special Stapleton Waterfront District#.

These areas shall include the #Esplanade#, Subareas A, B1, B2, B3, B4, B5, C, and two designated public open spaces: #Pier Place# and the #Cove#.

The District Plan includes the following maps in the Appendix to this Chapter.

Map 1 Special Stapleton Waterfront District, Subareas and Public Spaces

Map 2 Ground Floor Use and Frontage Requirements

Map 3 Mandatory Front Building Wall Lines

Map 4 Restricted Curb Cut and Off-Street Loading Locations

Map 5 Upland Connections and Visual Corridors

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter shall apply.

(10/25/06)

116-04 Subareas

In order to carry out the purposes and provisions of this Chapter, the following subareas are established within the #Special Stapleton Waterfront District#: Subarea A, Subarea B, comprised of Subareas B1, B2, B3, B4 and B5, Subarea C, the #Esplanade#, #Pier Place# and the #Cove#. In each of these subareas, special regulations apply that may not apply in other subareas.

(10/25/06)

116-05

Applicability

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall not apply in the #Special Stapleton Waterfront District#, except where specifically stated otherwise in this Chapter.

#Lower density growth management area# regulations shall not apply in the #Special Stapleton Waterfront District#.

(10/25/06)

116-10

SPECIAL USE REGULATIONS

Within the #Special Stapleton Waterfront District#, the following special #use# regulations shall apply. The #use# regulations of the underlying C4-2A District shall be modified by Sections 116-101 through 116-13, inclusive.

(10/25/06)

116-101

Use Groups 12 and 14

The #uses# listed in Section 32-21 (Use Group 12) shall not be permitted in Subarea C.

The #uses# listed in Section 32-23 (Use Group 14) shall be permitted in the #Special Stapleton Waterfront District#; boat storage, repair or painting, however, shall be allowed without restriction relating to boat length.

(10/25/06)

116-102

Special permit uses

#Physical culture or health establishments# shall be permitted in Subarea B2. The special permit provisions of Section 73-36 shall not apply.

(10/25/06)

116-103

Supplementary use regulations

The provisions of Section 32-41 (Enclosure within Buildings) shall be modified as follows: In Subarea B3, a farmers' market may be unenclosed.

The provisions of Section 32-423 (Limitation on ground floor location) shall be modified as follows: In Subareas B1 and B2, the #uses# listed in Section 32-18 (Use Group 9) may be located on the ground floor and within 50 feet of any #street wall# of the #building# and with #show windows# facing on the #street#.

(10/25/06)

116-11

Special Sign Regulations

The #sign# regulations of the underlying C4-2 District in Section 32-60 (Sign Regulations) shall be modified as follows: #flashing signs# shall not be permitted in the #Special Stapleton Waterfront District#.

(2/2/11)

116-12

Mandatory Ground Floor Use and Frontage Requirements

The provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply in the #Special Stapleton Waterfront District#. However, on designated #streets# and #mandatory front building wall lines# in Subareas B3 and C, as shown on Map 2 in the Appendix to this Chapter, the special ground floor #use# and frontage regulations of this Section shall apply to any #building developed# or #enlarged# after October 25, 2006.

#Uses# located on the ground floor level, or within two feet of the as-built level of the adjoining sidewalk, shall be limited to the non-#residential uses# permitted by the underlying district regulations, as modified by the special #use# provisions of this Chapter. A #building's# ground floor frontage shall be allocated exclusively to such #uses#, and shall have a depth of at least 30 feet from the #street wall# of the #building# and extend along the entire width of the #building#, except for lobbies or entrances to #accessory# parking spaces.

In no event shall lobbies and entrances to #accessory# parking spaces occupy more than 50 percent of the #building's# total frontage along such #street# or #mandatory front building wall line#, or 35 feet, whichever is less. However, the total length of such frontage occupied by such lobbies and entrances need not be less than 25 feet.

(10/25/06)

116-13

Transparency Requirements

Within the #Special Stapleton Waterfront District#, the transparency requirements of this Section shall apply to any #development# or an #enlargement# where the #enlarged# portion of the ground floor of the #building# is within eight feet of the #street line# and where non-#residential uses# are located on the ground floor level or within two feet of the as-built level of the adjoining sidewalk.

At least 50 percent of a #building's# front #building# wall surface shall be glazed and transparent at the ground floor level. 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. The lowest point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the as-built level of the adjoining sidewalk.

(10/25/06)

116-20

SPECIAL BULK REGULATIONS

The special #bulk# regulations of this Section shall apply within the #Special Stapleton Waterfront District#.

(10/25/06)

116-21

Residential Bulk Regulations in C4-2A Districts

The provisions of Sections 34-112 and 35-23 (Residential Bulk Regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) are modified as follows:

The applicable #bulk# regulations for #residential uses# in C4-2A Districts shall be those for R6B Districts.

(10/25/06)

116-22

Maximum Floor Area Ratio

The maximum #floor area ratio# for all #uses# shall be 2.0.

(10/9/13)

116-221

Special floor area regulations for mixed buildings

For #buildings# containing #residences#, the area in such #buildings# occupied by non-#residential uses# on the ground floor, or within two feet of the as-built level of the adjoining sidewalk, shall be excluded from the calculation of permitted #floor area# in the #building#. However, the area occupied by non-#residential uses# on the ground floor shall be included as #floor area# for other purposes including calculating:

- (a) requirements for #accessory# off-street parking spaces;
- (b) #accessory# off-street loading berths; and
- (c) limitations on #floor area# occupied by certain #uses#.

In #flood zones#, the #floor area# exclusion permitted by this Section shall also apply to the area occupied by non-#residential uses# on the #lowest occupiable floor#, as defined in Section 64-11.

(10/25/06)

116-23

Special Height and Setback Regulations

The special height and setback regulations set forth in this Section shall apply.

(4/30/12)

116-231

Special rooftop regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in the #Special Stapleton Waterfront District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

(2/2/11)

116-232

Street wall location

In Subarea A, the underlying #street wall# location regulations shall apply.

In Subareas B and C, the underlying #street wall# location regulations of a C4-2A District or an R6B District, as applicable, shall be modified as set forth in this Section. Map 3 (Mandatory Front Building Wall Lines) in the Appendix to this Chapter, specifies locations in Subareas B and C where #mandatory front building wall# requirements apply as follows:

- (a) Type 1: Front #building# walls shall be coincident with and extend along the entire length of the #mandatory front building wall line#, except, to allow articulation at the intersection of two such lines, the front #building# wall may be located anywhere within 15 feet of their point of intersection.
- (b) Type 2: Front #building# walls shall be located within eight feet of and extend along at least 70 percent of the length of the #mandatory front building wall line#. For phased #development#, this requirement may be satisfied by more than one #building#, provided that upon completion 70 percent of the length of the #mandatory front building wall line# is occupied by such front #building# walls.
- (c) Wherever Map 3 does not indicate a #mandatory front building wall line#, the underlying #street wall# location rules shall apply.

If more than one #building# is #developed# in Subareas B1, B2, B3 or B4, the first #building# shall be located along a Type 1 #mandatory front building wall line#. Subsequent #buildings# shall locate along a Type 2 #mandatory front building wall line# until 70 percent of the length of the #mandatory front building wall line# is occupied.

All #mandatory front building walls# shall rise without setback to a maximum height of 40 feet or the height of the #building#, whichever is less. A #building# may exceed a height of 40 feet, up to the maximum #building# height specified in Section 116-233, if a setback is provided at a minimum height of 35 feet. Such setback shall have a minimum depth of 10 feet and shall be measured from the front #building# wall. Recesses shall be permitted on the ground floor where required to provide access to the

#building#. Above the ground floor, up to 30 percent of the aggregate width of the front #building# wall may be recessed.

However, in Subarea B2, the #mandatory front building wall# may rise without setback to the permitted maximum height of the #building#.

(10/25/06)

116-233

Maximum building height

Within the #Special Stapleton Waterfront District#, the maximum height of a #building or other structure# shall not exceed 50 feet, except in Subarea B2 where the maximum height of a #building or other structure# shall not exceed 60 feet.

(10/25/06)

116-30

SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS

Within the #Special Stapleton Waterfront District#, the parking and loading regulations of the underlying C4-2A District shall apply, except as modified in this Section.

(4/22/09)

116-31

Modification of Required Accessory Off-Street Parking Space Regulations for Certain Commercial Uses

The following #uses# listed in Section 32-23 (Use Group 14) shall be subject to the parking requirements applicable to a C4-2 District pursuant to Section 62-43 (Parking Requirements for Commercial Docking Facilities):

Boat rentals, open or enclosed [PRC-H]

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour [PRC-H]

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#

Docks or mooring facilities for non-#commercial# pleasure boats [PRC-H].

(10/25/06)

116-32

Modification of Waiver of Requirements

The provisions of Section 36-362 (For new development or enlargements in other C1 or C2 Districts or in C4, C5 or C6 Districts) shall not apply.

All other waivers of parking requirements shall only apply to #zoning lots# existing both on October 25, 2006, and on the date of application for a building permit.

(10/25/06)

116-33

Modification of Location of Parking Spaces

For all #zoning lots# with frontage on Front Street, no #accessory# off-street parking spaces shall be located in any open area that is between the #street wall# of the #building# and the Front Street #street line#, except that such spaces may be located between the #street wall# of the #building# and the Front Street #street line# in Subarea B5.

(10/25/06)

116-34

Location and Width of Curb Cuts

Curb cuts are prohibited in the locations shown on Map 4 (Restricted Curb Cut and Off-Street Loading Locations) in the Appendix to this Chapter.

In Subarea C, for #zoning lots# with access only to Front Street, only one curb cut shall be permitted along Front Street.

Within the #Special Stapleton Waterfront District#, the maximum width of curb cuts shall not exceed 25 feet, including splays.

(4/22/09)

116-35

Screening and Tree Planting Requirements for Parking Facilities

The provisions of this Section shall apply to any new or #enlarged# open off-street parking facility with ten spaces or more, except where the provisions of Section 37-90 (PARKING LOTS), inclusive, apply.

(a) Screening

Such off-street parking facilities shall be screened, in accordance with the provisions of this Section, from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, and from any designated open space accessible to the public situated on the same #zoning lot#, including the #Esplanade#.

Such screening shall consist of a strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years.

#Accessory# parking spaces that front upon a #street# shall be screened by a strip at least four feet wide and densely planted with evergreen shrubs to be

maintained at all times at a height not less than two and one-half feet and not more than four feet.

In addition, a wall or barrier or uniformly-painted fence of fire-resistant material at least four feet high but not more than eight feet above finished grade may be provided. Such wall, barrier or fence must be 100 percent opaque up to a height of four feet above the finished grade of the parking facility and not more than 35 percent opaque above four feet. No chain link fences shall be permitted. All permitted fences shall be located behind landscaped areas when viewed from the #street#.

Such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-60, inclusive, or 62-654.

(b) Tree planting requirements

Trees, pre-existing or newly-planted, shall be provided at the rate of one tree for every eight open parking spaces within the off-street parking facility and may be located on the perimeter of the parking facility or in planting islands within the parking area. For parking facilities with more than 25 open parking spaces, at least 30 percent of trees provided to meet this requirement shall be located in planting islands within the parking area. Trees shall be planted in accordance with the requirements of the Department of Parks and Recreation.

(10/25/06)

116-40

UPLAND CONNECTIONS AND VISUAL CORRIDORS

(2/2/11)

116-41

Upland Connections

In the locations shown on Map 5 (Upland Connections and Visual Corridors) in the Appendix to this Chapter, #upland connections# shall be provided. An #upland connection# traversing a #zoning lot# shall consist of a single circulation path bordered continuously along both sides by buffer zones.

(a) Required dimensions

The minimum width of the #upland connection# shall be 30 feet. When an #upland connection#, or a portion thereof, abuts a private driveway, no buffer zone is required.

(b) Buffer zone

The buffer zone is a landscaped area running along the edge of the #upland connection# that bounds the boundary of the non-public portions of the #zoning lot#; each buffer zone shall have a minimum width of seven feet. The buffer zone shall be improved entirely as planting area, except at locations:

- (1) occupied by permitted obstructions; or
- (2) where there is ground floor #commercial use# frontage on the #upland connection#, in which case that portion of the buffer zone may be paved.

(c) Permitted obstructions

The provisions of Section 62-611 (Permitted obstructions) shall apply to #upland connections# within the #Special Stapleton Waterfront District#. The permitted obstructions listed in paragraph (b)(2) of Section 62-611 are further subject to the tree and planting requirements of Section 62-655. Water-Dependent (WD) #uses# referenced in paragraph (a)(6) of Section 62-611 shall be as listed in Section 62-211.

116-42**Visual Corridors**

#Visual corridors# shall be provided in the locations shown on Map 5 in the Appendix to this Chapter. Such #visual corridors# shall be subject to the requirements of Section 116-512 (Design requirements for visual corridors).

(10/25/06)

116-50**SPECIAL URBAN DESIGN REQUIREMENTS**

The special urban design requirements of this Section, inclusive, shall apply to all #developments# and #enlargements# within the #Special Stapleton Waterfront District#.

(4/30/08)

116-51**Design Requirements for Upland Connections and Visual Corridors**

(4/22/09)

116-511**Design requirements for upland connections**

(a) Circulation and access

- (1) Where an #upland connection# abuts a private driveway, a circulation path with a minimum clear width of six feet shall be provided along both sides of the driveway. The remaining area shall be planted pursuant to the provisions of paragraph (c) of this Section.
- (2) All other #upland connections# through #zoning lots# shall have a circulation path with a minimum clear width of 16 feet.

(b) Seating

A minimum of 12 linear feet of seating shall be provided for every 100 linear feet of #upland connection#.

(c) Planting

Where an #upland connection# abuts a private driveway, a single row of shade trees shall be planted adjoining a required circulation path in accordance with the standards of Section 62-655 (Planting and trees). Within all #upland connections#, any unpaved area shall be planting area.

(4/22/09)

116-512

Design requirements for visual corridors

The requirements of this Section shall apply to all #visual corridors#. When a #visual corridor# coincides with an #upland connection#, the provisions of Section 116-521 (Design requirements for upland connections) shall also apply.

No #building or other structure# shall be erected within the width of a #visual corridor#, except as provided in this Section. #Visual corridors# shall be the width 1f the #street# but shall not be less than 50 feet wide.

Permitted obstructions within #visual corridors# shall be limited to:

- (a) boats, ships or other vessels, and #floating structures# permitted as-of-right by paragraph (a) of Section 62-25 (Uses on Floating Structures);
- (b) any moving or parked vehicles or street furniture, including, but not limited to, benches, seats, kiosks, carts and open display booths, lighting fixtures, flagpoles, trash receptacles, drinking fountains and public telephones;

- (c) guardrails and fences, provided they comply with the design standards of Section 62-651 (Guardrails, gates and other protective barriers), except that fences may be eight feet high;
- (d) sculpture;
- (e) planting areas, provided that no shade trees are planted within a 15 foot wide area along both sides of the center line of the #visual corridor#; and
- (f) those obstructions permitted in #rear yards# as listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), except walls exceeding four feet in height shall not be permitted.

(4/22/09)

116-53

Waterfront Public Access Signage

The New York City Waterfront Symbol Plaque shall be used to direct the public to waterfront public access areas including the #Esplanade# and #upland connections# and to identify the entry points of these areas. Such signage shall be provided in accordance with requirements of Section 62-654.

(2/2/11)

116-54

Refuse Storage Areas

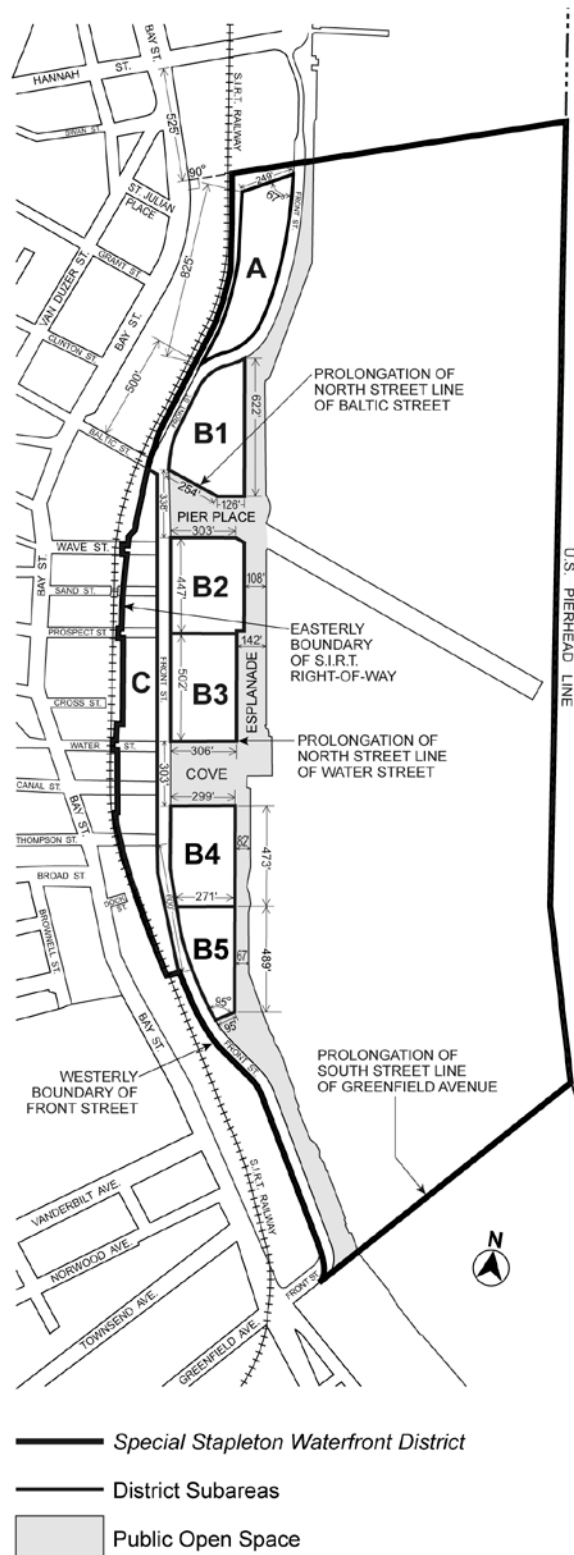
Refuse shall be stored within a #completely enclosed building#.

(10/25/06)

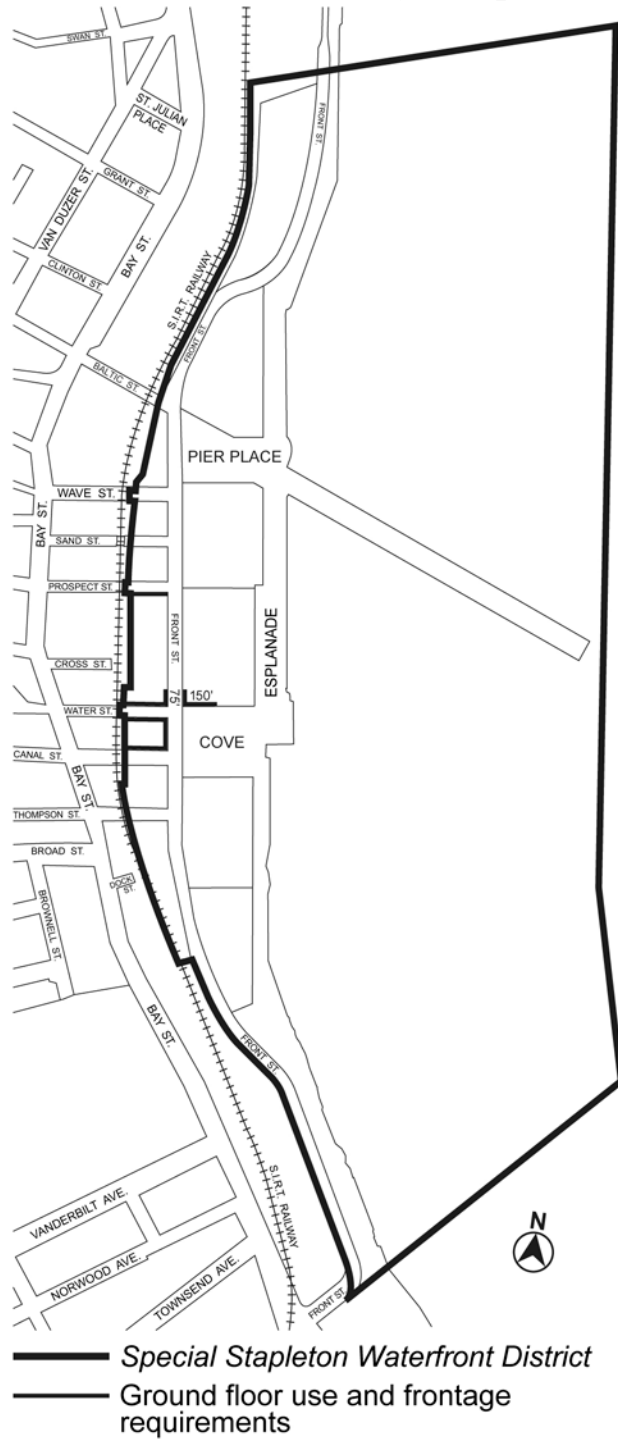
Appendix A

Stapleton Waterfront District Plan

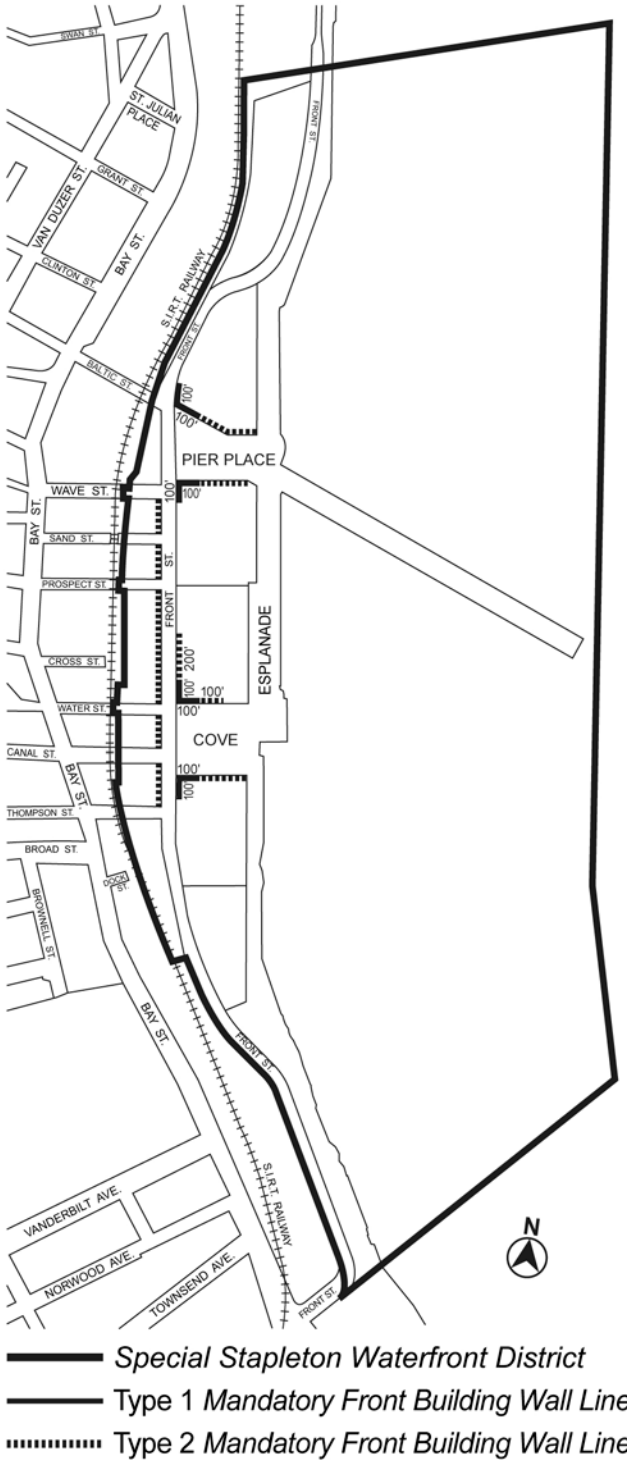
Map 1. Special Stapleton Waterfront District, Subareas and Public Spaces



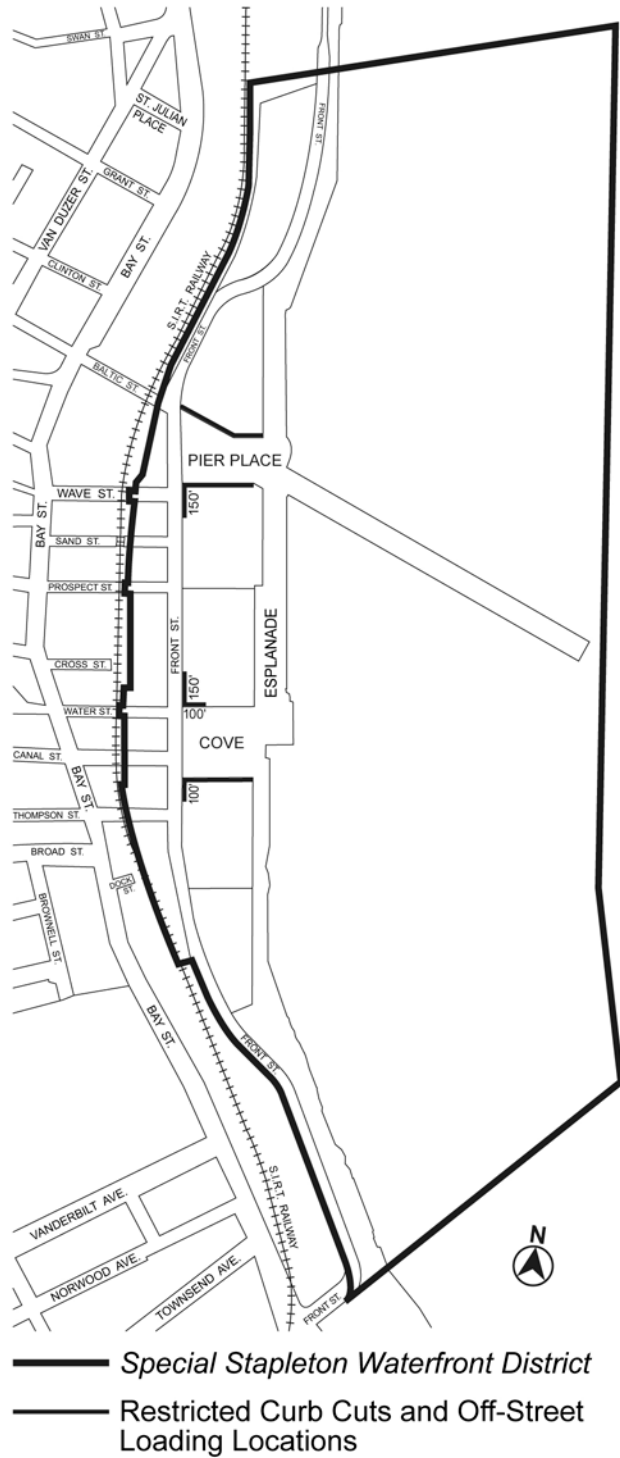
Map 2. Ground Floor Use and Frontage Requirements



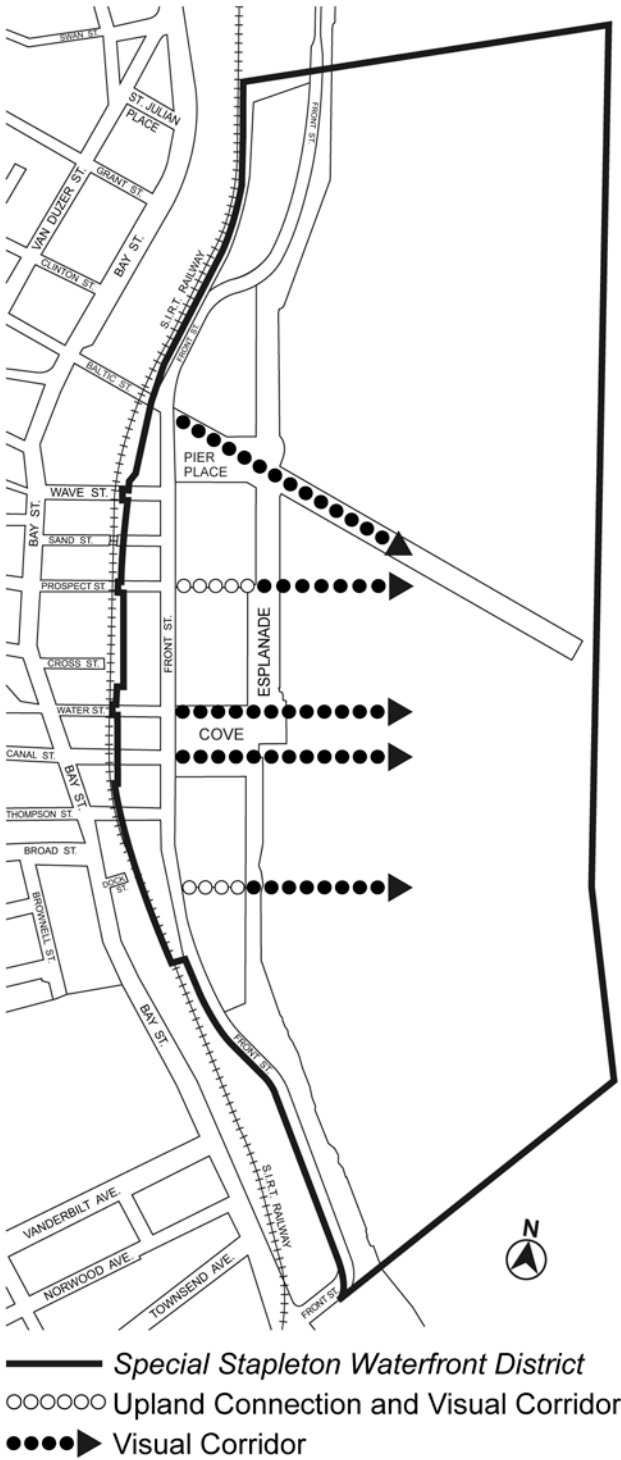
Map 3. Mandatory Front Building Wall Lines



Map 4. Restricted Curb Cut and Off-Street Loading Locations



Map 5. Upland Connections and Visual Corridors



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XI: Special Purpose Districts

Chapter 7: Special Long Island City Mixed Use District

Effective date of most recently amended section of Article XI Chapter 7: 8/13/15

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(7/26/01)

Article XI - Special Purpose Districts

Chapter 7

Special Long Island City Mixed Use District

(2/2/11)

117-00

GENERAL PURPOSES

The "Special Long Island City Mixed Use District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Long Island City community. These general goals include, among others, the following specific purposes:

- (a) support the continuing growth of a mixed residential, commercial and industrial neighborhoods by permitting expansion and development of residential, commercial, community facility and light manufacturing uses where adequate environmental standards are assured;
- (b) encourage the development of moderate to high density commercial uses within a compact transit-oriented area;
- (c) strengthen traditional retail streets in Hunters Point by allowing the development of new residential and retail uses;
- (d) encourage the development of affordable housing;
- (e) promote the opportunity for people to work in the vicinity of their residences;
- (f) retain jobs within New York City;
- (g) provide an opportunity for the improvement of Long Island City; and
- (h) promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect City tax revenues.

(10/7/08)

117-01

Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Section 12-10 (DEFINITIONS).

Mixed use building or development

For the purposes of this Chapter, a "mixed use building" or a "mixed use development" shall be any #building# or #development# used partly for #residential use# and partly for #community facility#, #commercial# or #manufacturing use#.

(10/9/13)

117-02

General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

- (a) Notwithstanding the provisions of Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS), when a #building# that existed on October 25, 1995, within the Hunters Point or Court Square Subdistricts, is damaged or demolished by any means, it may be reconstructed to its #bulk# prior to such damage or destruction or to the #bulk# permitted by this Chapter, whichever is greater.
- (b) For #mixed use buildings#, #dwelling units# or #rooming units# shall be located on a #story# or #stories# above the highest #story# occupied, in whole or in part, by a non-#residential use#. Non-#residential uses# may, however, be located on the same #story#, or on a #story# higher than that occupied by #dwelling units# or #rooming units#.

provided that the non-#residential uses#:

- (1) are located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
 - (2) are not located directly over any portion of the #building# containing #dwelling units# or #rooming units#.
- (c) Regulations relating to #accessory# parking facilities, #public parking lots# and #public parking garages# within the Hunters Point Subdistrict, the Court Square Subdistrict and the Queens Plaza Subdistrict are set forth in Article I, Chapter 6 (Comprehensive Off-Street Parking Regulations in the Long Island City Area), and such provisions are further modified by Section 117-54 (Off-street Parking and Loading Regulations).
- (d) In the granting of special permits or authorizations within the #Special Long Island City Mixed Use District#, the City Planning Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding uses.
- (e) Where references are made to #block# numbers within this Chapter, such numbers are to be found on the maps appended to this Chapter.
- (f) In areas within the #Special Long Island City Mixed Use District# that are not within a Subdistrict, the regulations of the underlying zoning district shall apply.

(8/13/15)

117-03

District Plan and Maps

The regulations of this Chapter implement the #Special Long Island City Mixed Use District# Plan.

The District Plan includes the following maps in Appendices A, B and C:

Appendix A	Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations
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Appendix B	Court Square Subdistrict Plan Map and Description of Improvements
Appendix C	Queens Plaza Subdistrict Plan Maps:
	Map 1 - Designated Districts within the Queens Plaza Subdistrict
	Map 2 - Ground Floor Use and Frontage
	Map 3 - Sidewalk Widening and Street Wall Location.

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

(10/7/08)

117-04 Subdistricts

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established within the #Special Long Island City Mixed Use District#. In each of these subdistricts, special regulations apply that do not apply elsewhere within the #Special Long Island City Mixed Use District# and supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive.

Sections 117-10 through 117-30, inclusive, shall apply to the Hunters Point Subdistrict.

Sections 117-40 through 117-45, inclusive, shall apply to the Court Square Subdistrict.

Sections 117-50 through 117-57, inclusive, shall apply to the Queens Plaza Subdistrict.

Sections 117-60 through 117-64, inclusive, shall apply to the Dutch Kills Subdistrict.

(5/22/13)

117-05

Permitted Sidewalk Cafe Locations

#Unenclosed sidewalk cafes#, including #small sidewalk cafes#, shall be permitted in the #Special Long Island City Mixed Use District# only on the #streets# indicated on the map in Appendix A (Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations) of this Chapter, except that such #unenclosed sidewalk cafes# may also extend up to 100 feet along the non-designated #street# frontage of a #corner lot#, subject to all other applicable regulations of Article I, Chapter 4.

(8/12/04)

117-10

HUNTERS POINT SUBDISTRICT

In the #Special Long Island City Mixed Use District#, the special regulations of Sections 117-10 through 117-30, inclusive, shall apply within the Hunters Point Subdistrict and, where noted in Sections 117-40 through 117-45, inclusive, shall also apply within the Court Square Subdistrict.

(8/12/04)

117-11

General Provisions

In special areas of the Hunters Point Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired with a #Residence District#. For the purposes of this Chapter, such #Residence# and M1 Districts are referred to as the "designated districts". The designated districts within the Hunters Point Subdistrict are indicated on the #zoning map# and are as follows:

M1-4/R6A
M1-4/R6B
M1-4/R7A
M1-5/R7X
M1-5/R8A

(8/12/04)

117-20

SPECIAL PROVISIONS IN THE DESIGNATED DISTRICTS

(8/12/04)

117-21

Special Provisions for Use, Bulk and Parking

M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A

The special #use#, #bulk# and parking provisions of Article XII, Chapter 3, of the #Special Mixed Use District# shall apply to the designated districts within the Hunters Point Subdistrict, except where modified by the provisions of this Section, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

(8/12/04)

117-22

Modification of Use Group 6A

M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A

The provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) pertaining to Use Group 6A shall be modified as follows:

Food stores, including supermarkets, grocery stores or delicatessen stores, shall not be limited as to #floor area# per establishment.

(2/2/11)

117-23

Street Wall Location in Certain Designated Districts

R6B M1-4/R6A M1-4/R7A M1-5/R8A M1-4/R6B M1-4/R7X

In the districts indicated, the #street wall# of any #building# containing #residences# shall be located no closer to, nor further from, the #street line# than the #street wall# of an adjacent existing #building#. However, the #street wall# of a #building# need not be located further from a #street line# than 15 feet. On #corner lots#, the #street wall# along one #street line# need not be located further from the #street line# than five feet. Recesses, not to exceed three feet in depth from the #street line#, or eight feet in depth where ramps for the physically disabled are required, shall be permitted on the ground floor where required to provide access to the #building#.

Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location provisions of this Section.

(10/25/95)

117-30

SPECIAL PROVISIONS FOR C1 AND C2 DISTRICTS

(2/2/11)

117-31

Special Use Regulations

For #buildings# containing #residences#, #uses# on the ground floor shall be limited to non-#residential uses# and lobby space. Not more than 8,000 square feet of the ground floor shall be devoted to #uses# listed in Use Group 6B.

(2/2/11)

117-32

Special Bulk Regulations

All #street walls# shall be built coincident with the #street line#.

(10/25/95)

117-40
COURT SQUARE SUBDISTRICT

(2/2/11)

117-401
General provisions

The regulations governing the Court Square Subdistrict of the #Special Long Island City Mixed Use District# are contained within Sections 117-40 through 117-45, inclusive. These regulations supplement the provisions of Sections 117-01 through 117-03, inclusive, of the #Special Long Island City Mixed Use District# and supersede the underlying districts.

Mandatory subway improvements are elements of the Subdistrict Plan, which shall be built by the developer of the #zoning lot# to which they apply.

(6/30/09)

117-41
Court Square Subdistrict Plan

The Subdistrict Plan for the Court Square Subdistrict specifies the location of Blocks 1, 2 and 3 and identifies the improvements to be provided in the District under the provisions of this Chapter. The elements of the Subdistrict Plan are set forth in Appendix B of this Chapter, which consists of the Subdistrict Plan Map and the Description of Improvements, and is incorporated into the provisions of this Chapter.

(2/2/11)

117-42
Special Bulk and Use Regulations in the Court Square Subdistrict

#Zoning lots# of at least 10,000 square feet with #buildings# containing at least 70,000 square feet of #floor area# are subject to the provisions of the underlying C5-3 District, as modified by Sections 117-40 through 117-45, inclusive.

All other #zoning lots# are subject to the #use# provisions of

the underlying C5-3 District and the #bulk# provisions of an M1-4/R6B designated district, pursuant to the regulations of Article XII, Chapter 3 (Special Mixed Use District), as modified by Sections 117-00 through 117-22, inclusive.

(2/2/11)

117-421

Special bulk regulations

- (a) #Developments# or #enlargements# on #zoning lots# that meet the standards of Section 117-44 and provide mandatory subway improvements as required by Section 117-44, may be #developed# or #enlarged# to a #floor area ratio# of 15.0. #Developments# or #enlargements# on #zoning lots# that do not meet the minimum standards of Section 117-44 shall not exceed the maximum #floor area ratio# of the M1-4/R6B designated district for the applicable #use#.
- (b) The following provisions shall not apply within the Court Square Subdistrict:
 - Section 33-13 (Floor Area Bonus for a Public Plaza)
 - Section 33-14 (Floor Area Bonus for Arcades)
 - Section 33-26 (Minimum Required Rear Yards)
 - Section 34-223 (Floor area bonus for a public plaza)
 - Section 34-224 (Floor area bonus for an arcade)
 - Section 34-23 (Modification of Yard Regulations).
- (c) The height and setback regulations of the underlying C5-3 District shall apply, except that:
 - (1) no #building or other structure# shall exceed a height of 85 feet above the #base plane# within the area bounded by 23rd Street, 44th Road, a line 60 feet east of and parallel to 23rd Street, and a line 75 feet north of and parallel to 45th Road; and
 - (2) on Blocks 1 and 3, the #street wall# of a #building or other structure# shall be located on the #street line# or sidewalk widening line, where applicable, and extend along the entire #street# frontage of the #zoning lot# up to at least a height of 60 feet and a maximum height

of 85 feet before setback. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be located beyond the #street line#, provided no such recesses are within 15 feet of an adjacent #building#.

Above a height of 85 feet, the underlying height and setback regulations shall apply. However, the underlying tower regulations shall be modified to permit portions of #buildings# that exceed a height of 85 feet to be set back at least five feet from a #wide street line#, provided no portion of such #building# that exceeds a height of 85 feet is located within 15 feet of a #side lot line#. The provisions of this paragraph, (c) (2), shall not apply to #enlargements# on #zoning lots# existing on June 30, 2009, where such #zoning lot# includes an existing #building# to remain with at least 300,000 square feet of #floor area#.

(5/28/03)

117-422

Sign regulations

All requirements of Section 32-60 (SIGN REGULATIONS) shall apply, except for Sections 32-642 (Non-illuminated signs), 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts) and 32-655 (Height of signs in all other Commercial Districts).

Non-#illuminated#, #illuminated# or #flashing signs# are permitted with a total #surface area# (in square feet) not exceeding five times the #street# frontage of the #zoning lot#, in feet, but in no event shall the total #surface area# exceed 500 square feet for #interior# or #through lots# or 500 square feet on each frontage for #corner lots#.

No permitted #sign# shall extend above #curb level# at a height greater than 60 feet.

A #non-conforming sign# may be replaced pursuant to Section 52-82 (Non-Conforming Signs other than Advertising Signs), except that the height, location or position of the replacement #sign# may be changed by up to 10 feet, measured from the perimeter of the original #non-conforming sign#.

(2/2/11)

117-423

Sidewalk widening

For any #development# or #enlargement# on Block 3 with a #building# wall facing 45th Road, a sidewalk widening of five feet shall be provided on 45th Road between 23rd Street and Jackson Avenue. Such sidewalk widening shall be a continuous, paved open area along the #front lot line# of the #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. Such sidewalk widening shall be unobstructed from its lowest level to the sky except for temporary elements of weather protection, such as awnings or canopies, provided that the total area (measured on the plan) of such elements does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least eight feet above #curb level#, and that any post or other support for such element, or any attachment to the support, has a maximum horizontal dimension of six inches. No #street# trees, vehicle storage, parking or trash storage is permitted on such sidewalk widening.

(2/2/11)

117-44

Mandatory Subway Improvements

For the purposes of mandatory subway improvements, any tract of land consisting of two or more contiguous lots of record under single ownership or control as of March 1, 1986, shall be considered a single #zoning lot#.

Subway improvements are required for qualifying #developments# or #enlargements#, as follows:

- (a) #Zoning lots# with at least 5,000 square feet of #lot area#

#Developments# or #enlargements# on #zoning lots# with 5,000 square feet or more of #lot area# located on Block 1 and fronting on a sidewalk containing a sidewalk entrance to the Queens Boulevard Line, 23rd Street-Ely Avenue Station, shall relocate the stairway or entrance(s) to such subway onto the #zoning lot#, in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR), with the exception that, in addition to the waivers

provided by Section 37-44, the additional standards for location, design and hours of public accessibility contained in Section 37-41 may be waived upon a finding by the Metropolitan Transportation Authority that such standards are undesirable or unnecessary to ensure a good overall design.

- (b) #Zoning lots# with at least 10,000 square feet of #lot area#

For the purposes of this paragraph, (b), the #floor area# of the #development# or #enlargement# shall be the total amount of #floor area# constructed after August 14, 1986.

#Developments# or #enlargements# on Blocks 1, 2 or 3, identified in Appendix B (Court Square Subdistrict Plan Map and Description of Improvements) of this Chapter, containing at least 70,000 square feet of #floor area# on #zoning lots# of at least 10,000 square feet of #lot area# shall provide mandatory subway improvements as described, in Appendix B, in paragraph (a) for Block 1, paragraph (b) for Block 2 and paragraph (c)(1) for Block 3.

In addition, on Block 3, any #development# or #enlargement# containing at least 300,000 square feet of #floor area# or any #development# or #enlargement# on a #zoning lot# of at least 30,000 square feet of #lot area# shall provide all the mandatory subway improvements for the Block, as described in paragraphs (c)(1) and (c)(2) for Block 3.

(6/30/09)

117-441

Standards and procedures for mandatory subway improvements

- (a) Compliance with Transit Authority design standards

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

- (b) Procedure

- (1) Pre-application

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

(2) Application pre-certification

After review and agreement on the concept by the Metropolitan Transportation Authority, Transit Authority and Chairperson of the City Planning Commission, the applicant shall submit documentation deemed necessary by the reviewing agencies.

(3) Prior to the granting of certification by the Chairperson of the City Planning Commission pursuant to Section 117-45 (Developer's Notice), the Transit Authority shall have submitted a letter to the Chairperson of the City Planning Commission stating the drawings and other documents submitted by the applicant have been determined by the Transit Authority to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and other such elements as may be appropriate.

(4) The owner shall sign a legally-enforceable instrument running with the land containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain all parts of the improvement, whether on-site or off, and to establish a construction schedule.

Any such instrument shall be recorded against the #zoning lot# in the Office of the Register of the City of New York for Queens County and a certified copy of the instrument shall be submitted to the Chairperson of the City Planning Commission and the Transit Authority.

The owner shall not apply for or accept a temporary certificate of occupancy for the #development# or #enlargement#, and the Department of Buildings shall not issue a temporary certificate of occupancy, until the Transit Authority has determined that the subway improvement is substantially complete, which shall, for this purpose, mean usable by the public.

The owner shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy until the subway improvement has been completed in accordance

with the approved plans and completion has been certified by the Transit Authority.

- (5) Where the mandatory subway improvement includes the preparation of drawings for off-site subway improvements, such drawings including but not limited to plans, sections, elevations, three-dimensional projections and other drawings deemed necessary or relevant by the Transit Authority or the Chairperson of the City Planning Commission, shall be in conformance with the current guidelines for submission of outside projects of the Transit Authority. Prior to approval by the Chairperson of the City Planning Commission, the Transit Authority shall provide a letter to the Chairperson of the Commission containing conceptual approval of the improvements as indicated in the drawings.

(2/2/11)

117-45

Developer's Notice

As a condition to the issuance by the Department of Buildings of an excavation or building permit for a #development# or #enlargement# on a #zoning lot# requiring a mandatory subway improvement:

- (a) the developer shall have submitted to the Chairperson of the City Planning Commission:
 - (1) written notice of its intention to #develop# or #enlarge# on a #zoning lot# in the Court Square Subdistrict, the #floor area# of such #development# or #enlargement#, and the mandatory subway improvements which the developer shall construct;
 - (2) drawings, including but not limited to plans, sections, elevations, three-dimensional projections or other drawings deemed necessary or relevant by the Chairperson of the City Planning Commission, for the mandatory subway improvements within the designated #zoning lot#; and
 - (3) waivers, consents, agreements or other legal instruments obligating the developer, its heirs and devisees, successors and assigns, to develop its property in accordance with the Subdistrict Plan and

the provisions of this Chapter; and

- (b) within 90 days of such submission by the developer, the Chairperson of the City Planning Commission shall certify to the Department of Buildings and the developer receipt of the aforesaid documents and the developer's compliance, or non-compliance, with the requirements of the Subdistrict Plan.

(7/26/01)

117-50

QUEENS PLAZA SUBDISTRICT

(7/26/01)

117-501

General provisions

In Areas A-1, A-2, B and C of the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired with a #Residence District#, as indicated on Map 1 of Appendix C of this Chapter. For the purposes of this Chapter, such #Residence# and M1 Districts are referred to as the "designated districts."

For the purposes of this Chapter, in the Queens Plaza Subdistrict, the area referred to as the "Sunnyside Yard" shall include: Yard A, the Arch Street Yard and the Sunnyside Yard, which are located generally between Crane Street, Jackson Avenue, 21st Street, 49th Avenue, Skillman Avenue, 43rd Street and the North Railroad property line.

(8/13/15)

117-502

Queens Plaza Subdistrict Plan

The Queens Plaza Subdistrict Plan partly consists of the following three maps located within Appendix C of this Chapter:

Map 1 (Designated Districts within the Queens Plaza Subdistrict) of the Queens Plaza Subdistrict Plan identifies special areas comprising the Queens Plaza Subdistrict in which an M1 District is paired with a

#Residence District# as indicated on the Subdistrict Map. These areas are as follows:

Area	Designated Districts
A-1 A-2	M1-6/R10
B	M1-5/R9
C	M1-5/R7-3

Map 2 (Ground Floor Use and Frontage) of the Queens Plaza Subdistrict Plan specifies locations where the special ground floor #use# and frontage regulations, as set forth in Section 117-512, apply.

Map 3 (Sidewalk Widening and Street Wall Location) of the Queens Plaza Subdistrict Plan specifies the locations where special #street wall# and mandatory sidewalk widening regulations, as set forth in Section 117-531, applies.

(2/2/11)

117-503

Definitions

Definitions specifically applicable to the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District# are set forth in this Section. Other defined terms are set forth in Section 117-01 (Definitions) of the #Special Long Island City Mixed Use District# and Section 12-10 (DEFINITIONS).

Accessory use

In addition to those #accessory uses# listed in Section 12-10, for the purposes of this Section, an #accessory use# shall also include a #dwelling unit# in connection with any #commercial#, #manufacturing# or #community facility# establishment permitted in the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, pursuant to Section 117-51 (Queens Plaza Subdistrict Special Use Regulations), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

Home occupation

Within the Queens Plaza Subdistrict, the #home occupation# provisions of Section 12-10 shall apply, except that:

- (a) up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#;
- (b) such #home occupation# may occupy more than 500 square feet of #floor area#; and
- (c) businesses operated as #home occupations# may have up to three employees not residing in the #dwelling unit#.

(7/26/01)

117-51

Queens Plaza Subdistrict Special Use Regulations

The special #use# provisions of Sections 123-20 through 123-50, inclusive, of the #Special Mixed Use District# shall apply in the Queens Plaza Subdistrict except where modified by the provisions of this Section and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

(7/26/01)

117-511

Large retail establishments

The following #uses# as listed in Section 42-30 (USES PERMITTED BY SPECIAL PERMIT) shall be permitted as-of-right in the Queens Plaza Subdistrict with no limitation on #floor area# per establishment:

Carpet, rug, linoleum or other floor covering stores;

Clothing or clothing accessory stores;

Department stores;

Dry goods or fabric stores;

Food stores;

Furniture stores;

Television, radio, phonograph or household appliance stores;
Variety stores.

(2/2/11)

117-512

Ground floor use and frontage regulations

On designated #streets# in the Queens Plaza Subdistrict, as shown on Map 2 in Appendix C of this Chapter, the special ground floor #use# and frontage regulations of this Section shall apply to any #building or other structure# fronting on such #streets#.

#Uses# within #stories# on the ground floor or with a floor level within five feet of #curb level# shall be limited to #commercial#, #manufacturing# or #community facility uses# permitted by the designated district regulations except as modified by the special #use# provisions of Sections 117-51 and 117-511. A #building's# ground floor frontage shall be allocated exclusively to such #uses#, except for lobby space or entrance space.

In no event shall the length of #street# frontage occupied by lobby space, entrance space and/or a #building# entrance recess exceed in total 50 percent of the #building's# total #street# frontage or 30 feet, whichever is less. However, the total length of #street# frontage occupied by lobby space and/or entrance space need not be less than 25 feet.

(2/2/11)

117-513

Transparency requirement

Within the Queens Plaza Subdistrict, the transparency requirements of this Section shall apply to all #developments# and to #enlargements# where the #enlarged# portion of the ground floor of the #building# is within eight feet of the #street line#. Transparency requirements shall not apply to any #building# where the ground floor is occupied by #uses# listed in Use Groups 16 or 17.

At least 50 percent of a #building's street wall# surface shall be glazed and transparent at the ground floor level. 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. 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 #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, the remaining portion of such #building# wall that is 50 feet or more in length and contains no transparent element between #curb level# and 14 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 14 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.

(4/30/12)

117-514

Special sign regulations

Within the Queens Plaza Subdistrict, the #sign# regulations of Section 123-40 shall apply, except that such #sign# regulations may be modified to permit a non-#flashing sign# on the rooftop of a #non-residential building#, provided that such #sign# directs attention to a business conducted within such #building#, where such business occupies at least 20 percent of the #floor area# within such #building#, or a minimum of 50,000 square feet of #floor area# within such #building#, whichever is less. In addition, the following rules shall apply:

- (a) such #sign# shall be located on the rooftop of a #building# with frontage on Queens Plaza South, Queens Boulevard, Queens Plaza East or Queens Plaza North, and the height of the rooftop on which the #sign# is affixed shall be at least 70 feet but not more than 150 feet above #curb level#;
- (b) there shall be no more than one such #sign# on a #zoning lot#, and no more than one such #sign# per establishment on any #sign# structure;
- (c) such #signs# shall be affixed to an open frame structure with maximum dimensions that shall not exceed 45 feet in height, as measured from the surface of the roof to its

uppermost point, and 150 feet in width, as measured along its widest dimension;

- (d) all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such #sign# shall be separate elements, individually cut and separately affixed to the open frame structure. No perimeter or background surfaces shall be applied or affixed to the open frame structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for an open frame structure. The area of such separate elements of a rooftop #sign# shall not count towards the maximum #surface area# of a #sign# permitted in Section 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts); and
- (e) any illumination from a rooftop #sign# located within 100 feet of any #building# containing #residences#, where such #residences# legally existed at the time of the application for a permit for such #sign#, shall not project into or reflect onto any #residential# portion of such #building#.

(7/26/01)

117-52

Queens Plaza Subdistrict Special Bulk Regulations

(7/26/01)

117-521

General provisions

All #buildings and other structures# within the Queens Plaza Subdistrict shall comply with the #bulk# regulations of this Section. The regulations of the designated #Residence# and M1 Districts shall apply as set forth below.

In Areas A-1, A-2, B and C of the Queens Plaza Subdistrict, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure# in accordance with the regulations of the designated #Residence District#, and the #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #community facility# and #commercial uses# in a #building or other structure# in accordance with the regulations of the

designated M1 District, except as modified in the special #bulk# regulations of Sections 117-522 through 117-533, inclusive.

When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.

(7/26/01)

117-522

Maximum floor area ratio for all uses

The maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# and #residential uses# in accordance with the applicable designated district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# or #residential uses#, separately or in combination, is specified in the following table:

MAXIMUM FLOOR AREA RATIO FOR ALL USES
IN THE QUEENS PLAZA SUBDISTRICT

Area	Maximum #Floor Area Ratio#
A-1 A-2	12.0
B	8.0
C	5.0

(2/2/11)

117-523

Lot coverage and open space ratio requirements

(a) #Lot coverage# requirements for #residential buildings#

In the Queens Plaza Subdistrict, where the designated #Residence District# is an R7 or R9 District, the provisions of Sections 23-142 (In R6, R7, R8 or R9 Districts) through 23-144, inclusive, regulating minimum required #open space ratios# and maximum #floor area ratios# shall not apply. In

lieu thereof, all #residential buildings#, regardless of whether they are required to be #Quality Housing buildings#, shall comply with the #lot coverage# requirements set forth for the designated district in Section 23-145, or Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R7 Districts without a letter suffix, shall comply with the provisions for R7A Districts, as set forth in Section 23-147.

Where the designated district is an R7-3 District, the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

- (b) #Lot coverage# and #open space ratio# requirements for #mixed use buildings#

#Lot coverage# and #open space ratio# requirements shall not apply to any portion of a #mixed use building# in the Queens Plaza Subdistrict.

(10/17/07)

117-524

Floor area bonus for a public plaza or arcade

Any #floor area# bonus for a #public plaza# or #arcade# permitted under the regulations of the designated #Residence# or M1 District shall not apply in the Queens Plaza Subdistrict.

(2/2/11)

117-525

Special yard regulations

The #yard# regulations of the underlying districts shall apply, except as specified in this Section.

- (a) #Mixed use buildings#

For a #residential# portion of a #mixed use building#, the required #rear yard# shall be provided at the floor level of the lowest #story# containing #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#.

- (b) #Manufacturing# or #commercial buildings#

The #rear yard# provisions of the designated M1 District shall apply, except that such #rear yard# provisions shall not apply to #manufacturing# or #commercial buildings# on #through lots#.

- (c) #Zoning lots# adjacent to the Sunnyside Yard

On a #zoning lot# sharing a #lot line# with the Sunnyside Yard, no #yards# are required for any #building# within a distance of 100 feet from the shared #lot line#.

- (d) For #zoning lots# occupying an entire #block#

No #rear yard# or #rear yard equivalent# shall be required for a #zoning lot# occupying an entire #block#.

(7/26/01)

117-53

Height and Setback and Street Wall Location Regulations

The height and setback regulations of the designated #Residence# and M1 Districts shall not apply, except for permitted obstructions pursuant to Sections 23-62 or 43-42, as applicable. In lieu thereof, all #buildings or other structures# shall comply with the regulations set forth in Sections 117-531 (Street wall location) and 117-532 (Setback regulations for buildings that exceed the maximum base height). Such regulations, however, shall not apply along the #street frontage# of that portion of a #zoning lot# occupied by existing #buildings#, unless the #street walls# of such existing #buildings# are vertically extended by more than 15 feet. The height of all #buildings or other structures# shall be measured from the #base plane#.

(8/13/15)

117-531

Street wall location

- (a) On a #wide street#, and on a #narrow street# within 50 feet of its intersection with a #wide street#, the #street wall# of a #building# shall be located on the #street line# and extend along the entire width of the #street frontage# of the #zoning lot# and rise without setbacks up to at least

the applicable minimum base height specified in the table in Section 117-532 (Setback regulations for buildings that exceed the maximum base height), or the height of the #building#, whichever is less. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

- (b) On a #narrow street# between 50 and 100 feet of its intersection with a #wide street#, the #street wall# of a #building# shall extend along the entire width of the #narrow street# frontage of the #zoning lot# and rise without setbacks up to at least the applicable minimum base height specified in the table, or the height of the #building#, whichever is less.

Beyond 100 feet of the intersection of a #wide street#, #street walls# shall extend along at least 70 percent of the width of the #narrow street# frontage of the #zoning lot# and rise without setbacks up to at least the applicable minimum base height specified in the table, or the height of the #building#, whichever is less.

Beyond 50 feet of the intersection of a #wide street#, all #street walls# required pursuant to this paragraph, (b), shall be located within eight feet of the #street line#.

- (c) On a #wide street# above the ground floor level, up to 30 percent of the #aggregate width of street walls# may be located beyond the #street line#, in compliance with #outer court# regulations.
- (d) On a #narrow street#, recesses are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate length of such recesses shall not exceed 50 percent of the length of the entire #street wall# at any level. However, not more than 30 percent of the aggregate length of such recesses shall exceed a depth of eight feet.
- (e) In the locations specified on Map 3 (Sidewalk Widening and Street Wall Location) of Appendix C of this Chapter, a #building# shall comply with the provisions of paragraphs (a) through (d) of this Section, as applicable, except that #street walls# shall be located as specified on Map 3. The #street wall# of a #building# may be set back only in the areas indicated on Map 3 as "Permitted #Street Wall# Setback Locations," provided that the additional sidewalk widening resulting from such setback is accessible to the public, in accordance with the provisions of Section 117-554, and located adjacent to a public sidewalk or mandatory sidewalk

widening.

- (f) For any #building# fronting on Queens Plaza South in Area A-1 or Area B as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) of Appendix C, any #street wall# along Queens Plaza South shall be set back five feet from the #street line#, except as otherwise specified on Map 3.
- (g) For any #building# on a #zoning lot# located on Jackson Avenue between 42nd Road and Queens Plaza South, the #street wall# fronting on Jackson Avenue may be set back five feet from the #street line# only upon certification of the Chairperson of the City Planning Commission to the Department of Buildings that the Jackson Avenue sidewalk adjacent to the #zoning lot# will be landscaped in accordance with a plan acceptable to the Department of Transportation and the Chairperson. Such plan shall include five planting beds that shall contain a mixture of deciduous and evergreen shrubs, ground covers and flowers. Such planting beds shall be installed and maintained by the owner of the #building#. The #street wall# of any subsequent #development# or #enlargement# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#.

(5/22/13)

117-532

Setback regulations for buildings that exceed the maximum base height

All portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section shall comply with the following provisions:

- (a) At a height not lower than the minimum base height or higher than the maximum base height specified in the table for the applicable area, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street# and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.

<u>Area</u>	<u>Minimum Base Height</u>	<u>Maximum Base Height</u>
-------------	----------------------------	----------------------------

A-1	60	---
A-2	60	150
B	100	150
C*	60	100

* for #buildings or other structures# on Davis Street located 75 feet or more from Jackson Avenue, the minimum base height shall be 40 feet

- (b) In Area A-1, no setbacks are required above the applicable minimum base height specified in the table in paragraph (a) of this Section. However, if a setback is provided, it shall comply with the provisions of paragraph (a).
- (c) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section.

(2/2/11)

117-533

Special permit to modify use or bulk regulations

For any #zoning lot# within the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# requirements, provided the Commission shall find that:

- (a) such #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;
- (b) such #use# modification will encourage a lively pedestrian environment along the #street# or mandatory sidewalk widening, or is necessary for the programmatic requirements of the development;
- (c) such #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;

- (d) such #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) such #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

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

(5/8/13)

117-54

Off-street Parking and Loading Regulations

- (a) The off-street parking provisions of Article I, Chapter 6, shall apply, except that:
 - (1) the prohibition of curb cuts accessing entrances and exits to #accessory# off-street parking facilities on certain #streets#, as set forth in paragraphs (b) and (c) of Section 16-23 (Curb Cut Restrictions), shall also apply to Northern Boulevard, Crescent Street and 23rd Street; and
 - (2) the provisions of paragraph (c) of Section 16-12 (Permitted Parking for Non-Residential Uses) shall be modified as follows: the maximum number of #accessory# off-street parking spaces permitted for a #development# or #enlargement# shall not exceed one space per 2,000 square feet of #floor area# or 250 spaces, whichever is less.
- (b) Curb cuts shall not be permitted within 40 feet of a #zoning lot line# that abuts the Sunnyside Yard.
- (c) #Public parking garages# shall be permitted on #Blocks# 86/72 and 403 pursuant to Section 117-56 (Special Permit for Bulk Modifications on Blocks 86/72 and 403).
- (d) For #public parking garages# permitted on #Block# 420 pursuant to Section 74-50 (OFF-STREET PARKING ESTABLISHMENTS), the floor space on one or more #stories# of the #public parking garage#, up to a height of 23 feet above #curb level#, shall be exempt from the definition of #floor area# as set forth in Section 12-10.

(7/26/01)

117-55

Mandatory Plan Elements for the Queens Plaza Subdistrict

(8/13/15)

117-551

General provisions

Within the Queens Plaza Subdistrict, the provisions of Section 117-552 (Central refuse storage area) shall apply to any #development#, #enlargement#, alteration or change of #use#, except where more than 50 percent of the #floor area# of such #development#, #enlargement#, alteration or change of #use# is occupied by a #use# listed in Use Groups 16 or 17.

The provisions of Sections 117-553 (Mandatory sidewalk widening) and 117-554 (Mandatory sidewalk widening design requirements) apply to those locations identified on Map 3 in Appendix C of this Chapter.

(4/30/08)

117-552

Central refuse storage area

The provisions of Section 28-23 (Refuse Storage and Disposal) shall apply.

(8/13/15)

117-553

Mandatory sidewalk widening

The sidewalk widening provisions of this Section shall apply to all #developments# or #enlargements# with ground floor #street walls# with a ratio of #floor area# to #lot area# of 3.0 or more.

Sidewalk widening accessible to the public must be provided in the locations specified on Map 3 (Sidewalk Widening and Street Wall Location) of Appendix C of this Chapter. Such mandatory

sidewalk widening is subject to the design requirements of Section 117-554.

(2/2/11)

117-554

Mandatory sidewalk widening design requirements

(a) Access

All mandatory sidewalk widenings shall be accessible directly from an adjoining public sidewalk and unobstructed along at least 50 percent of the total #street# frontage. Driveways and vehicular accessways included as part of the total #street# frontage may not be counted as providing access. All mandatory sidewalk widenings shall be accessible to the public at all times.

There shall be at least one unobstructed pedestrian path of travel providing access to each of the following:

- (1) at least 70 percent of the mandatory sidewalk widening's total area;
- (2) any #building# lobby accessible to the mandatory sidewalk widening; and
- (3) any #use# that may be present on, or adjacent to and having an entrance on, the mandatory sidewalk widening.

(b) Access for persons with disabilities

The mandatory sidewalk widening shall be accessible to persons with disabilities in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design standards.

(c) Elevation

All mandatory sidewalk widenings shall be located at an elevation not more than three feet above or below the #curb level# of the nearest adjoining sidewalk.

A mandatory sidewalk widening shall be at the same elevation as the adjoining public sidewalk along the #street# frontage providing access, pursuant to paragraph (a) of this Section, for a minimum depth of 10 feet measured perpendicular to the #street line#.

When the size of a mandatory sidewalk widening 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#.

Where an existing subway station entry is located on the sidewalk area adjacent a mandatory sidewalk widening, the mandatory sidewalk widening shall be provided at the same elevation as the adjoining sidewalk for a distance of at least 15 feet in all directions from the entry except as required for drainage. No obstruction shall be permitted within such portion of the mandatory sidewalk widening.

(d) Permitted obstructions

The provisions of Sections 37-726 and 37-73 shall apply, except that in the case of kiosks, the provisions of 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 Section 37-726, paragraph (d), shall apply.

(f) Trees

One tree per 500 square feet of sidewalk widening is required. Each tree shall measure at least 2.5 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 at least 3 feet, 6 inches.

(g) Paving

The provisions of Section 37-718 shall apply.

(h) Seating

One linear foot of seating for every 150 square feet of mandatory sidewalk widening shall be provided. In addition, the provisions of Section 62-672 shall apply.

(i) Bicycle parking facilities

The provisions of Section 37-745 shall apply.

(j) Drinking fountains

The provisions of Section 37-746 shall apply.

(k) Aesthetic amenities

One of the following amenities shall be provided:

- (1) prominent lighting that enhances the architectural features of the upper #stories# of the #building#;
- (2) an ornamental water feature within the mandatory sidewalk widening; or
- (3) artwork, such as sculpture, within the mandatory sidewalk widening.

(l) Lighting

The provisions of Section 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 Section 37-751, paragraph (b) shall apply.

(n) Maintenance

The provisions of Sections 37-744 and 37-77 shall apply.

(5/22/13)

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 Section 37-751 (Public space signage systems) and 37-77 (Maintenance) shall apply.

- (b) The #public parking garage# shall be subject to the following conditions:
 - (1) the floor space on one or more #stories# of the #public parking garage#, up to a height of 23 feet above #curb level# shall be exempt from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS);
 - (2) the entrances and exits shall be located so that they will not be hazardous to traffic safety nor likely to unduly inhibit pedestrian movement; and
 - (3) at the vehicular entrances, a minimum of 12 reservoir spaces shall be provided and the total number of reservoir spaces shall be equivalent to five percent of

any spaces in excess of 250, up to a maximum of 50 reservoir spaces.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation and security, which may include conditions for lighting and landscaping or limitations on the manner and/or hours of operation.

Any building on Block 86/72 for which an application for a special permit for #bulk# modifications has been filed with the Department of City Planning, pursuant to this Section, prior to May 22, 2013, may be started or continued pursuant to the regulations in effect at the time of such application and, if such application is granted by the City Planning Commission and the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit, including minor modifications thereto and, to the extent not modified under the terms of such permit, in accordance with the regulations in effect at the time of such application.

(2/2/11)

117-57

Modification of Article V, Chapter 4

In Article V, Chapter 4 (Non-Complying Buildings), Section 54-311 (Buildings non-complying as to density regulations) shall not apply.

(10/7/08)

117-60

DUTCH KILLS SUBDISTRICT

In the #Special Long Island City Mixed Use District#, the special regulations of Sections 117-60 through 117-64, inclusive, shall apply within the Dutch Kills Subdistrict.

(10/7/08)

117-61

General Provisions

In specified areas of the Dutch Kills Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired with a #Residence District#. For the purposes of Section 117-60, inclusive, regulating the Dutch Kills Subdistrict, such #Residence# and M1 #Districts# are referred to as the "designated districts." The designated districts within the Dutch Kills Subdistrict are indicated on the #zoning map# and are as follows:

M1-2/R5B

M1-2/R5D

M1-2/R6A

M1-3/R7X.

The special provisions of Article XII, Chapter 3, of the #Special Mixed Use District# shall apply to the designated districts within the Dutch Kills Subdistrict except where modified by the provisions of the Subdistrict, and shall supplement or supersede the provisions of the underlying designated #Residence# or M1 #District#, as applicable.

(10/7/08)

117-62

Special Use Regulations

In the Dutch Kills Subdistrict, the provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.

(10/7/08)

117-63

Special Bulk Regulations in the Designated Districts

Maximum #floor area ratio#, #lot coverage# and #street wall# provisions in the designated districts are modified as set forth in Sections 117-631 through 117-633, inclusive.

(2/2/11)

117-631

Floor area ratio and lot coverage modifications

(a) In the Dutch Kills Subdistrict, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#, in any #building#, except where such floor space used for #accessory# parking is contained within a #public parking garage#.

(b) Maximum #floor area ratio# and #lot coverage# for #residential uses#

(1) M1-2/R5B designated district

The maximum #floor area ratio# for #residential use# shall be 1.65.

The maximum #lot coverage# for the #residential# portion of a #building# shall be 60 percent on an #interior lot# or #through lot# and 80 percent on a #corner lot#.

(2) M1-3/R7X designated district

(i) Inclusionary Housing Program

Where the designated district is M1-3/R7X within the Dutch Kills Subdistrict, such district shall be a #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

(ii) Maximum #floor area ratio#

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# of 3.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 5.0, as set forth in Section 23-952, through the provision of #affordable housing#, pursuant to the

provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

- (c) Maximum #floor area ratio# for certain #commercial# and #manufacturing uses#

In M1-2 designated districts, the maximum #floor area ratio# shall be increased to 3.0 when paired with an R5B or R5D District and 4.0 when paired with an R6A District, provided that such additional #floor area# is limited to the following #uses#: photographic or motion picture production studios and radio or television studios listed in Use Group 10A; and #uses# listed in Use Groups 16A, 16D, 17A and 17B as set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), except for automobile, motorcycle, trailer or boat sales, motorcycle or motor scooter rental establishments, poultry or rabbit killing establishments, riding academies, stables for horses and trade schools for adults.

(2/2/11)

117-632

Street wall location

In the Dutch Kills Subdistrict, the #street wall# of any #residential# or #mixed use building# shall be located no closer to, nor further from, the #street line# than the #street wall# of an adjacent existing #building#. For all #zoning lots#, the #street wall# of a #building# need not be located further from the #street line# than 15 feet.

(10/7/08)

117-633

Maximum street wall height

In M1-2/R5B designated districts, for #residential buildings#, the maximum height of a #street wall# above the #base plane# shall be 33 feet or three #stories#, whichever is less.

(10/7/08)

117-634

Maximum building height for mixed use buildings in designated R5 Districts

The provisions regarding the maximum height of #mixed use buildings# within 25 feet of a #street line#, as set forth in Section 123-661 (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations), shall be modified in the Dutch Kills Subdistrict, where the designated Residence District is an R5 District, as follows:

- (a) in designated R5B Districts, no #building or other structure# shall exceed a height of 33 feet within 25 feet of a #street line#;
- (b) in designated R5D Districts, no #building or other structure# shall exceed a height of 40 feet within 25 feet of a #street line#.

(2/2/11)

117-64 Special Parking Regulations

The provisions of Section 123-70 (PARKING AND LOADING) and the underlying #accessory# off-street parking and loading regulations for the designated district are modified, as follows:

- (a) #Commercial# and #community facility uses#
 - (1) The #accessory# off-street parking and loading requirements of a C8-2 District, as set forth in Article III, Chapter 6, shall apply to all #commercial# and #community facility uses#, except that this modification shall not apply to #uses# listed in Use Group 5. The #accessory# off-street parking and loading requirements applicable to the designated M1 District, set forth in Article IV, Chapter 4, and Section 123-70, shall apply to Use Group 5.
 - (2) For Use Group 5 #uses#, the provisions of Section 44-23 (Waiver of Requirements for Spaces below Minimum Number) shall be modified as follows: the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.
- (b) #Residential uses#
 - (1) The provisions of Section 25-241 (Reduced requirements)

shall not apply in the designated M1-3/R7X District.

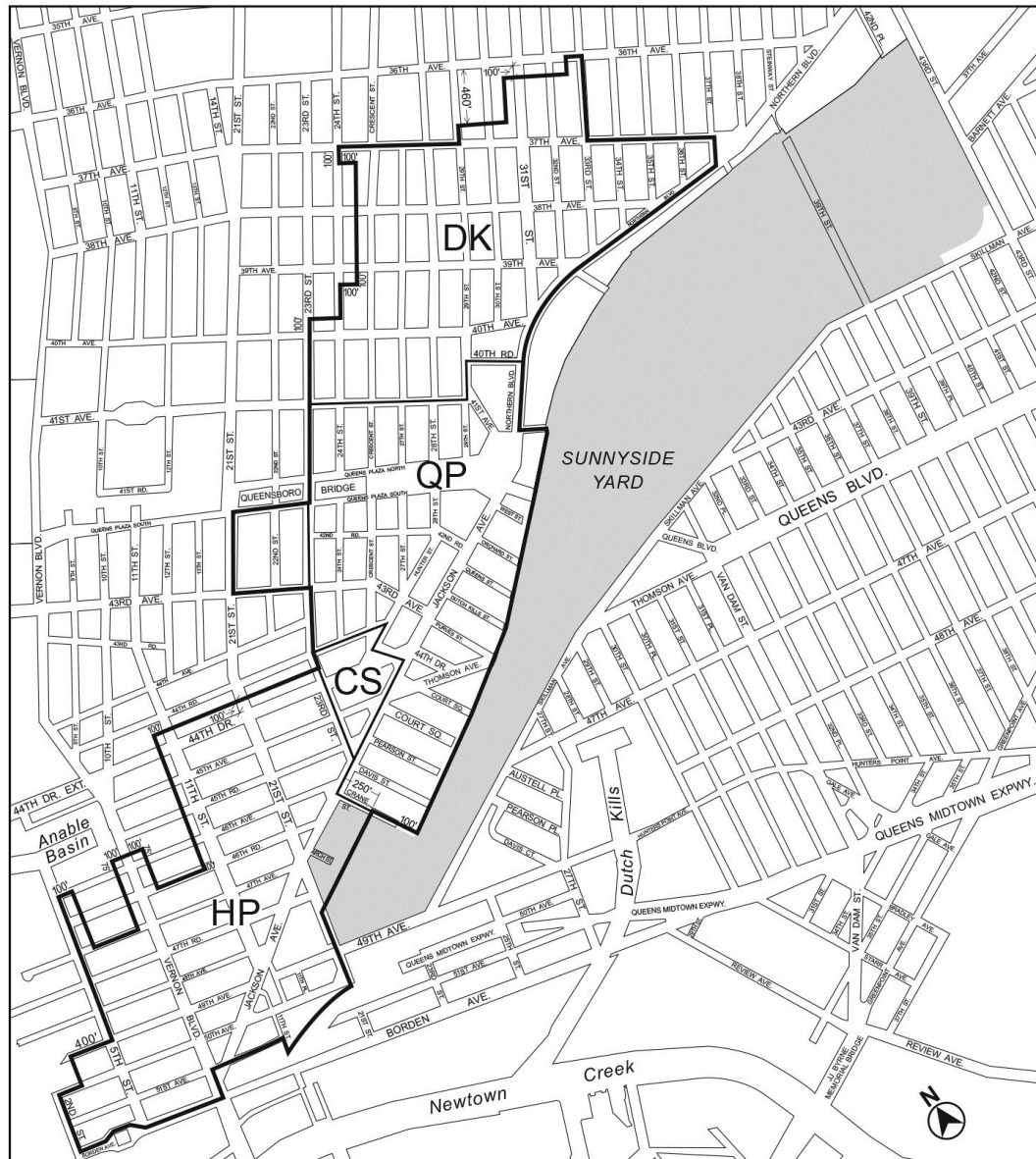
- (2) In the applicable designated #Residence Districts#, the provisions of Section 25-26 (Waiver of Requirements for Small Number of Spaces) are modified, as follows:
 - (i) in the designated M1-2/R6A and M1-3/R7X Districts, the provisions of Section 25-26 shall only apply to #zoning lots# existing both on October 7, 2008, and on the date of application for a building permit.
 - (ii) for all #developments# or #enlargements# in the designated M1-3/R7X District, the maximum number of #accessory# off-street parking spaces for which requirements are waived shall be five spaces.
- (3) Where the designated district is a M1-2/R5B District, the provisions of paragraph (c) of Section 25-631 (Location and width of curb cuts in certain districts) shall not apply.

(7/24/14)

Appendix A

Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations

District and Subdistricts



— Special Long Island City
Mixed Use District

— Subdistrict Boundary

■ Sunnyside Yard

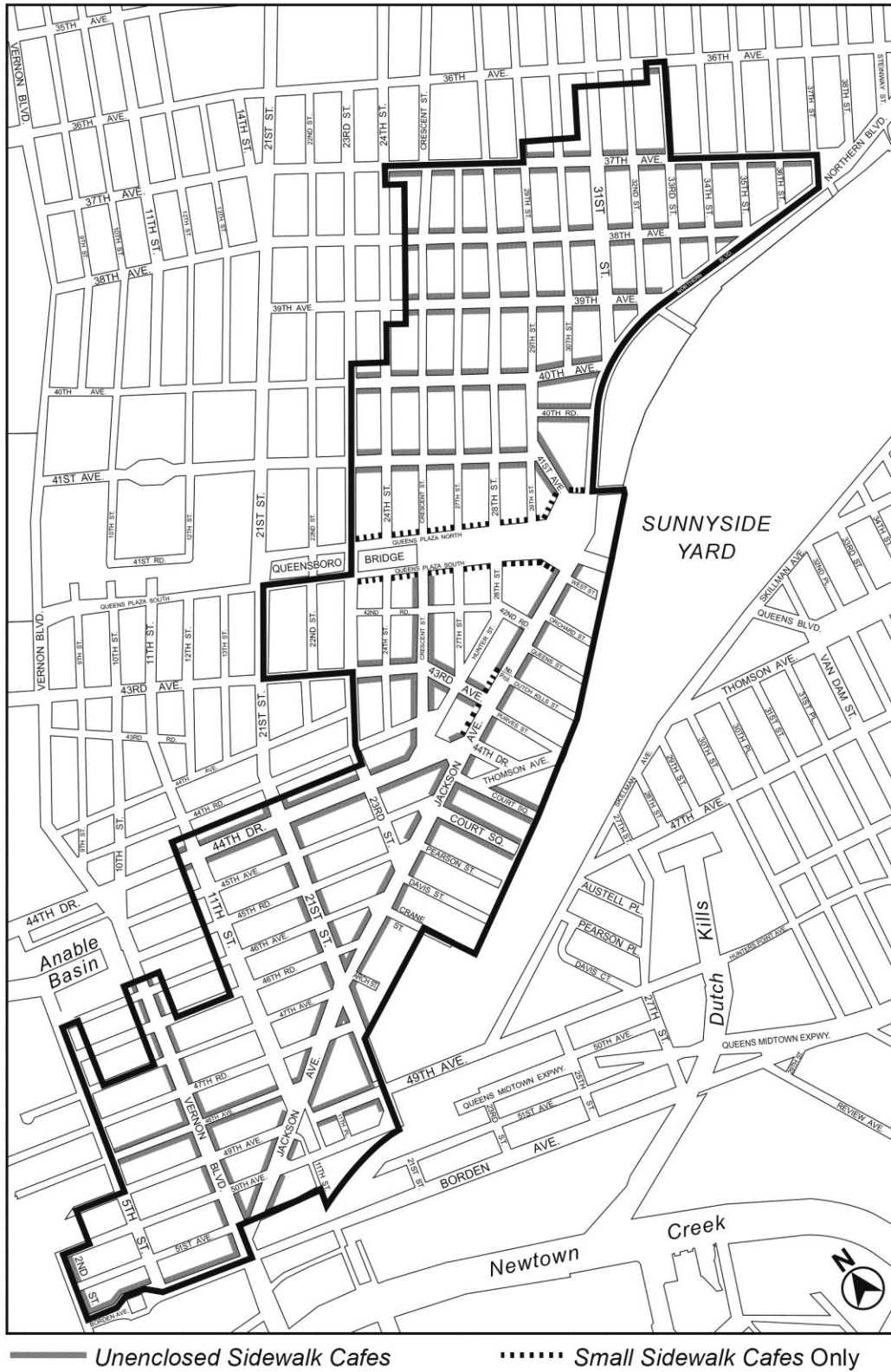
CS Court Square Subdistrict

DK Dutch Kills Subdistrict

QP Queens Plaza
Subdistrict

HP Hunters Point
Subdistrict

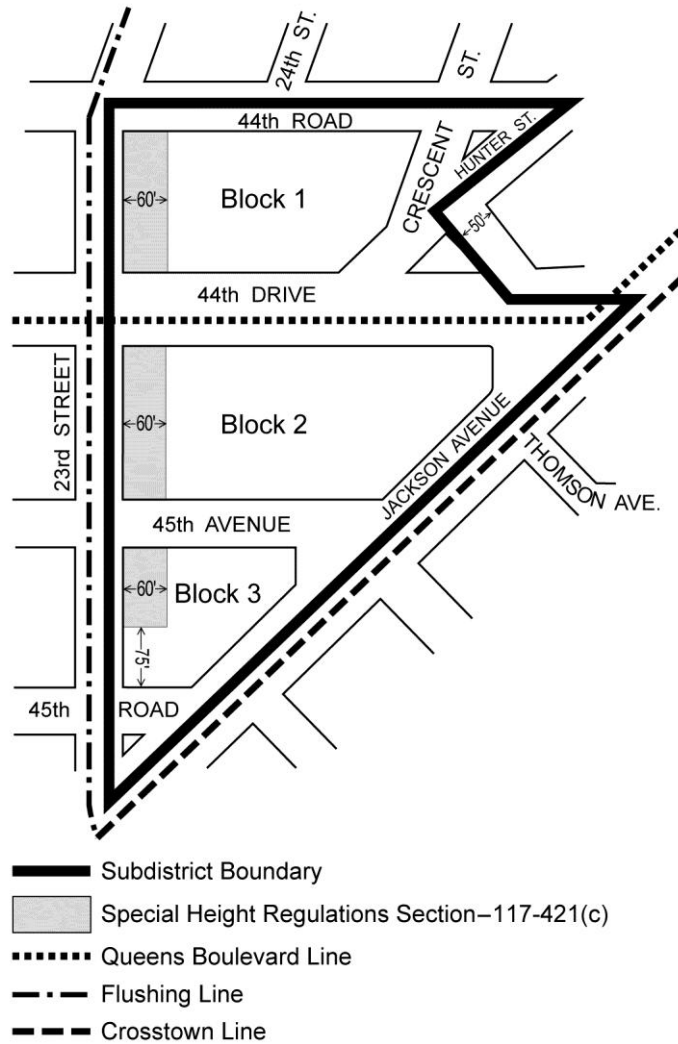
Permitted Sidewalk Cafe Locations



(2/2/11)

Appendix B

Court Square Subdistrict Plan Map and Description of Improvements



Description of Improvements

This Appendix describes the mandatory lot improvements that are designated on the District Plan Map in Appendix B for the Court Square Subdistrict. Descriptions refer to the text for requirements and standards for the following improvements.

(a) Block 1

A subway improvement, to consist of a connection between the

Crosstown and Flushing Lines and maintenance of glass partitions in the control area of the Queens Boulevard Line, 23rd Street-Ely Avenue Station mezzanine and near the control area of the Crosstown Line, Court Square-Long Island City Station, mezzanine which are to be installed by the developer of Block 2. The developer shall notify the Chairperson of the City Planning Commission upon both application for, and issuance of, a first building permit for the #development# on this #Block#.

(b) Block 2

A subway improvement, to consist of a connection between the Queens Boulevard and Crosstown Lines, preparation of preliminary plans for a Crosstown Line, Court Square-Long Island City Station and Flushing Line, 45th Road-Courthouse Square Station connection and installation of glass partitions in the control area of the 23rd Street-Ely Avenue Station mezzanine and near the control area of the Court Square-Long Island City Station mezzanine, upon receipt of a written request by the Chairperson of the City Planning Commission, which shall occur only after the issuance of a first building permit for the #development# on Block 1.

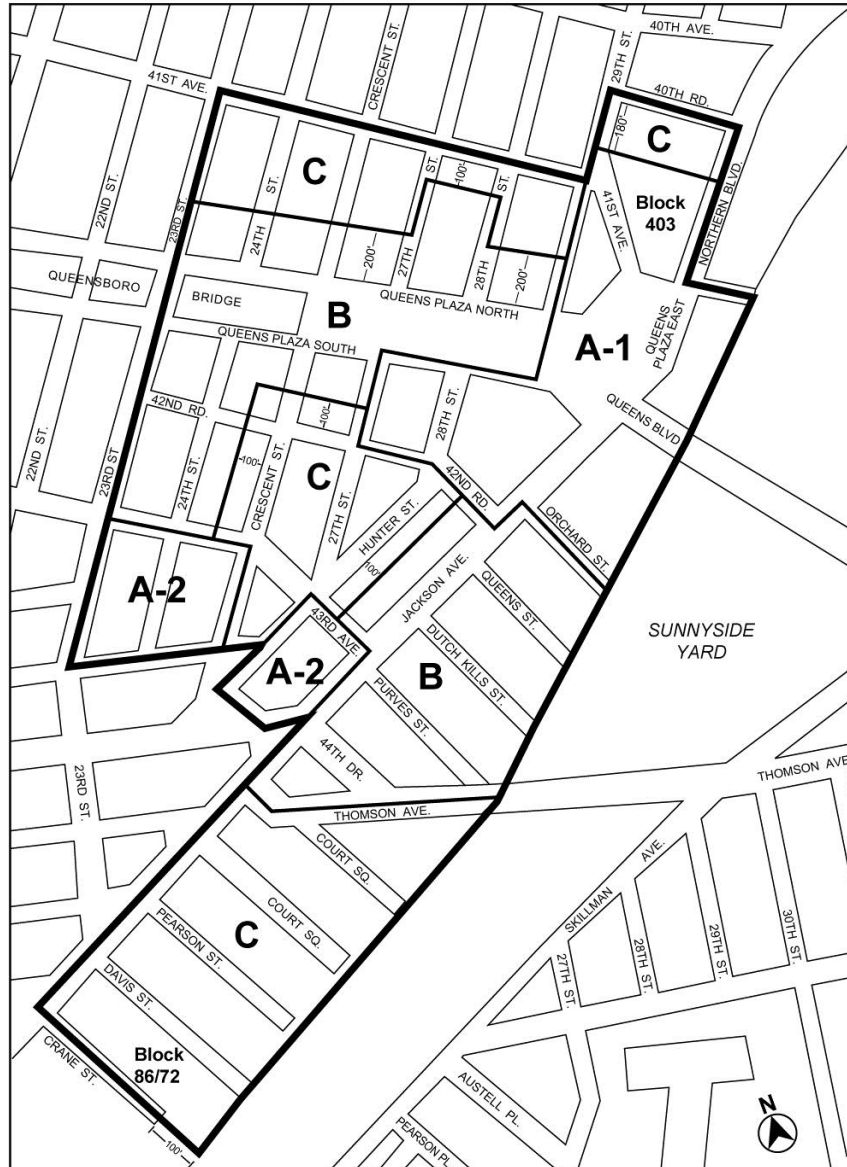
(c) Block 3

- (1) The first #development# or #enlargement# to meet the criteria for a subway improvement shall construct new entrances at the intersection of 44th Drive and 23rd Street for the Flushing Line, 45th Road-Courthouse Square station, in consultation with the Metropolitan Transportation Authority and the Department of City Planning.
- (2) For subsequent #developments# or #enlargements#, a subway improvement to the north end of the Flushing Line, 45th Road-Courthouse Square station shall be required. Such improvement shall be determined in consultation with the Metropolitan Transportation Authority and the Department of City Planning.

Appendix C
Queens Plaza Subdistrict Plan Maps

(12/19/01)

Map 1: Designated Districts within the Queens Plaza Subdistrict

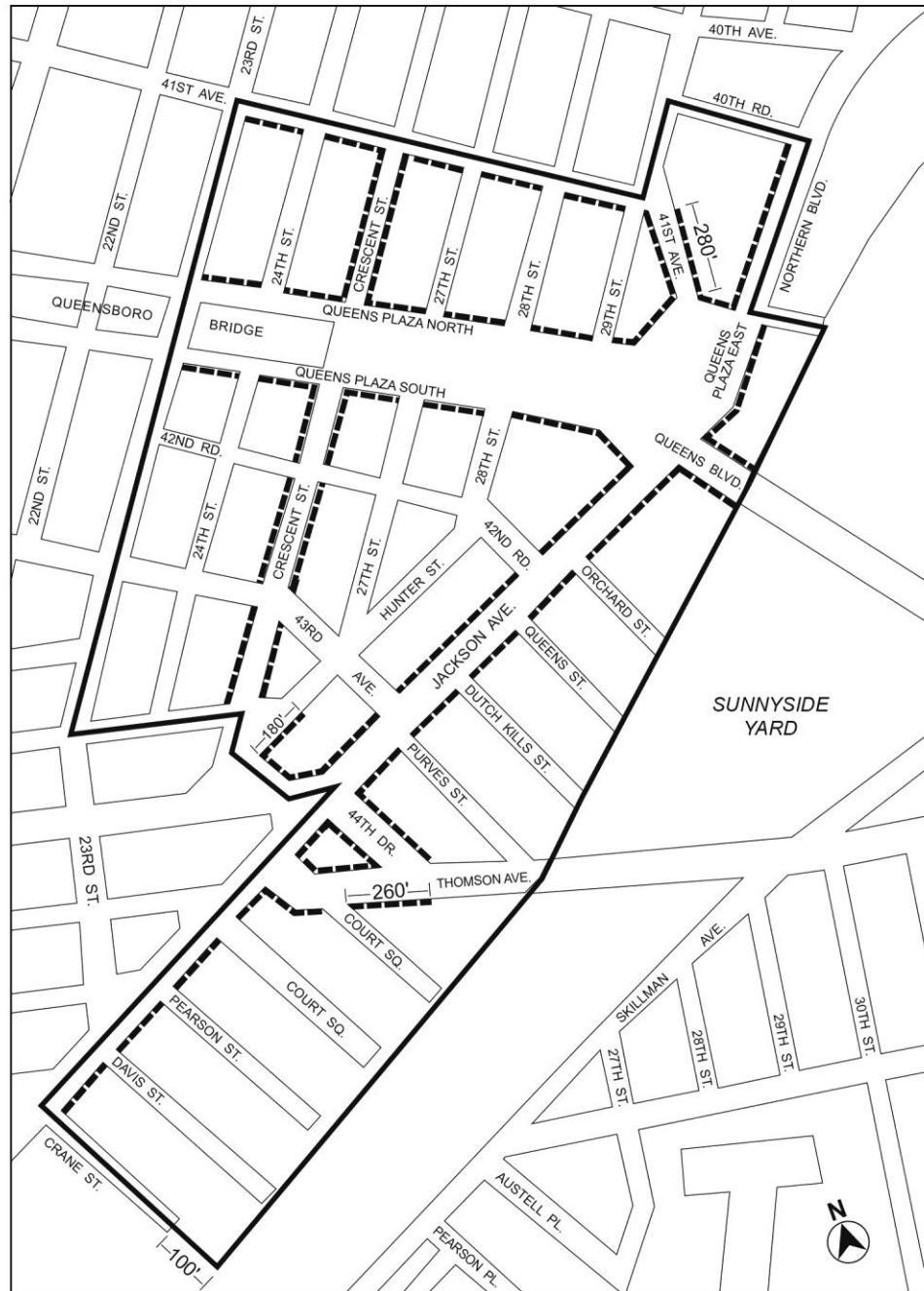


— Queens Plaza Subdistrict
— Designated Districts

AREA A-1, A-2 M1-6/R10
AREA B M1-5/R9
AREA C M1-5/R7-3

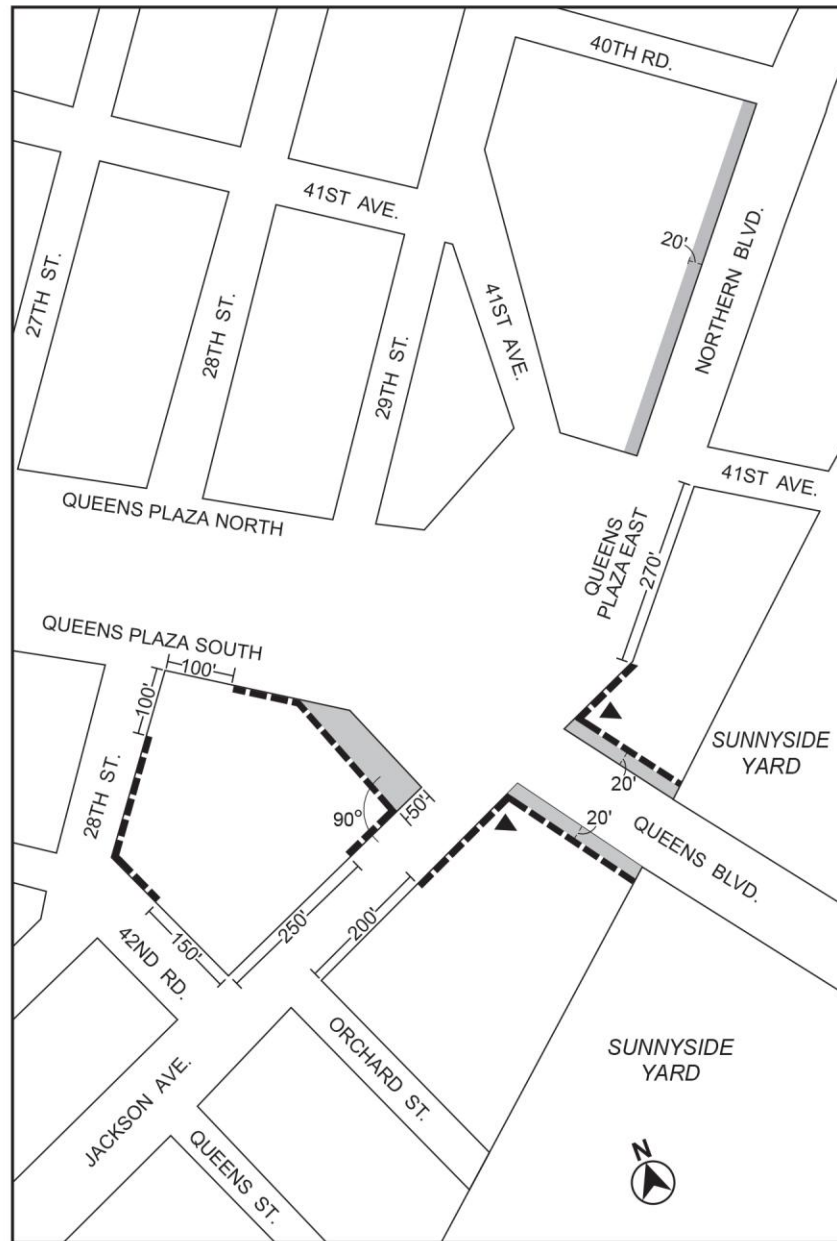
(8/13/15)



Map 2: Ground Floor Use and Frontage



- Queens Plaza Subdistrict Boundary
- - - Street Frontages where Ground Floors are Restricted to Non-Residential Uses

Map 3: Sidewalk Widening and Street Wall Location



-  Mandatory Sidewalk Widening
 Permitted Street Wall Setback Locations
 Additional 1,500 sq. ft. of sidewalk widening to be located within 100' of the intersection.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XI: Special Purpose Districts Chapter 8: Special Union Square District

Effective date of most recently amended section of Article XI Chapter 8: 02/02/11

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(1/10/85)

Article XI - Special Purpose Districts

Chapter 8

Special Union Square District

(1/10/85)

118-00

GENERAL PURPOSES

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

- (a) to promote a revitalized mixed-use area around Union Square by encouraging controlled development on vacant and under-utilized sites within the District;
- (b) to stimulate such growth while providing guidelines which will ensure urban design compatibility between new development, existing buildings and Union Square and which will preserve and enhance the special character of the Square;
- (c) to stabilize the area through residential development and thereby encourage active utilization of Union Square Park;
- (d) to enhance the retail and service nature and economic vitality of 14th Street by mandating appropriate retail and service activities;
- (e) to improve the physical appearance and amenity of the streets within the District by establishing streetscape and signage controls which are compatible to Union Square Park;
- (f) to improve access, visibility, security and pedestrian circulation in and around the 14th Street/Union Square Station; and
- (g) to promote the most desirable use of land in this area and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

(2/2/11)

118-01

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Union Square District# and in accordance with the provisions of this Chapter, certain specified #use#, #bulk# and #sign# regulations of the underlying district are made inapplicable and are superseded by the #use#, #bulk# and #sign# regulations of the #Special Union Square District#, as set forth in this Chapter. In addition, special #street wall# transparency and location of entrance requirements are set forth in this Chapter. Except as modified by the express provisions of this Chapter, the underlying district regulations remain in effect.

(2/2/11)

118-02

Incorporation of Appendix A

The District Plan of the #Special Union Square District# is set forth in Appendix A and is incorporated as an integral part of the provisions of this Chapter.

(1/10/85)

118-10

USE REGULATIONS

(2/2/11)

118-11

Ground Floor Uses

#Uses# within #stories# that have a floor level within five feet of #curb level# along 14th Street shall be limited to the #uses# listed in this Section, except that entrances to above-grade or below-grade #uses# are permitted, subject to the regulations set forth in Section 118-41 (Entrances on 14th Street).

These regulations shall apply to #developments#, #enlargements#,

#extensions# and changes of #use#.

Antique stores

Art galleries, commercial

Artists' supply stores

Automobile rental offices

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment

Banks

Barber shops

Beauty parlors

Bicycle sales, rental or repair shops

Book stores

Candy or ice cream stores

Carpet, rug, linoleum, or other floor covering stores, with no limitation on #floor area# per establishment

Cigar or tobacco stores

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Clothing rental establishments, limited to 10,000 square feet on #floor area# per establishment

Department stores

Drug stores

Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and a total aggregate load capacity of machines shall not exceed 60 pounds

Dry goods or fabric stores, with no limitation of #floor area# per establishment

Eating or drinking establishments including those which provide outdoor table service, or have music for which there is no cover charge and no specified showtime

Eating or drinking establishments, with entertainment but not dancing, with a capacity of 200 persons or less

Eating or drinking establishments, with musical entertainment but not dancing, with a capacity of 200 persons or less

Eating or drinking places without restrictions on entertainment or dancing, but limited to locations in hotels

Fishing tackle or equipment, rental or sales

Florist shops

Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores

Furniture stores, with no limitation on #floor area# per establishment

Furrier shops, custom

Gift shops

Hardware stores

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

Jewelry or art metal craft shops

Laundry establishments, hand or automatic self-service

Leather goods or luggage stores

Medical or orthopedic appliance stores

Millinery shops

Music stores

Newsstands, open or enclosed

Office or business machine stores with no limitations on

#floor area# per establishment

Optician or optometrist establishments

Package liquor stores

Paint stores

Pet shops

Photographic developing or photographic printing establishments limited to 2,500 square feet per establishment

Photographic equipment or supply stores

Photographic studios

Picture framing shops

Record stores

Seed or garden supply stores

Sewing machine stores, selling household machines only

Shoe or hat repair shops

Shoe stores

Sporting or athletic stores

Stamp or coin stores

Telegraph offices

Television, radio, phonograph or household appliance stores with no limitation on #floor area# per establishment

Toy stores

Travel bureaus

Typewriter stores

Variety stores, with no limitation on #floor area# per establishment

Wallpaper stores

Watch or clock stores or repair shops

(10/17/07)

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 37-36 (Sign Regulations).

#Flashing signs# are not permitted within the Special District.

(1/10/85)

118-20

BULK REGULATIONS

(2/2/11)

118-21

Floor Area Regulations

The maximum #floor area ratio# permitted on a #zoning lot#, or portion thereof, within an area bounded by:

- (a) Broadway, a line midway between East 14 Street and East 13th Street, a line 100 feet west of University Place, Union Square West and Broadway, a line midway between East 17th Street and East 18th Street, a line 100 feet east of Park Avenue South and Union Square East, East 15th Street, Union Square East, East 17th Street, Union Square West and East 14th Street is 8.0; and
- (b) Broadway, a line midway between East 13th Street and East 14th Street, south prolongation of the center line of Irving Place and Irving Place, East 15th Street, Union Square East, Fourth Avenue, and East 14th Street is 10.0, except as provided in Section 118-70 (SUBWAY STATION IMPROVEMENTS WITHIN THE SPECIAL UNION SQUARE DISTRICT).

In no event shall the #commercial floor area ratio# exceed 6.0.

(2/2/11)

118-22

Residential Density Regulations

The density regulations of Section 23-30 shall not apply. Instead, for every 750 square feet of #residential floor area# permitted on a #zoning lot#, there shall be no more than one #dwelling unit#.

However, the #conversion# of non-#residential floor area# to #residential use# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings).

(2/2/11)

118-30

STREET WALL, HEIGHT AND SETBACK REGULATIONS

The location and height above #curb level# of the #street wall# of any #development#, #enlargement# or alteration that results in a change in the width, height or location of a #street wall#, shall be as shown in the District Plan (Appendix A). However, if such #development#, #enlargement# or alteration is adjacent to one or more existing #buildings# fronting on the same #street line#, the #street wall# of such #development#, #enlargement# or alteration shall be located neither closer to, nor further from, the #street line# than the front wall of the adjacent #building# which is closest to the same #street line#.

#Street wall# recesses are permitted below the level of the second #story# ceiling for subway stair entrances required under Section 118-60 (OFF STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT). Such recesses shall be no longer than 15 feet and no deeper than eight feet or the width or length of the relocated subway stair, whichever is greater.

#Street wall# recesses are also permitted below the level of the second #story# ceiling for #building# or store entrances only.

A #sky exposure plane# of 2.5 to 1 shall begin at a height above #curb level# of 125 feet on all #streets# within the Special District, except that on a #narrow street# beyond 100 feet from

any #street line# opposite a #public park# or from the intersection of such #narrow street# with a #wide street#, the #sky exposure plane# shall begin at a height above #curb level# of 85 feet.

No #building or other structure# shall penetrate such #sky exposure plane# except pursuant to Section 33-45 (Tower Regulations). However, Section 33-45 shall not be applicable to any portion of a #building# located within 100 feet of a #street line# opposite a #public park#.

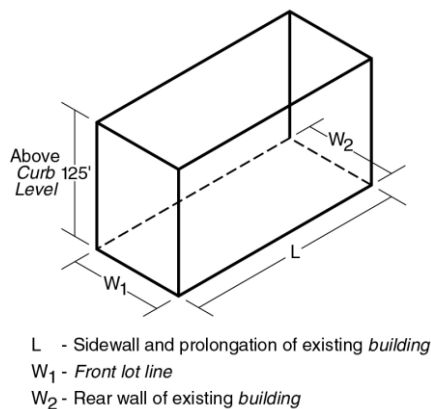
(2/2/11)

118-31

Modification of Street Wall Requirements

- (a) On a #zoning lot# where there is an existing #building# to remain, the requirements governing height and location of #street walls# shall not apply within a volume defined by the rear wall of the existing #building# (W^2), the #front lot line# (W^1), the prolongations of the side walls (L) and a height of 125 feet above #curb level#.

If, after January 10, 1985, any demolition or destruction occurs within the volume defined, the requirements governing #street wall# height shall apply.



EXISTING BUILDING VOLUME FOR MODIFICATION OF STREET WALL REQUIREMENTS

- (b) The City Planning Commission may authorize modifications in the required #street wall# location if the Commission finds

that the existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# of the #development#, #enlargement# or alteration in a manner prescribed in paragraph (a) of this Section.

(2/2/11)

118-40

ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS

All #buildings developed# or portions of #buildings enlarged# after January 10, 1985, that front on 14th Street, Union Square East, Union Square West or 17th Street shall be subject to the requirements set forth below.

(2/2/11)

118-41

Entrances on 14th Street

Each permitted #use# within a #story# that has a floor level within five feet of #curb level# in #buildings# or portions of #buildings# with frontage on 14th Street, shall be entered directly from 14th Street. Entrances to #uses# located above or below such #stories# are permitted, provided that such entrances, in aggregate, shall not exceed 30 linear feet of #street wall# frontage on 14th Street.

(2/2/11)

118-42

Entrances on Union Square East, Union Square West and 17th Street

If a #use# occupies at least 40 percent of the #floor area# of a #building# or portion of a #building#, as applicable, pursuant to Section 118-40 (ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS), that fronts on Union Square East, Union Square West or 17th Street between Broadway and Park Avenue South, then the principal entrance to that #use# shall be located on such #street#. However, if more than one #use# meets these criteria, the principal entrance to only one of them is required to be so located.

(2/2/11)

118-43

Street Wall Transparency

When the #street wall# of any #building# or portion of a #building#, as applicable, pursuant to Section 118-40 (ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS), is located on 14th Street, Union Square East, Union Square West or 17th Street, at least 50 percent of the total surface area of such #street wall# shall be transparent between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is higher. Such transparency must begin not higher than four feet above #curb level#.

(1/10/85)

118-50

ADDITIONAL REQUIREMENTS

(1/10/85)

118-51

Double Glazed Windows

All new #dwelling units# in #developments#, #enlargements# or changes of #use# shall be required to have double glazing on all windows and shall provide alternate means of ventilation.

(10/17/07)

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 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR).

(1/10/85)

118-70

SUBWAY STATION IMPROVEMENTS WITHIN THE SPECIAL UNION SQUARE DISTRICT

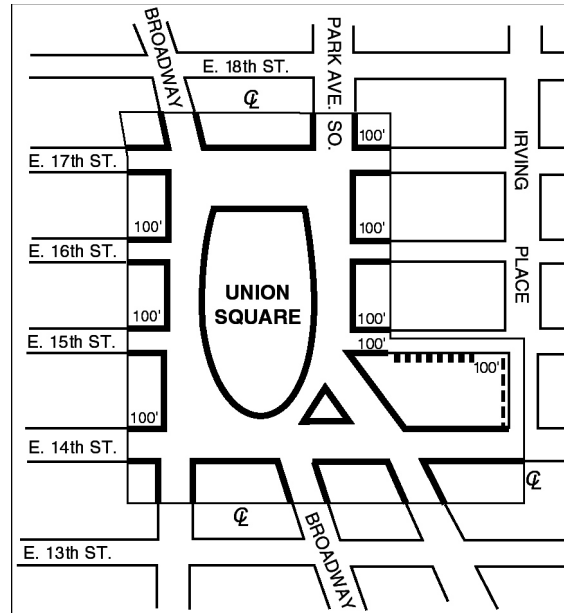
The City Planning Commission may, by special permit, grant #residential floor area# bonuses for #developments# or #enlargements# that provide major improvements on the 14th Street/Union Square Subway Station in accordance with the provisions of Section 74-634. The #zoning lot# for the #development# or #enlargement# on which such #floor area# bonus is requested shall be adjacent to the 14th Street/Union Square Subway Station or to an existing passageway to the station.

As part of the special permit, the Commission may modify the #street wall# regulations of Section 118-30 (STREET WALL HEIGHT AND SETBACK REGULATIONS) if it finds that such major improvements cannot be provided without modifications of these provisions.

(1/10/85)

Appendix A
UNION SQUARE DISTRICT PLAN

#Street walls# shall be coincident with #street lines#.



- Mandatory Street Walls
85'-125' Above Curb Level
- - - Permitted Street Walls
125' Above Curb Level
- Permitted Street Walls
85' Above Curb Level
- Special Union Square District

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XI: Special Purpose Districts Chapter 9: Special Hillside Preservation District

Effective date of most recently amended section of Article XI Chapter 9: 03/28/12

Correction: 119-212

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(6/30/87)

Article XI - Special Purpose Districts

Chapter 9

Special Hillside Preservation District

(6/30/87)

119-00

GENERAL PURPOSES

The "Special Hillside Preservation District" (hereinafter also referred to as the "Special District") established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following special purposes:

- (a) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
- (b) to preserve hillsides having unique aesthetic value to the public;
- (c) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas; and
- (d) to promote the most desirable use of land and to guide future development in accordance with a comprehensive development plan, and to protect the neighborhood character of the district.

(2/2/11)

119-01

Definitions

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

Area of no disturbance

An "area of no disturbance" is an area designated on the site plan that is protected from all types of intrusion, including: #site alteration#, operation of construction equipment, storage of construction materials, excavation or regrading, tunneling for utilities, removal of trees, #topsoil# or any living vegetation, or construction of driveways, #private roads#, parking areas, patios, decks, swimming pools, walkways or other impervious surfaces. #Areas of no disturbance# shall include #steep slopes#, #steep slope buffers# and the #critical root zone# of each tree proposed for preservation.

Average percent of slope

The "average percent of slope" of a #zoning lot# is the average slope of all portions of a #zoning lot# excluding #steep slopes# and shall be determined according to the following equation:

$$S = \frac{IL}{A} \times 100$$

Where:

S - average percent of slope

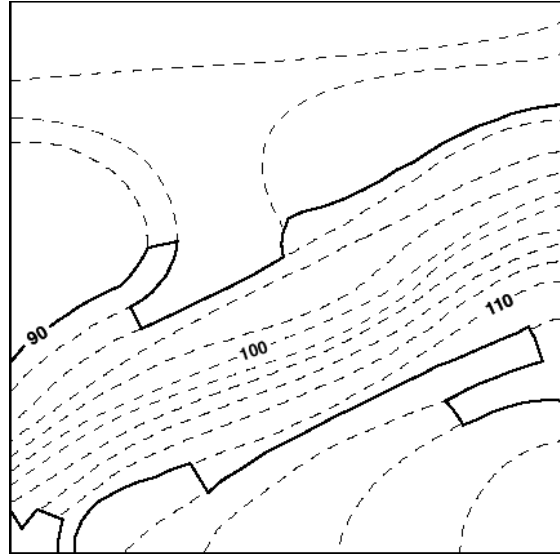
I - contour interval in feet

L - combined length of contour lines in feet, excluding those portions bordering or lying within areas having a slope of 25 percent or greater and meeting the definition of #steep slope#

A - gross area in square feet of the #zoning lot#, excluding those portions of the #zoning lot# having a slope of 25 percent or greater and meeting the definition of #steep slope#. For a proposed #site alteration# on a tract of land not within a #zoning lot#, the portion of such tract of land owned by the applicant shall be considered to be part of the #zoning lot#.

100 - factor which yields slope as a percentage

CALCULATING AREAS HAVING
A SLOPE EQUAL TO OR GREATER THAN 25 PERCENT
ILLUSTRATIVE EXAMPLE



Example:

$$x = \frac{\text{contour interval in feet}}{0.25} = \frac{2}{0.25} = 8.0 \text{ feet}$$

Where:

X - distance between contour lines which indicates a slope of 25 percent

In order to calculate the area having a slope equal to or greater than 25 percent, one can use a map with two-foot contour intervals and a scale of one inch equals 20 feet, such as the map pictured above. A 25 percent slope, on a map with two-foot contour intervals, is indicated by contour lines which are 8.0 feet apart, rounded to the nearest tenth (0.1) of a foot. On a map whose scale is one inch to 20 feet, 8.0 feet is represented by 0.4 of an inch, rounded to the nearest tenth (0.1) of an inch. Identify where the contour lines are 0.4 of an inch or less apart. Connect these contour lines (as indicated by the heavy lines on the map) and calculate the area.

Buildable area

A "buildable area" is a portion of a #zoning lot# excluding #steep slopes#.

Caliper (of a tree)

"Caliper" of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below 4 feet, 6 inches from the ground, the trunk is measured at its most narrow point beneath the split.

Critical root zone

The "critical root zone" of a tree is the area containing the roots of a tree that must be maintained and protected to ensure the tree's survival. The area of the #critical root zone# is measured as one radial foot for every #caliper# inch of the tree, with a required minimum of four radial feet and maximum of 22 radial feet, measured from the surface of the tree trunk at grade.

Hillside

A "hillside" is defined as ground where the ratio of change in elevation to horizontal distance results in a 10 percent or greater slope or #average percent of slope#.

Site alteration

For the purposes of this Chapter, a "site alteration" is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#. #Site alterations# shall include the following:

- (a) removal of #topsoil#;
- (b) excavating, filling, land contour work and other topographic modifications where the ground elevation of the land existing on June 30, 1987, is modified by two feet or more;
- (c) dumping, changes in existing drainage systems and changes in grade, alignment or width of public rights-of-way; or
- (d) removal of vegetation beyond 15 feet of the foundation of an existing #building#, except when the plant materials' continued presence would create hazards or dangers (such as

an area affected by storm or plant disease) to persons, property or other plant material which it would not be possible or practical to eliminate by pruning or routine maintenance.

Staging area

A "staging area" is any area on a #zoning lot# or other tract of land used during the construction of a #development#, #enlargement# or #site alteration# for the purposes of stockpiling soil or construction materials; storing, cleaning or servicing construction equipment, vehicles or tools; or storing leachable construction products, gases or other materials used to clean or service vehicles, equipment or tools.

Steep slope

A "steep slope" is a portion of a #zoning lot# or other tract of land with an incline of 25 percent or greater. However, a portion of a #zoning lot# or other tract of land with an incline of 25 percent or greater shall not be considered a #steep slope# if it occupies an area of less than 200 square feet or has a dimension of less than ten feet, measured along the horizontal plane, unless such portions in the aggregate equal ten percent or more of the area of the #zoning lot#.

Steep slope buffer

A "steep slope buffer" is a 15-foot wide area having a slope of less than 25 percent that adjoins the entire length of the crest of a #steep slope#.

Tier I site

A "Tier I site" is a #zoning lot# or other tract of land having an #average percent of slope# of less than 10 percent.

Tier II site

A "Tier II site" is a #zoning lot# or other tract of land having an #average percent of slope# equal to or greater than 10 percent.

Topsoil

"Topsoil" is soil containing undisturbed humus and organic matter capable of sustaining vigorous plant growth and is generally the top six inches of soil.

Tree credit

A "tree credit" is a credit for preserving an existing tree of six-inch #caliper# or more which is counted toward a tree preservation requirement, or a credit for a newly-planted tree of three-inch #caliper# or more which is counted toward a tree planting requirement.

Tree protection plan

A "tree protection plan" is a plan that modifies the #area of no disturbance# around a tree proposed for preservation while protecting and preserving the tree during construction. A #tree protection plan# is prepared by an arborist certified by the International Society of Arboriculturists (ISA) or equivalent professional organization that includes:

- (a) a survey of the current condition and health of such trees of six-inch #caliper# or more;
- (b) methods for tree protection and preservation based on best management practices, including the prevention of damage due to compaction, grade and drainage pattern changes and tunneling for utilities;
- (c) a schedule for site monitoring during construction;
- (d) a procedure to communicate protection measures to contractor and workers; and
- (e) post-construction treatment.

(2/2/11)

119-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Hillside Preservation District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in

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

Any #development#, #enlargement# or #site alteration# on the #buildable area# of a #zoning lot# where the #average percent of slope# is less than 10 percent shall be regulated by the provisions set forth in Section 119-10 (PROVISIONS REGULATING TIER I SITES). Any #development#, #enlargement# or #site alteration# on the #buildable area# of a #zoning lot# having an #average percent of slope# equal to or greater than 10 percent shall be governed by the provisions set forth in Section 119-20 (PROVISIONS REGULATING TIER II SITES).

No #development#, #enlargement# or #site alteration# is permitted within any #area of no disturbance# on a #zoning lot# or other tract of land. #Areas of no disturbance# shall remain in their natural state, except:

- (a) for #steep slopes# or #steep slope buffers#, an authorization may be granted by the City Planning Commission, pursuant to Section 119-30 (SPECIAL REVIEW PROVISIONS);
- (b) vegetation and #topsoil# may be removed from a #steep slope buffer# during construction on a #Tier I site#, provided that the #development#, #enlargement# or #site alteration# complies with the requirements of Sections 119-215 (Landscaping controls to preserve trees, shrubs and ground cover), 119-217 (Tier II controls during construction) and 119-22 (Tier II Submission Requirements); or
- (c) in accordance with a #tree protection plan#.

Those portions of a #zoning lot# having #areas of no disturbance#, however, may count as #lot area# for the purposes of the applicable regulations on #yards#, #floor area ratio#, #open space ratio# or maximum number of #dwelling units# or #rooming units#.

The following #uses#, including #enlargements# to such #uses#, shall not be permitted within the #Special Hillside Preservation District# unless an authorization is granted by the City Planning Commission pursuant to Section 119-30: #community facility uses#, #group parking facilities# of 30 cars or more, whether or not they are necessary to satisfy parking requirements.

When the #Special Hillside Preservation District# is designated on a #public park#, or portion thereof, #site alterations#, the construction of new park-related facilities such as, but not

limited to, roadways, parking lots, comfort stations, storage facilities, swimming pools, eating establishments, tennis courts, amphitheaters and stadia, and improvements to existing park-related facilities, shall not be subject to the provisions of Sections 119-10 or 119-20 but shall require an authorization from the City Planning Commission, pursuant to Section 119-31 (Authorizations).

(6/30/87)

119-03

Applicability of Large-Scale Residential Development Regulations

Any #development# on a #zoning lot# having an #average percent of slope# of 10 percent or greater, which is used predominantly for #residential use#, may be treated as a #large-scale residential development# and special authorizations or special permits for such #developments# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein, regardless of whether such #development# will have the area, number of #buildings# or number of #dwelling units# specified in the definition of #large-scale residential developments# as set forth in Section 12-10 (DEFINITIONS). However, bonuses that may be granted for #large-scale residential developments# under the provisions of Sections 78-32 (Bonus for Good Site Plan), 78-33 (Bonus for Common Open Space) or 78-35 (Special Bonus Provisions) may not be granted for #developments# that have less than the minimum area, number of #buildings# or number of #dwelling units# required by the definition of a #large-scale residential development#.

Notwithstanding the provisions of Section 78-06 (Ownership), a #zoning lot# having an #average percent of slope# of 10 percent or greater that is the subject of an application under this Section may include adjacent properties in more than one ownership, provided that the application is filed jointly by the owners of all the properties included. Any subdivision of the tract before, during or after #development# shall be subject to the provisions of Section 78-51 (General Provisions).

(2/2/11)

119-04

Future Subdivision

Within the #Special Hillside Preservation District#, no #zoning

lot# existing on June 30, 1987, may be subdivided without certification by the City Planning Commission that the proposed subdivision complies with the regulations of the #Special Hillside Preservation District# and that all #hillside# are preserved to the greatest extent possible under future #development# options.

A plan for such subdivision shall be filed with the Commission and shall include a survey map indicating existing topography at two-foot contour intervals and all individual trees of six-inch #caliper# or more.

When a #zoning lot# existing on June 30, 1987, is intended to be subdivided and is more than five acres, a site plan of the entire subdivision shall be filed with the Commission. The site plan shall include the proposed vehicular circulation system within the area, #block# and #zoning lot# layouts and any other information required by the Commission.

In the event that any #zoning lot# proposed for subdivision contains a #development#, #enlargement# or #site alteration# that has been undertaken contrary to the provisions of this Chapter, the Commission shall not approve the subdivision until violations are removed from the #zoning lot#, in accordance with the Commission's requirements under Section 119-40 (COMPLIANCE).

(2/2/11)

119-05

Applicability of Parking Location Regulations

The parking regulations applicable to #lower density growth management areas# are modified to allow required #accessory# parking spaces to be located in a #front yard#.

(2/2/11)

119-10

PROVISIONS REGULATING TIER I SITES

#Tier I sites# shall be regulated by the provisions set forth in this Section, inclusive.

(2/2/11)

119-11

Tier I Requirements

(2/2/11)

119-111

Tier I tree preservation requirements

To the maximum extent possible, existing trees shall be retained. Trees of six-inch #caliper# or more may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:

- (a) such trees are located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking, or within a distance of 15 feet of the exterior walls of such #building#, provided that it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;
- (b) the continued presence of such tree would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning;
- (c) the continued presence of such tree would interfere with the growth or health of another tree of six-inch #caliper# or more designated for preservation and belonging to a species listed in Appendix B (Selection List for On-site Trees); or
- (d) an authorization pursuant to Section 119-313 (Modification of landscaping, tree preservation and tree planting requirements) has been granted by the City Planning Commission approving the removal of such trees.

Any tree of six-inch #caliper# or more that cannot be preserved as a result of a proposed #development#, #enlargement# or #site alteration# shall be replaced pursuant to the provisions of Section 119-112 (Tier I tree planting requirements).

(2/2/11)

119-112

Tier I tree planting requirements

All #developments#, #enlargements# and #site alterations# on #Tier I sites# shall comply with the tree planting requirements set forth in this Section, whether or not existing trees are removed as a result of such #development#, #enlargement# or #site alteration#. However, the requirements set forth herein shall not apply to any #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#.

On-site trees, pre-existing or newly-planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area#, or portion thereof, or shall equal a total of 51 percent of all #tree credits# for trees originally on site, whichever is greater.

For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six inches of #caliper# and, for each additional four inches of #caliper#, credit for an additional tree shall be given.

Single-trunk trees, newly planted to meet this requirement, shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. On-site trees shall be of a species selected from Appendix B (Selection List for On-site Trees).

(12/7/99)

119-113

Tier I controls during construction

The following requirements must be met during construction:

- (a) Construction fences shall be erected around all #areas of no disturbance#.

A #tree protection plan# is required to modify the #area of no disturbance# around trees proposed for preservation.

- (b) The #staging area# shall be located in an area that would most minimize destruction of the natural features of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no disturbance# or endanger any tree designated for preservation.

- (c) #Topsoil# shall be used in the area to be revegetated as soon as construction is complete.
- (d) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded with annual rye grass during construction.

(2/2/11)

119-12

Tier I Submission Requirements

For all #developments#, #enlargements# or #site alterations# on #Tier I sites#, the following materials shall be submitted to the Department of Buildings. However, the submission requirements set forth herein shall not apply to an #enlargement# of an existing #residential building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#. No building permit shall be issued until the Department of Buildings determines that the requirements of the #Special Hillside Preservation District# have been met.

- (a) A survey map prepared by a licensed surveyor showing topography at two-foot contour intervals and indicating the existing slope of the land, as it occurs, in categories of 10-14 percent, 15-19 percent, 20-24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#.
- (b) A site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of any #steep slopes#, #steep slope buffer# areas and the #staging area#; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees proposed to be preserved, indicating, for the latter, the #critical root zone#.

- (c) A tree-planting plan, prepared by a registered landscape architect, indicating the location and species of all new plantings, and indicating the location of and the #critical root zone# around all trees proposed for preservation.

(2/2/11)

119-13

Administration of Tier I Requirements

No permanent certificate of occupancy shall be issued by the Department of Buildings unless an inspection report, verifying that the requirements of Section 119-10 (PROVISIONS REGULATING TIER I) have been met, is filed with the Department of Buildings by a registered landscape architect, licensed surveyor, registered architect or professional engineer.

(2/2/11)

119-20

PROVISIONS REGULATING TIER II SITES

All #Tier II sites# shall be regulated by the provisions set forth in this Section. However, any #enlargement# on #Tier II sites# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#, shall be exempted from the provisions of Sections 119-211 (Lot coverage controls), 119-213 (Grading controls) to 119-217 (Controls during construction), inclusive, 119-22 (Tier II Submission Requirements), and 119-23 (Administration of Tier II Requirements).

(2/2/11)

119-21

Tier II Requirements

(1/18/11)

119-211

Lot coverage, floor area and density regulations

The area of a #private road# shall be excluded from the area of the #zoning lot# for the purposes of applying the applicable requirements of Sections 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) as modified by this Section, and Sections 23-21 (Required Floor Area per Dwelling Unit or Floor Area per Rooming Unit) and 33-10 (FLOOR AREA REGULATIONS). For the purposes of this Section, the area of the #private road# shall include the area of the paved roadbed plus a seven-foot wide area adjacent to and along the entire length of the required curbs.

The maximum permitted percentage of #lot coverage# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

TABLE I

PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT
BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND
RESIDENCE TYPE

#Average Percent of Slope#	#Residence District#						
	R6						
	R1	R2	R3	R4	R5	1-2 Family	Other
10-14.9	22.5	22.5	22.5	36.0	45.0	48.6	32.4
15-19.9	20.0	20.0	20.0	32.0	40.0	43.2	28.8
20-24.9	17.5	17.5	17.5	28.0	35.0	37.8	25.2

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a #zoning lot# or portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section 119-311, the maximum permitted percentage of #lot coverage# for said #zoning lot# shall not exceed the maximum set forth in Table II of this Section.

TABLE II

PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT
OR PORTION OF A ZONING LOT WITH A STEEP SLOPE,
BY ZONING DISTRICT AND RESIDENCE TYPE

#Residence District#						
						R6
R1	R2	R3	R4	R5	1-2 Family	Other
12.5	12.5	12.5	20.0	25.0	27.0	18.0

However, the maximum permitted percentage of #lot coverage# on a #zoning lot#, as determined by Table I or Table II, shall not apply to any #development#, #enlargement# or #site alteration# that receives an authorization pursuant to Section 119-312 (Authorization of certain uses within the Special Hillside Preservation District) and is located in a #Commercial District#.

(2/2/11)

119-212

Height and setback regulations

The height and setback regulations set forth in Sections 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts), 23-632 (Front setbacks in districts where front yards are not required), 34-24 (Modification of Height and Setback Regulations) and 35-61 (Height and Setback Regulations) shall not apply to #buildings or other structures# on #Tier II sites# within the #Special Hillside Preservation District#. In lieu thereof, the height and setback regulations set forth in this Section shall apply.

No portion of a #building or other structure# shall penetrate a plane drawn parallel to the #base plane# at a height that is shown in Table III of this Section. For #buildings# with pitched roofs, height shall be measured to the midpoint of such pitched roof. For the purposes of this Section, the #base plane#, which is a plane from which the height of a #building or other structure# is measured in R2X, R3, R4 and R5 Districts, shall also be established in accordance with the provisions of Section 12-10 (DEFINITIONS) for #buildings or other structures# in R1, R2 and R6 Districts.

TABLE III

MAXIMUM HEIGHT OF A BUILDING OR OTHER STRUCTURE

#Residence District#*	Maximum Height above #Base Plane#
R1 R2 R3 R4**	36 feet
R5**	60 feet
R6	70 feet

* or #Residence District#	equivalent when the #zoning lot# is located within a #Commercial District#
**	#buildings# that utilize the regulations of Section 23- 141, applying to a #predominantly built-up area#, shall not exceed a maximum height of 32 feet above the #base plane#.

(2/2/11)

119-213

Grading controls

With the exception of #private roads# and driveways, no grading shall take place beyond 15 feet of the location of a #building# foundation, measured from the foundation perimeter. The following grading requirements shall apply to all #Tier II sites#.

- (a) Cut slopes shall be no steeper than two horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.
- (b) Where two cut slopes intersect, the corners shall be rounded with a minimum radius of 25 feet.
- (c) Fill slopes shall be no steeper than two horizontal to one vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within 12 feet horizontally of the top of an existing or planned cut slope.
- (d) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Hillside Preservation District#.

- (e) Fills shall be compacted to at least 95 percent of maximum density, as determined by ASSHO T99 or ASTM D698.
- (f) All retaining walls or cuts with a total vertical projection in excess of three feet and associated with cut or fill surfaces shall be designed as structural members keyed into stable foundations and capable of sustaining the design loads.
- (g) The edge of any cut or fill slope meeting the grade existing on June 30, 1987, should be blended into such grade in a vertical or horizontal arc with a radius of not less than 25 feet.
- (h) The top and toe of any cut or fill slope, or where any excavation meets the grade existing on June 30, 1987, should be rounded in a vertical arc with a radius of not less than five feet.
- (i) Tops and toes of cut and fill slopes shall be set back from #lot lines# for a horizontal distance of three feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of 10 feet; tops and toes of cut and fill slopes shall be set back from #buildings# and structures a horizontal distance of six feet plus one-fifth the height of the cut or fill but need not exceed a horizontal distance of ten feet.

(2/2/11)

119-214

Tier II requirements for driveways and private roads

The provisions set forth in this Section and Section 119-213 (Grading controls) shall apply to driveways and to #private roads# that provide access to #buildings developed# after December 11, 1999. The provisions for #private roads# set forth in Section 26-20, inclusive, shall not apply. However, the provisions of Sections 26-31 through 26-34 shall apply for #private roads# in #lower density growth management areas#.

(a) Driveways

- (1) the maximum grade of a driveway shall not exceed 10 percent;
- (2) the paved width of a driveway shall not exceed 18 feet; and

- (3) the maximum length of a driveway from a #private road# or #street# to an #accessory# parking space shall not exceed 80 feet.

(b) #Private roads#

- (1) the maximum grade of a #private road# shall not exceed 10 percent;
- (2) the width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the curb back;
- (3) the paved width of a #private road# shall not exceed 30 feet;
- (4) curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;
- (5) a curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;
- (6) curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;
- (7) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;
- (8) no building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the development for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (b)(3) of this Section; and
- (9) for the purposes of applying the #yard# regulations of Section 26-31, the curb of the #private road# shall be considered to be the #street line#.

The City Planning Commission may by authorization or special

permit, as applicable, pursuant to Section 119-30 (SPECIAL REVIEW PROVISIONS), allow modifications to, or waivers of, the requirements of this Section. The approval of the Fire Department regarding the adequacy of vehicular access to and within the development for fire safety shall be a condition precedent for any modification or waiver.

(2/2/11)

119-215

Landscaping controls to preserve trees, shrubs and ground cover

- (a) In any #area of no disturbance#, existing vegetation and #topsoil# shall not be removed, except in accordance with a #tree protection plan# or as authorized by the City Planning Commission, pursuant to the provisions of Section 119-313 (Modification of landscaping, tree preservation and tree planting requirements).
- (b) To the maximum extent possible, existing trees, shrubs and ground cover shall be retained. Vegetation may only be removed or destroyed as a result of a #development#, #enlargement# or #site alteration#, provided that:
 - (1) it is located in areas to be occupied by #buildings#, #private roads#, driveways, areas for required #accessory# parking or within a distance of 15 feet of a #building# foundation and, provided that it is not practical to avoid such removal by adjustments in the arrangement of such #buildings#, #private roads#, driveways or required parking areas;
 - (2) the continued presence of the vegetation would interfere with the growth or health of trees of six-inch #caliper# or more designated for preservation and belonging to a species listed in Appendices A, B or C;
 - (3) the continued presence of the vegetation would create special hazards or dangers to persons or property, which would not be possible or practical to eliminate by pruning or routine maintenance; or
 - (4) an authorization has been granted by the City Planning Commission under the provisions of Section 119-313 approving the removal of such vegetation.
- (c) Any vegetation or #topsoil# that cannot be preserved as a result of a proposed #development#, #enlargement# or #site

alteration# and is not permitted to be removed under paragraph (b) of this Section shall be replaced as follows: for every square foot of #lot area# of removed vegetation or #topsoil#, there shall be provided the following plantings of the size and number indicated in paragraphs (c)(1) through (c)(4) of this Section. The area of removed vegetation shall be measured so as to include any portions of the #zoning lot# that were located within the #critical root zone# of a removed tree of six-inch #caliper# or more. Species of ground cover and shrubs shall be selected from Appendix A (Selection List for Shrubs and Ground Covers). Species of on-site trees shall be selected from Appendix B (Selection List for On-site Trees).

- (1) Ground cover shall be planted one at one foot on center and at the rate of one plant for every square foot of #lot area# of removed vegetation; and
- (2) Large trees shall be planted at the rate of one three-inch #caliper# tree for every 500 square feet of #lot area# of removed vegetation; or
- (3) Small trees shall be planted at a rate of one eight-foot high tree for every 100 square feet of #lot area# of removed vegetation; or
- (4) #Shrubs# shall be planted at a rate of one gallon container-grown material for every 25 square feet of #lot area# of removed vegetation.

(2/2/11)

119-216

Tier II tree planting requirements

All #developments#, #enlargements# and #site alterations# on #Tier II sites# shall comply with the following tree planting requirements, whether or not existing vegetation is removed as a result of such #development#, #enlargement# or #site alteration#. However, the requirements set forth herein shall not apply to an #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#.

On-site trees, pre-existing or newly-planted, shall be provided on the #zoning lot# at the rate of one tree for each 1,000 square feet of #lot area#, or portion thereof, or shall equal a total of 51 percent of all #tree credits# for trees originally on site,

whichever is greater.

For any existing tree of at least six-inch #caliper# that is preserved, credit for one tree shall be given for the first six inches of #caliper# and, for each additional four inches of caliper, credit for an additional tree shall be given.

Single-trunk trees newly-planted to meet this requirement shall be of at least three-inch #caliper# at the time of planting. Multiple-trunk trees and low-branching coniferous evergreens shall be at least 10 feet in height at the time of planting. On-site trees shall be of a species selected from Appendix B (Selection List for On-site Trees).

(2/2/11)

119-217

Tier II controls during construction

The following requirements must be met during construction:

- (a) No construction equipment of any kind shall operate beyond 15 feet of the perimeter of a #building# foundation except those vehicles engaged in the construction of #private roads#, driveways or required #accessory# parking areas. This provision may be waived by the Commissioner of Buildings should it be determined that the particular conditions of the site make a 15 foot limit infeasible or impractical.
- (b) Construction fences shall be erected around all vegetation proposed for preservation and all #areas of no disturbance#, and those portions of the fence that are downhill from the construction site shall have hay bales placed adjacent to them.
- (c) Excavating for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the #Special Hillside Preservation District#.
- (d) The #staging area# shall be located in an area that would most minimize destruction of the natural features of the landscape. Such area shall be as close to the construction area on the #zoning lot# as practical, and shall be either on the flattest portion of the #zoning lot# or behind a containment wall where it will not erode any #area of no

disturbance# or endanger any tree designated for preservation.

- (e) #Topsoil# shall be used in the area to be revegetated as soon as construction is complete.
- (f) Any exposed earth area shall have straw, jute matting or geotextiles placed on it within two days of exposure and be seeded with annual rye grass during construction.

(2/2/11)

119-22

Tier II Submission Requirements

For all #developments#, #enlargements# or #site alterations# on #Tier II sites#, the following materials shall be submitted to the Department of Buildings. However, the submission requirements set forth herein shall not apply to an #enlargement# of an existing #building#, provided that such #enlargement# does not increase the #lot coverage# of said #building#. No building permit shall be issued until the Department of Buildings determines that the requirements of the #Special Hillside Preservation District# have been met.

- (a) A survey map prepared by a licensed surveyor showing topography at two-foot contour intervals and indicating the existing slope of the land as it occurs in categories of 10-14 percent, 15-19 percent, 20-24 percent, 25 percent and greater; the location of existing #buildings or other structures#, patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; and the location, #caliper# and species of all trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#.
- (b) A site plan prepared by a registered architect or professional engineer indicating the location of all existing #buildings or other structures#; the location of all proposed #buildings or other structures#; the location of existing and proposed patios, decks, swimming pools, walkways, driveways and #private roads#, including sidewalks and other impervious surfaces; the location of all understory, including shrubs and ground cover; and the location, #caliper# and species of individual trees of six-inch #caliper# or more on the #zoning lot# and in the sidewalk area of the adjacent #streets#. The site plan shall identify those trees proposed to be removed and those trees

proposed to be preserved, indicating for the latter the #critical root zone#, the location of any other #area of no disturbance# and the location of the #staging area#.

- (c) A grading plan that will show all existing and proposed contours at two-foot intervals, critical spot elevations, tops and bottoms of proposed slopes over 10 percent gradient and will indicate at least one longitudinal and one latitudinal cross-section showing both the original and proposed final ground surfaces, with grades, slopes and elevations noted.
- (d) An alignment and paving plan for any #private road# with a typical cross-section.
- (e) A landscaping and revegetation plan, prepared by a registered landscape architect, indicating the extent of vegetation and #topsoil# removal required for site preparation and development and the location and species of all new plantings.
- (f) A construction plan prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer showing the proposed location for the #staging area#, the proposed method for protecting trees, understory shrubs and ground cover during construction, as well as a description of the equipment to be employed in processing and disposing of soil and other material to be removed from the site. A #tree protection plan# for any tree proposed for preservation where the #area of no disturbance# is proposed to be modified.
- (g) An affidavit prepared by a registered landscape architect, registered architect, licensed surveyor or professional engineer stipulating the following:
 - (1) prior to construction, no grading, filling, clearing or excavation of any kind shall be initiated until approval of a final grading plan by the Department of Buildings;
 - (2) no construction equipment of any kind shall pass over areas to be preserved, according to the approved plans;
 - (3) construction fences meeting the requirements of Section 119-217, paragraph (b), shall be erected around all vegetation proposed for retention; and
 - (4) construction controls (erosion protection, drainage measures, etc.) shall be implemented according to the

approved plan.

- (h) A drainage plan and soil report prepared by a professional engineer to protect natural features. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of any proposed #development#, #enlargement# or #site alteration# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989.

(2/2/11)

119-23

Administration of Tier II Requirements

All #developments#, #enlargements# or #site alterations# that are subject to the requirements of Section 119-22 (Tier II Submission Requirements) shall file directly with the Department of Buildings.

No permanent certificate of occupancy shall be granted unless an inspection report, verifying that the requirements of Section 119-20 have been met, is filed with the Department of Buildings by a registered landscape architect, registered architect, licensed surveyor or professional engineer.

(6/30/87)

119-30

SPECIAL REVIEW PROVISIONS

(2/2/11)

119-31

Authorizations

Upon application, the City Planning Commission may grant authorizations for modifications of specified regulations of this Chapter and for the underlying district regulations in accordance with the provisions of Sections 119-311 (Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer) through 119-319 (Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks), inclusive.

In addition, all #developments#, #enlargements# and #site alterations# that require an authorization pursuant to Sections 119-311 through 119-318, inclusive, shall be subject to the provisions of Sections 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and 119-34 (Special Submission Requirements for Certain Authorizations and Special Permits).

The Commission may prescribe appropriate conditions and safeguards, including covenants running with the land which shall permit public or private enforcement reflecting terms, conditions and limitations, of any authorizations hereunder, to minimize adverse effects on the #hillsides# and the character and quality of the community.

(2/2/11)

119-311

Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer

The City Planning Commission may authorize #developments#, #enlargements# and #site alterations# on a #steep slope# or #steep slope buffer#.

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

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;

- (c) the modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (d) the requested modification will not disturb the drainage patterns and soil conditions of the area; and
- (e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

Any #development#, #enlargement# or #site alteration# requiring an authorization pursuant to this Section shall be subject to all the requirements of Section 119-20 (PROVISIONS REGULATING TIER II) for which an authorization or special permit has not been obtained.

(2/2/11)

119-312

Authorization of certain uses within the Special Hillside Preservation District

Any #group parking facility# with 30 cars or more and, in #Residence Districts#, any #community facility use# or #enlargement# thereof, shall be allowed only by authorization of the City Planning Commission. In order to grant such authorizations, the Commission, upon review of a site plan, shall find that:

- (a) the proposed #development#, #enlargement# or #site alteration# will not adversely affect the drainage pattern and soil conditions of the area;
- (b) the proposed #development#, #enlargement# or #site alteration# has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (c) such #development#, #enlargement# or #site alteration# is so located as not to impair the essential character of the surrounding area;
- (d) the design of such #development#, #enlargement# or #site alteration# takes full advantage of all special characteristics of the site;
- (e) vehicular access and egress for such #development#, #enlargement# or #site alteration# is located and arranged so as to draw a minimum of vehicular traffic to and through

local #streets# in nearby residential areas; and

- (f) where vehicular access and egress is located on an arterial, such location affords the best means for controlling the flow of traffic generated by such development to and from such arterial.

The City Planning Commission may permit modifications to parking lot landscaping and maneuverability requirements for applications for such authorizations of #group parking facilities# for over 30 cars or for #enlargements# to #group parking facilities#, if such modifications preserve vegetation and natural topography.

(2/2/11)

119-313

Modification of landscaping, tree preservation and tree planting requirements

The City Planning Commission may authorize modifications to Sections 119-111 (Tier I tree preservation requirements), 119-112 (Tier I tree planting requirements), paragraph (b)(8) of Section 119-214 (Tier II requirements for driveways and private roads), 119-215 (Landscaping controls to preserve trees, shrubs and ground cover) and 119-216 (Tier II tree planting requirements).

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

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted; and
- (c) the ecology and soil conditions of the site are such that the substitution of other plant material would be as appropriate as the tree preservation or planting requirements being modified.

Where on-site restoration of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Hillsides Preservation District#. The Commission may

also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

(2/2/11)

119-314

Modification of lot coverage controls

For any #development# or #enlargement# subject to Section 119-211 (Lot coverage, floor area and density regulations), the City Planning Commission may authorize variations in the #lot coverage# controls.

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

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;
- (b) by allowing the permitted #floor area# in a #building# or #buildings# of lower height to cover more land, the preservation of #hillsides# having aesthetic value to the public would be assured, and that such preservation would not be possible by careful siting of a higher #building# containing the same permitted #floor area# on less land;
- (c) such modification is the least modification required to achieve the purpose for which it is granted;
- (d) the modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (e) the requested modification will not disturb the drainage pattern and soil conditions of the area; and
- (f) the proposed modification does not impair the essential character of the surrounding area.

(2/2/11)

119-315

Modification of height and setback regulations

For any #Tier II site#, the City Planning Commission may authorize variations in the height and setback regulations set forth in Section 119-212 (Height and setback regulations).

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

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development# or #enlargement# that satisfies the purpose of this Chapter;
- (b) by concentrating permitted #floor area# in a #building# or #buildings# of greater height covering less land, the preservation of existing topography and vegetation and the preservation of #hillside# having aesthetic value to the public will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area# and covering more land;
- (c) such modification is the least modification required to achieve the purpose for which it is granted;
- (d) the requested modification will not disturb the soil conditions of the area;
- (e) the proposed modification does not impair the essential character of the surrounding area; and
- (f) the proposed modification will not have adverse effects upon light, air and privacy of adjacent properties.

(2/2/11)

119-316

Modification of grading controls

For any #development#, #enlargement# or #site alteration# on a #Tier II site#, the City Planning Commission may authorize variations in the grading controls set forth in Section 119-213.

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

- (a) the #development#, #enlargement# or #site alteration# is not feasible without such modifications, or that the requested

modifications will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the requested modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (d) the requested modification will not disturb the drainage pattern and soil conditions of the area;
- (e) the proposed modification does not impair the essential character of the surrounding area; and
- (f) the benefits to the surrounding area from the proposed modification outweigh any disadvantages that may be incurred thereby in the area.

(2/2/11)

119-317

Modification of requirements for private roads and driveways

For any #development#, #enlargement# or #site alteration#, the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II site# as set forth in Section 119-214 (Tier II requirements for driveways and private roads) as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts), 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas) and 25-631 (Location and width of curb cuts in certain districts).

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

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;

- (c) the requested modification will not disturb the drainage pattern and soil conditions of the area;
- (d) the requested modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and
- (e) such modification will enhance the quality of the design of the development, #enlargement# or #site alteration#.

(2/2/11)

119-318

Modifications of certain bulk regulations

For any #development# or #enlargement# subject to Section 119-20 (PROVISIONS REGULATING TIER II), the City Planning Commission may authorize variations in required #front#, #rear# or #side yards#, variations in required space between #buildings# on the same #zoning lot# and modifications in the underlying district height and setback regulations.

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

- (a) #development# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that better satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted; and
- (c) the proposed #bulk# and placement of #buildings# and the proposed arrangement of #open spaces# will not have significant adverse effects upon the light, air and privacy for existing development in adjacent areas or the opportunities therefore in future development.

(12/7/99)

119-319

Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks

Upon application, the City Planning Commission may authorize #site alterations#, the construction of new park-related facilities such as, but not limited to, roadways, parking lots, comfort stations, storage facilities, swimming pools, eating establishments, tennis courts, amphitheaters and stadia, and improvements to existing park-related facilities.

In order to grant such authorizations, the Commission shall find that the proposed action:

- (a) will have a minimal impact on the existing natural topography of the surrounding area and blend harmoniously with it;
- (b) will have minimal impact on the drainage pattern and soil conditions in the area;
- (c) will preserve to the greatest extent possible the trees and vegetation within the park; and
- (d) is compatible with the neighborhood character of the area.

An application to the City Planning Commission for an authorization pursuant to this Section shall include the following:

- (1) a survey map prepared by a licensed surveyor showing existing topography at the two-foot contour intervals;
- (2) a site plan prepared by a registered architect, registered landscape architect or professional engineer indicating the location of all existing #buildings or other structures#, the location of all proposed #buildings or other structures#, the location of all understory including shrubs and ground cover, and the #caliper# and species of all individual trees of six-inch #caliper# or more; and
- (3) any other information necessary to evaluate the request.

In issuing authorizations under this Section, the Commission may impose conditions or safeguards, such as special landscape requirements, to minimize adverse effects on the character of the #Special Hillside Preservation District#.

(12/7/99)

The City Planning Commission may grant special permits for modification of the underlying district regulations in accordance with the provisions of Section 119-321 (Modification of use regulations).

(2/2/11)

119-321

Modification of use regulations

For any #Tier II site#, the City Planning Commission may grant special permits to allow #single-family semi-detached residences# in R1 and R2 Districts, #single-family attached residences# in R1, R2 and R3-1 Districts or #two-family attached residences# in R3-1 Districts.

As a condition for granting such special permits, the minimum required #lot area# of the underlying district shall not be reduced, and the #aggregate width of street walls# of a #building#, or a number of #buildings# separated by party walls, shall not exceed 100 feet.

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

- (a) #development# is not feasible without such modifications, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that better satisfies the purposes of this Chapter;
- (b) the change of housing type requested constitutes the most effective method of preserving the existing topography and vegetation;
- (c) the preservation of existing topography and vegetation requires the permitted development to be concentrated, to the extent feasible, in the remaining portion of the tract;
- (d) for such concentration of development, better standards of privacy and usable #open space# can be and are achieved under the development plan by inclusion of the proposed #building# type;
- (e) such modification is the least modification required to achieve the purpose for which it is granted;
- (f) the proposed #street# or #private road# system for the

development is so located as to draw a minimum of vehicular traffic to and through #streets# in the adjacent area;

- (g) the siting of the #building# or #buildings# will not adversely affect adjacent properties by impairing privacy or access of light and air; and
- (h) the existing topography and vegetation and the proposed planting effectively screen all #attached# one-family #residences# from the #lot lines# along the development perimeter.

The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.

All #developments#, #enlargements# or #site alterations# that require a special permit pursuant to this Section shall also be subject to the provisions of Sections 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits) and 119-34 (Special Submission Requirements for Certain Authorizations and Special Permits).

(2/2/11)

119-33

Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits

Any #development#, #enlargement# or #site alteration# that requires an authorization or special permit and that is subject to the provisions of Section 119-20 (PROVISIONS REGULATING TIER II), shall be subject to the provisions of this Section. The requirements of this Section shall supplement any other requirements that also must be met.

Prior to construction, at least one of the erosion and sedimentation control measures described in paragraphs (a) through (e) of the Section shall be selected. A plan describing how the selected erosion and sedimentation control measure will be implemented and justifying its selection on the basis of the particular conditions of the site shall be prepared by a professional engineer and submitted to the City Planning Commission.

- (a) Benches and berms

These are level terraces or ledges constructed across

sloping land to provide a relatively flat construction site or to reduce the length and grade of the slope. Benches and berms reduce runoff and erosion hazards by slowing down the velocity of water and providing greater intake opportunity.

(b) Diversion channels

These are earth channels with a supporting ridge on the lower side constructed across the slope lengths to break up concentration of runoff and move water to stable outlets at a non-erosive velocity.

(c) Debris or sediment basins

These consist of a dam or embankment, a pipe outlet and an emergency spillway situated at the low corner of the site to provide a temporary means of trapping and storing sediment while releasing the water. They protect property below the installation from damage by excessive sedimentation and debris.

(d) Retention ponds

These are impoundment-type ponds that temporarily store runoff water and release it at rates that minimize erosion and prevent flooding. They may be located above the site to trap water before it enters the area or within the site to protect properties below the site.

(e) Grassed waterways or outlets

These are natural or excavated channels to dispose of excess runoff water from diversions, berms, benches and other areas at non-erosive velocities. Waterways or outlets are shaped or graded and established in suitable vegetation as needed, depending on the supplemental measure used to slow the velocity of runoff.

(2/2/11)

119-34

Special Submission Requirements for Certain Authorizations and Special Permits

When a #development#, #enlargement# or #site alteration# is subject to the provisions of Section 119-20 (PROVISIONS REGULATING TIER II), an application to the City Planning Commission for an authorization or special permit shall include

the following submission requirements. These requirements shall be in addition to the requirements set forth in Section 119-22 (Tier II Submission Requirements).

- (a) A drainage plan and soil report prepared by a professional engineer to protect natural features. The drainage plan shall describe the temporary (during construction) and permanent measures to collect, direct and discharge stormwater drainage from the site, indicating the direction of drainage flow and providing detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, stormwater storage (detention and retention) facilities, and other drainage facilities and protective devices. Such report shall include an estimate of runoff from the site after completion of proposed #development#, #enlargements# or #site alterations# and provide a description with supporting information of the manner in which the proposed #development#, #enlargement# or #site alteration# complies with the requirements of Local Law 103 of 1989.
- (b) An erosion and sedimentation plan as described in Section 119-33 (Special Erosion and Sedimentation Prevention Requirements for Certain Authorizations and Special Permits).
- (c) For any #development# or #site alteration# on a tract of land 40,000 square feet or greater, a landscape plan prepared by a registered landscape architect that shows the location and species of all new plantings of trees, shrubs and ground covers and the proposed method of preserving existing trees, shrubs and ground covers.
- (d) Any other information the Commission may deem necessary to evaluate the request.

The applicant's submission shall also include a statement admitting authorized Department of City Planning personnel to the site for the purposes of recording or verifying survey data.

(2/2/11)

119-35

Administration of Special Review Provisions

Where a permit other than a building permit is required for a #development#, #enlargement# or #site alteration# within the #Special Hillsides Preservation District# from any City agency,

an application for such permit shall be filed simultaneously with such agency and the City Planning Commission.

No permanent certificate of occupancy shall be granted unless an inspection report, verifying that the requirements of Sections 119-20 (PROVISIONS REGULATING TIER II) and 119-30 (SPECIAL REVIEW PROVISIONS) have been met, is filed with the Department of Buildings by a registered landscape architect, licensed surveyor or professional engineer.

(6/30/87)

119-40 COMPLIANCE

In the event that a #development#, #enlargement# or #site alteration# is undertaken, or has been undertaken, contrary to the provisions of this Chapter, any permit issued by the Department of Buildings for any #use#, #development#, #enlargement# or #site alteration# on the affected #zoning lot# shall be revoked.

No building permit or permanent certificate of occupancy shall be issued by the Department of Buildings for any #use#, #development#, #enlargement# or #site alteration# on such #zoning lot# until the violations are removed from the #zoning lot#, pursuant to a restoration plan certified by the City Planning Commission.

If such violations have not ceased within 90 days of receipt of the Commission's requirements, the Department of Buildings shall institute such action as may be necessary to prosecute the violations. For compliance with restoration requirements to remove violations, the Department of Buildings may allow an additional 90 days.

Where on-site restoration of vegetation would result in overcrowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more trees on adjoining public sidewalks or in a nearby public area within the #Special Hillside Preservation District#. The Commission may also allow the substitution of other plant material, provided a detailed landscaping plan is filed with the Commission for approval and certification.

(12/7/99)

Appendix A

Selection List for Ground Covers and Shrubs

Ground Covers

BOTANICAL NAME	COMMON NAME
<i>Adiantum pedatum</i>	Maidenhair fern
<i>Agrostis perennans</i> (<i>A. altissima</i>)	Autumn bent-grass
<i>Anaphalis margaritacea</i>	Pearly everlasting
<i>Andropogon gerardii</i>	Big Bluestem
<i>Andropogon glomeratus</i>	Bushy bluestem
<i>Andropogon virginicus</i>	Broom Sedge
<i>Anemone canadensis</i>	Canada anemone
<i>Antennaria plantaginifolia</i>	Plantain-leaved pussytoes
<i>Arctostaphylos uva-ursi</i>	Bearberry
<i>Asarum canadense</i>	Wild ginger
<i>Aster cordifolius</i>	Heart-leaved aster
<i>Aster divericatus</i>	White wood aster
<i>Aster ericoides</i>	Heath aster
<i>Aster lanceolatus</i> (<i>A. simplex</i>)	Lined aster
<i>Aster macrophyllus</i>	Large-leaved aster
<i>Aster novae-angliae</i>	New England aster
<i>Athyrium felix-femina</i> (<i>A. asplenoides</i>)	Lady fern
<i>Athyrium thelypteroides</i>	Silvery glade fern
<i>Carex appalachica</i> (<i>C. radiata</i>)	Sedge
<i>Carex pensylvanica</i>	Pennsylvania sedge
<i>Chimaphila maculata</i>	Spotted or stripped wintergreen/Pipsissewa
<i>Chimaphila umbellata</i>	Pipsissewa, Prince's

	pine, Bitter wintergreen
<i>Chrysopsis mariana</i>	Maryland golden aster
<i>Danthonia compressa</i>	Flattened oat grass
<i>Danthonia spicata</i>	Oatgrass, Poverty grass
<i>Dennstaedtia punctilobula</i>	Hay-scented fern
<i>Deschampsia caespitosa</i>	Tufted hair grass
<i>Deschampsia flexuosa</i>	Common hair grass, Crinkled hair grass
<i>Dryopteris intermedia</i>	Common wood fern
<i>Dryopteris marginalis</i>	Marginal wood fern, Leatherleaf wood fern
<i>Erigeron philadelphicus</i>	Daisy fleabane
<i>Eupatorium maculatum</i>	Spotted Joe-Pye-Weed
<i>Eupatorium rugosum</i>	White snakeroot
<i>Eupatorium sessilifolium</i>	Upland boneset
<i>Fragaria virginiana</i>	Wild strawberry, Virginia strawberry
<i>Gaultheria hispidula</i>	Creeping snowberry, Creeping pearl berry
<i>Gaultheria procumbens</i>	Wintergreen, Teaberry, Checkerberry
<i>Geranium maculatum</i>	Wild geranium, Spotted cranesbill
<i>Geum canadense</i>	White avens, Winter rosette
<i>Heuchera americana</i>	Hairy alum root, Rock geranium
<i>Hypericum ellipticum</i>	Pale St. John's Wort
<i>Muhlenbergia schreberi</i>	Nimblewill
<i>Oenothera fruticosa</i>	Sundrops, Wild beet, Suncups, Scabish
<i>Onoclea sensibilis</i>	Sensitive fern, Bead

	fern
<i>Osmunda claytoniana</i>	Interrupted fern
<i>Panicum clandestinum</i>	Deer tongue grass
<i>Panicum virgatum</i>	Switch grass, Wild red top, Thatch grass
<i>Parthenocissus quinquefolia</i>	Virginia creeper, Woodbine, American ivy
<i>Phlox subulata</i>	Mountain phlox, Moss pink, Moss phlox
<i>Polygonatum biflorum</i>	Smooth Solomon's seal, True King Solomon's seal
<i>Polygonatum virginianum</i> (<i>Tovaria</i> v.)	Jumpseed
<i>Polypodium virginianum</i>	P. vulgare, Rocky polypody, Am. wall fern
<i>Polystichum acrostichoides</i>	Christmas fern, Dagger fern, Canker break
<i>Rudbeckia hirta</i> var. <i>hirta</i>	Black-eyed Susan
<i>Rudbeckia triloba</i>	Thin-leaved cone flower
<i>Thelypteris noveboracensis</i>	New York fern
<i>Tiarella cordifolia</i>	Allegheny foamflower, False mitrewort
<i>Tradescantia virginiana</i>	Virginia Spiderwort, Common S., Widow's tears
<i>Verbena hastata</i>	Blue vervain
<i>Vernonia noveboracensis</i>	New York ironweed
<i>Verbesina alternifolia</i> (<i>Actinomeria</i> a.)	Wingstem
<i>Viola sororia</i>	Woolly blue violet sister violet, Dooryard violet

Shrubs

<i>Amelanchier canadensis</i>	Shadblow
<i>Amelanchier laevis</i> (<i>A. arborea</i>)	Serviceberry, Allegheny
<i>Aronia arbutifolia</i>	Red chokeberry
<i>Aronia melanocarpa</i>	Black chokeberry
<i>Clethra alnifolia</i>	Sweet pepperbush, Summersweet
<i>Comptonia peregrina</i>	Sweet fern, Meadow fern, Spleenwort bush
<i>Cornus amomum</i>	Silky dogwood
<i>Cornus racemosa</i>	Gray dogwood, Red- panicled dogwood
<i>Cornus sericea</i> (<i>C. stolonifera</i>)	Red osier dogwood
<i>Corylus americana</i>	American hazelnut
<i>Corylus cornuta</i>	Beaked hazelnut
<i>Diervilla lonicera</i>	Bushhoneysuckle, Blue herb, Gravel weed
<i>Hamamelis virginiana</i>	Witch hazel
<i>Ilex glabra</i>	Inkberry, Gallberry
<i>Ilex verticillata</i>	Winterberry
<i>Juniperus communis</i>	Common juniper
<i>Juniperus horizontalis</i>	Creeping juniper, Creeping cedar/ Savin
<i>Kalmia angustifolia</i>	Sheep laurel
<i>Kalmia latifolia</i>	Mountain laurel
<i>Lindera benzoin</i>	Spice bush
<i>Myrica pensylvanica</i>	Northern bayberry
<i>Physocarpus opulifolius</i>	Common ninebark
<i>Potentilla fruticosa</i>	Cinquefoil, Bush cinquefoil
<i>Rhododendron maximum</i>	Great laurel
<i>Rhododendron periclymenoides</i>	Pinkster azalea

Rhododendron viscosum	Swamp azalea
Rhus aromatica	Fragrant sumac, Sweet scented sumac/Lemon sumac
Rhus copallina	Winged sumac
Rhus glabra	Smooth sumac
Rhus typhina	Staghorn sumac
Rosa blanda	Smooth rose, Meadow rose
Rubus alleghaniensis	Common blackberry, Allegheny blackberry
Salix humilis	Prairie willow
Salix lucida	Shining willow
Sambucus canadensis	American elderberry
Spirea tomentosa	Hardhack spirea
Vaccinium angustifolium	Lowbush blueberry
Vaccinium corymbosum	Highbush blueberry
Viburnum acerifolium	Maple leaf viburnum
Viburnum alnifolium (V. Lantanoides)	Hobble bush
Viburnum dentatum	Arrowwood viburnum
Viburnum lentago	Nanny-berry
Viburnum prunifolium	Black-haw

(12/7/99)

Appendix B **Selection List for On-site Trees**

Small Trees

BOTANICAL NAME	COMMON NAME
Amelanchier laevis	Serviceberry

Betula nigra	River birch
Betula populifolia	Grey birch
Carpinus caroliniana	Hornbeam
Cercis canadensis	Eastern redbud
Cornus florida	Flowering dogwood
Crataegus crus-galli inermis	Thornless cockspur hawthorn
Crataegus phaenopyrum	Washington hawthorn
Hamamelis virginiana	Witch hazel
Ilex opaca	American holly
Juniperus virginiana	Eastern red cedar
Populus tremuloides	Quaking aspen

LARGE TREES

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red maple
Acer saccharum	Sugar maple
Betula lenta	Black/Sweet birch
Betula papyrifera	Paper birch
Celtis occidentalis	Common hackberry
Chamaecyparis thyoides	Cedar, Atlantic white
Fagus grandifolia	American beech tree
Fraxinus americanum	Ash, white
Fraxinus pennsylvanica	Ash, green
Larix laricina	Tamarack/American larch
Liquidambar styraciflua	Sweet gum
Liriodendron tulipifera	Tulip tree
Nyssa sylvatica	Black tupelo
Picea rubens	Spruce, red

Pinus resinosa	Pine, red
Pinus rigida	Pine, pitch
Pinus strobus	Pine, eastern white
Platanus occidentalis	American Sycamore
Populus deltoides	Eastern cottonwood
Populus grandidentata	Aspen, big toothed
Quercus alba	White oak
Quercus borealis	Northern red oak
Quercus palustris	Pin oak
Quercus phellos	Willow oak
Quercus prinus	Chestnut oak
Quercus rubra	Red oak
Tilia americana	Basswood

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XII: Special Purpose Districts Chapter 1: Special Garment Center District

Effective date of most recently amended section of Article XII Chapter 1: 05/08/13

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(3/26/87)

Article XII - Special Purpose Districts

Chapter 1

Special Garment Center District

(1/19/05)

121-00

GENERAL PURPOSES

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

- (a) to retain adequate wage and job producing industries within the Garment Center;
- (b) to preserve apparel production and showroom space in designated areas of the Garment Center;
- (c) to limit conversion of manufacturing space to office use in designated areas of the Garment Center;
- (d) to recognize the unique character of the western edge of the Special District as integral to the adjacent #Special Hudson Yards District#;
- (e) to establish an appropriate visual character for wide streets within the Garment Center; and
- (f) to promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City's tax revenues.

(2/2/11)

121-01

General Provisions

In harmony with the general purposes of the #Special Garment Center District# the signage requirements of this Chapter shall apply to any #development#, #enlargement#, alteration,

#extension#, #conversion# or change of #use#. The #use# regulations of this Chapter shall apply to any #conversion#, change of #use# and #extension#. Special #bulk# regulations apply within Preservation Area P-2. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

(2/2/11)

121-02

District Plan (Appendix A)

The District Plan (Appendix A) for the #Special Garment Center District# shows the Preservation Areas, indicated by "P-1" and "P-2." Appendix A is hereby incorporated as an integral part of the provisions of this Chapter.

(3/26/87)

121-10

PRESERVATION AREA

(2/2/11)

121-11

Special Use Regulations

- (a) In Preservation Area P-1, permitted uses are listed in Use Groups A and B, as set forth in Sections 121-111 and 121-112. In addition, a change of #use# to a Use Group 6B #use# is permitted, subject to the #floor area# preservation requirements of Section 121-113 (Floor area preservation).
- (b) In Preservation Area P-2, for #buildings# with less than 70,000 square feet of #floor area# on January 19, 2005, the underlying #use# regulations shall apply, except that the provisions of Sections 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to the #conversion# to #dwelling units# of #non-residential buildings#.
- (c) In Preservation Area P-2, for #buildings# with 70,000 square

feet or more of #floor area# existing on January 19, 2005, permitted #uses# are listed in Use Groups A and B, as set forth in Sections 121-111 and 121-112. In addition, a change to any #use# permitted by the underlying #use# regulations is permitted subject to the #floor area# preservation requirements of Section 121-113. For portions of such #buildings converted# to #dwelling units#, the provisions of Sections 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to such #conversions#. Such #floor area# preservation requirements may be waived by authorization of the City Planning Commission pursuant to Section 121-13.

- (d) In Preservation Area P-2, any #development# or #enlargement# that includes Use Group 6B offices #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

(5/8/13)

121-111

Use Group A

Changes of #use# to Use Group A #uses# are exempt from the #floor area# preservation requirements of Section 121-113. In Preservation Area P-1, in the case of a change of #use# of #floor area# to a Use Group 6B #use#, Use Group A #uses# may not be used to satisfy the preservation requirement. In Preservation Area P-2, in the case of a change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations, Use Group A #uses# may not be used to satisfy the preservation requirement.

In Use Group 6A:

All #uses#

In Use Group 6C:

All #uses# except loan offices, telegraph offices and travel bureaus

In Use Group 6D:

All #uses#

In Use Group 9A:

Blueprinting or photostatting establishments

Musical instrument repair shops

Printing establishments, limited to 2,500 square feet of
#floor area# per establishment for production

Typewriter or other small business machine sales, rentals or
repairs

In Use Group 12B:

All #uses#

Additional #uses#:

#Accessory uses#

Automobile rental establishments

#Public parking lots# and #public parking garages#, pursuant
to the provisions of Article I, Chapter 3 (Comprehensive
Off-Street Parking and Loading Regulations in the Manhattan
Core)

Wholesale establishments, with a minimum of 15 percent of
#accessory# storage

Wholesale showrooms

(2/2/11)

121-112

Use Group B

Changes of #use# to Use Group B #uses# are exempt from the #floor
area# preservation requirements of Section 121-113. In
Preservation Area P-1, in the case of a change of #use# of #floor
area# to a Use Group 6B #use#, only Use Group B #uses# may be
used to satisfy the #floor area# preservation requirements. In
Preservation Area P-2, in the case of a change of #use# of #floor
area# to any #use# permitted by the underlying #use# regulations,
only Use Group B #uses#, and #uses# in Use Group 6A and 6C may be
used to satisfy the preservation requirement.

In Use Group 11A:

Art needlework, hand weaving or tapestries

Books, hand binding or tooling

Ceramic products, custom manufacturing

Clothing, custom manufacturing or altering for retail

Hair products, custom manufacturing

Jewelry manufacturing from precious metals

In Use Group 16A:

Household or office equipment or machinery repair shops,
such as refrigerators, washing machines, stoves, deep
freezers or air conditioning units

Tool, die, or pattern making establishments or similar small
machine shops

In Use Group 16D:

Packing or crating establishments

Trucking terminals or motor freight stations, limited to
20,000 square feet of #lot area# per establishment

Warehouses

In Use Group 17B:

All #uses#

Additional #Uses#:

#Accessory uses#

(2/2/11)

121-113

Floor area preservation

In Preservation Area P-1, the change of #use# of #floor area# to
Use Group 6B #use# after March 26, 1987, and, in Preservation
Area P-2, for #buildings# with 70,000 square feet or more of
#floor area# existing on January 19, 2005, the change of #use# of
#floor area# to any #use# permitted by the underlying #use#
regulations is permitted only by certification of the Chairperson

of the City Planning Commission that #floor area# has been preserved subject to the provisions of Section 121-115 (Certification and other requirements of preservation and conversion) for #uses# specified in Section 121-112 (Use Group B).

The amount of #floor area# to be preserved shall be equal to the amount of #floor area# changed to a Use Group 6B #use# or any #use# permitted by the underlying #use# regulations, as applicable. Such #floor area# may be preserved in the same #building# or in any other comparable #building# in Preservation Areas P-1 or P-2, subject to the provisions of Section 121-114 (Comparability).

#Floor area# may not be preserved on portions of floors. If the #floor area# to be preserved includes a fraction of a floor, the next highest number of full floors must be preserved for a permitted #use# in Use Group B. At the time of such change of #use#, #floor area# to be preserved must either be vacant or occupied by a #use# in Use Group B.

(2/2/11)

121-114 Comparability

Where the #floor area# to be preserved is not located within the same #building# where the #use# will be changed, such #floor area# must be comparable to #floor area# in the #building# where the #use# will be changed. Comparability, shown by an affidavit from a professional engineer or a registered architect, licensed under the laws of the State of New York, shall exist where the #floor area# to be preserved meets the following criteria:

(a) Elevators: Load and number

(1) Load

Each elevator shall have a minimum load of 2,000 pounds. The total load of all elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:

<u>Total load</u>	is greater than or equal to 90% of	<u>Total load</u>
Gross #floor area# of #building# to be preserved		Gross #floor area# of #building# that will be occupied by the change of #use#

(2) Number

There shall be a minimum of two elevators. The number of elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:

<u>Number of elevators</u>	is greater than or equal to 90% of	<u>Number of elevators</u>
Gross #floor area# of #building# to be preserved		Gross #floor area# of #building# that will be occupied by the change of #use#

Notwithstanding the above, where there is only one elevator servicing the #floor area# to be occupied by the change of #use#, there may be one elevator servicing the #floor area# to be preserved if the following exist:

- (i) the #floor area# to be serviced by the elevator in the #building# to be preserved does not exceed the #floor area# serviced by the elevator in the #building# to be occupied by the change of #use# by more than 10 percent; and
- (ii) the ratio of the volume of the elevator servicing the #floor area# to be preserved to the #floor area# to be preserved is at least 90 percent of the ratio of the volume of the elevator servicing the #floor area# to be occupied by the change of #use# to the #floor area# to be occupied by the change of #use#. If the number of elevators required pursuant to the above ratio includes a fraction of an elevator, this fraction shall be rounded to the nearest whole number.

(b) Floor load

The floors shall have a minimum live load capacity of 100 pounds per square foot (100 psf).

(c) Size of floors

The #floor area# shall be located on floors of not less than 3,000 square feet or 50 percent of the size of the floors in the #building# to be occupied by the change of #use#, whichever is greater. #Floor area# may not be preserved on portions of floors.

(d) Loading facilities

The loading facilities shall be at least equal in number to those in the #building# to be occupied by the change of #use#. In addition, if such #building# has an off-street loading dock, the #building# containing the #floor area# to be preserved must have such off-street loading facilities.

(e) Column spacing

There shall be a minimum distance between columns of 16 feet, measured on center. In addition, the average distance between columns shall not be less than 90 percent of the average distance between columns in the #building# to be occupied by the change of #use#.

(f) Height of #stories#

The #stories# shall have an average minimum height of ten feet.

(2/2/11)

121-115

Certification and other requirements of preservation and conversion

- (a) Prior to the issuance of an alteration permit for the change of #use# of #floor area# to Use Group 6B #use# in Preservation Area P-1, or the change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations in Preservation Area P-2, the Chairperson of the City Planning Commission shall certify compliance with the requirements of Section 121-113 (Floor area preservation), upon proof of a legal commitment to preserve and maintain the required #floor area# for a permitted #use# in Use Group B. Such legal commitment shall be executed by all parties

having any interest in the #floor area# to be preserved as shown by a certificate issued by a title insurance company licensed to do business in the State of New York showing all such parties in interest.

A "party in interest" in the tract of land shall include only (W) the fee owner thereof, (X) the holder of any enforceable recorded interest superior to that of the fee owner and which could result in such holder obtaining possession of all or substantially all of such tract of land, (Y) the holder of any enforceable recorded interest in all or substantially all of such tract of land which would be adversely affected by the preservation as required herein, and (Z) the holder of any unrecorded interest in all or substantially all of such tract of land which would be superior to and adversely affected by the preservation required herein and which would be disclosed by a physical inspection of the tract of land.

A copy of the legal commitment required herein shall be recorded in the Conveyances Section of the Office of the City Register of New York County upon certification.

- (b) The amount of #floor area# required to be preserved in any #building# pursuant to Section 121-113 shall not be reduced by the existence of a previously issued legal commitment for preservation on a portion of the #floor area# in the #building#.
- (c) If any #floor area# to be preserved for a #use# in Use Group B pursuant to Section 121-113 is damaged, destroyed or becomes unusable, it shall be repaired or reconstructed only in accordance with the conditions and restrictions set forth in the certification granted by the City Planning Commission and the legal commitment constituting part of such certification. Failure to comply with any other conditions and restrictions or failure to rebuild such preserved #floor area# set forth above shall constitute a violation of the certification and may constitute a basis for denial or revocation of the building permit or certificate of occupancy issued for the #building# containing preserved #floor area#.

(3/26/87)

121-12

Conditions for Application of Preservation Area Regulations to Entire Zoning Lot

For the purposes of this Chapter, the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) are hereby made inapplicable. In lieu thereof, #zoning lots# existing on March 26, 1987, divided by the boundary of the Preservation Area as shown in Appendix A shall be subject to the #use# regulations applicable to the district in which more than 50 percent of the #lot area# is located. However, #zoning lots# fronting on a #wide street# shall not be subject to the preservation requirements of this Chapter.

(2/2/11)

121-13

Authorization for Waiver of Floor Area Preservation Requirements

In Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on January 19, 2005, the City Planning Commission may authorize the #conversion# or change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations without complying with the #floor area# preservation requirements set forth in Section 121-113, provided the Commission finds that:

- (a) the #floor area# to be occupied by the change of #use# has not been occupied by any #manufacturing#, wholesale or showroom #use# for a period of at least three years prior to the date that a complete application has been filed with the Department of City Planning;
- (b) the #conversion# or change of #use# will not harm the commercial and manufacturing sectors of the City's economy;
- (c) the #conversion# or change of #use# will not harm the commercial and manufacturing character of the surrounding area;
- (d) the process of #conversion# or a change of #use# will not unduly burden #commercial# and #manufacturing uses# in the #building#; and
- (e) the neighborhood in which the #conversion# or change of #use# is taking place will not be excessively burdened by increased #residential# activity.

(4/8/98)

121-20

SIGN REGULATIONS

The following provisions apply on #wide streets# within the #Special Garment Center District#:

- (a) no #sign# shall project across the #street line# of a #wide street# more than 18 inches for double or multifaced #signs# or 12 inches for other #signs#;
- (b) no canopies, marquees, or awnings shall be permitted on the exterior of any #building# with the exception of theaters or hotels;
- (c) where a permit is issued by the Department of Highways for the temporary display of banners/pennants across a #street# (or sidewalk) such banners/pennants shall be removed after 30 days of the issuance of the permit; and
- (d) no banners or pennants shall be permanently displayed from the exterior of any #building# unless the design of such banners or pennants has been approved by the Mayor's Fashion Industry Advisory Council.

For the purpose of this Section, any #signs# including canopies, marquees, awnings, banners or pennants which do not conform to the above regulations may be continued for one year after March 26, 1987, provided that after expiration of that period such #non-conforming signs#, including canopies, marquees, awnings, banners or pennants shall terminate.

(1/19/05)

121-30

SPECIAL BULK REGULATIONS WITHIN PRESERVATION AREA P-2

The following special #bulk# regulations shall apply within Preservation Area P-2, as shown in Appendix A of this Chapter.

(2/2/11)

121-31

Maximum Permitted Floor Area

The basic maximum #floor area ratio# of a #zoning lot# containing #non-residential buildings# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 only pursuant to Section 93-31 (District Improvement Fund Bonus). Such #zoning lot# may also contain #residences# within #buildings# existing on January 19, 2005, provided that such #buildings# are not #enlarged# after such date. For #zoning lots# containing #residences# within a #building# that is #developed# or #enlarged# on or after January 19, 2005, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any such #zoning lot# may be increased from 6.5, pursuant to Section 93-31, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23, provided that for every five square feet of #floor area# increase pursuant to Section 93-31, there is a #floor area# increase of six square feet pursuant to Section 23-90, as modified by Section 93-23, inclusive. The maximum #residential floor area ratio# shall be 12.0.

For the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31.

(4/30/12)

121-32

Height of Street Walls and Maximum Building Height

(a) Height of #street walls#

The #street wall# of any #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet.

For #zoning lots#, or portions thereof, with #street# frontage of 25 feet or less and existing on June 29, 2010, a minimum base height lower than 80 feet shall be permitted along such #street# frontage in accordance with the following provisions:

- (1) where the height of an adjacent #street wall# fronting on the same #street line# is at least 60 feet and less than 80 feet, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#; or
- (2) where the height of an adjacent #street wall# fronting on the same #street line# is less than 60 feet, the #street wall# of the new or #enlarged building# may rise without setback to a minimum #street wall# height of 60 feet.

The #street wall# of any #building# may rise to a height less than the minimum base height required pursuant to this paragraph, (a), provided that no #building# on the #zoning lot# exceeds such height, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding the minimum base height required pursuant to this paragraph, (a).

(b) Maximum #building# height

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

- (1) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-63, as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and
- (2) permitted obstructions, as listed in Section 33-42, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c)(1) of Section 23-621, may penetrate the #sky exposure plane#.

On a #zoning lot# with frontage of at least 200 feet along at least one #street#, up to 20 percent of the #aggregate width of the street wall# facing such #street#, for a maximum width of 50 feet, may be recessed to a maximum depth

of 15 feet from the #street line#, provided the recessed area is located a minimum of 20 feet from an adjacent #building# and that a minimum of 60 percent of such area is planted with any combination of grass, ground cover, shrubs, trees or other living plant material in the ground or in planters permanently affixed to the ground.

(5/8/13)

121-40

PARKING PROVISIONS FOR PRESERVATION AREA P-2

Within Preservation Area P-2, as shown in Appendix A of this Chapter, the underlying parking provisions shall not apply. In lieu thereof, the parking regulations of the Special Hudson Yards District, as set forth in Section 93-80 (OFF-STREET PARKING) shall apply.

(10/27/10)

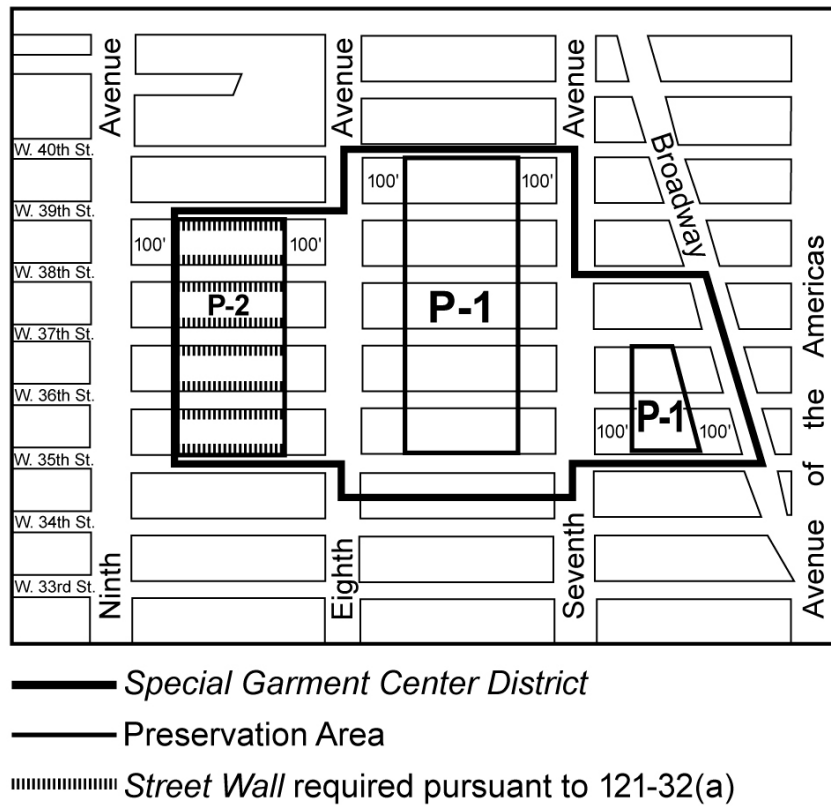
121-50

SUPPLEMENTAL REGULATIONS IN PRESERVATION AREA P-2

In Preservation Area P-2, the provisions of Section 93-90 (HARASSMENT) and Section 93-91 (Demolition), inclusive, shall apply.

(6/29/10)

Appendix A
Special Garment Center District Plan



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XII: Special Purpose Districts

Chapter 2: Special Grand Concourse Preservation District

Effective date of most recently amended section of Article XII Chapter 2: 02/02/11

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(9/28/89)

Article XII - Special Purpose Districts

Chapter 2

Special Grand Concourse Preservation District

(9/28/89)

122-00

GENERAL PURPOSES

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

- (a) to protect the existing scale and form of development and the traditional residential character of the Grand Concourse including desirable design features of certain buildings through the establishment of design guidelines for renovation or alteration;
- (b) to encourage new development which is in keeping with the scale and character of the area by providing for street wall continuity and bulk regulations consistent with existing development along the Grand Concourse;
- (c) to preserve and enhance the residential character of the Grand Concourse by limiting ground floor retail and commercial uses to certain specified locations;
- (d) to regulate the location of retail and commercial signage; and
- (e) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby to protect the City's tax revenues.

(2/2/11)

122-01

Definitions

Display window

A "display window" is a window or opening in the exterior wall of any portion of a #building# which is glazed with tinted or transparent material and which is used to display merchandise, services, or business.

Sign band

A "sign band" is a horizontal band which extends the full length of the #street wall# of a #building#, and is located between 8 feet, 0 inches and 14 feet, 0 inches above #curb level#.

(9/28/89)

122-02

General Provisions

Except as modified by the express provisions of the #Special Grand Concourse Preservation District#, the regulations of the underlying zoning districts shall remain in effect.

(3/26/92)

122-03

District Plan

- (a) In the District Plan as shown in Appendix A, the following areas have been designated as the Residential Preservation Area:
 - (1) all areas in R8 Districts including areas mapped C1 within these R8 Districts which are:
 - (i) within 100 feet of the westerly #street line# of the Grand Concourse between East 153rd Street and Mosholu Parkway; and
 - (ii) within 100 feet of the easterly #street line# of the Grand Concourse between East 153rd Street and a point parallel to and 150 feet north of East 166th Street, and between McClellan Street and Mosholu Parkway;
 - (2) an area partly in R8 and C1 Districts with a depth of 100 feet from the west side of the #street line# of

Walton Avenue between East 161st and East 164th Streets; and

- (3) an area in R8 Districts with a depth of 100 feet from the east side of the #street line# of Anthony Avenue between East 181st Street and East 182nd Street.

Within the Residential Preservation Area in R8 Districts, the following three commercial sub-areas have special #use# and #bulk# regulations:

- (i) Limited Commercial Areas
- (ii) Commercial Extension Areas
- (iii) Commercial Infill Sites

- (b) The location of these sub-areas is described below:

- (1) Limited Commercial Areas

The following areas with a depth of 50 feet from the #street line# of the Grand Concourse are designated on the District Plan (Appendix A) as Limited Commercial Areas:

- (i) on the west side of the Grand Concourse from the south side of East 176th Street to a point 25 feet north of Henwood Place;
- (ii) on the west side of the Grand Concourse from a point 40 feet north of Bush Street to the south side of Burnside Avenue;
- (iii) on the west side of the Grand Concourse from 100 feet north of East 180th Street to a point 180 feet south of East 183rd Street; and
- (iv) on the east side of the Grand Concourse from the north side of East 182nd Street to a point 180 feet south of East 183rd Street.

- (2) Commercial Extension Areas

Along certain cross-streets within the Residential Preservation Area, extensions of existing #Commercial Districts# up to the Grand Concourse to a depth of 100 feet measured perpendicularly from the #street line# of such cross-streets, are designated as Commercial Extension Areas on the District Plan (Appendix A).

These extension areas are located along the following
#streets#:

- (i) the north and south sides of East 165th Street,
west of the Grand Concourse;
- (ii) the north and south sides of East 167th Street,
east of the Grand Concourse;
- (iii) the north and south sides of East 170th Street,
east and west of the Grand Concourse; and
- (iv) the north and south sides of Mount Eden Avenue,
west of the Grand Concourse.

(3) Commercial Infill Sites

All tax lots listed in Table A in Section 122-10 which contain #buildings# designed for non-#residential uses# in Use Groups 6 or 7 or where such #buildings# existed as of July 1, 1981 are designated as Commercial Infill Sites on the District Plan (Appendix A).

(2/2/11)

122-10

SPECIAL USE REGULATIONS

In order to preserve the residential character of the Special District, the applicable #use# regulations of the underlying districts are modified, as follows:

- (a) Within the Limited Commercial Areas, #commercial uses# listed in Section 32-15 (Use Group 6) are permitted, provided they are located only on the ground floor of an existing or new #building# containing #residential# or #community facility uses#. All existing or new #commercial uses# shall be directly accessible only from the #street#. Any existing #commercial use# which fails to provide direct access from a #street# shall be terminated one year after September 28, 1989.
- (b) On a cross-street within the Commercial Extension Areas, #commercial uses# listed in Section 32-15 (Use Group 6) are permitted to occupy the ground floor of an existing or new #building# containing #residential# or #community facility uses#. Such ground floor #commercial uses# may be permitted to #extend# up to the Grand Concourse on the #basement#

level of a #building#, provided that such #commercial uses# are accessible only from a cross-street which intersects the Grand Concourse. No direct or indirect access to such #commercial uses# is permitted from the Grand Concourse.

- (c) Any #commercial use# which lawfully existed on or before July 1, 1981, on any Commercial Infill Site listed in Table A, shall be considered conforming and may be changed to a Use Group 6 #use# or to a #use# which previously occupied the space lawfully on or before July 1, 1981, except that expansion or re-occupancy of #floor area# to a retail #use# in Use Group 6A or 6C is restricted to the ground floor of the #building#.

However, if a #building# on a Commercial Infill Site contains an entrance from the Grand Concourse as well as from the cross-street running underneath the Concourse, such entrance floors at both #street# levels may be occupied by retail #uses# listed in Use Group 6 if they were in existence prior to July 1, 1981, as a lawful #use#. In those cases, the #use# of the remaining #stories# of such #building# shall be limited to business, professional or governmental offices or to ambulatory diagnostic or treatment health care facilities as set forth in Use Group 4A or Use Group 6B, regardless of the locational restrictions in Use Group 4.

TABLE A
COMMERCIAL INFILL SITES

Tax Block Number	Tax Lot Number	Address	Type of #Building#
2468	1	851 Grand Concourse	Courthouse
2821	11	1526 Grand Concourse	1 #story commercial#
2821	13	1540 Grand Concourse	Vacant lot
2822	27	1775 Grand Concourse	Telephone Co. #building#
2795	14	1780 Grand Concourse	Office #building#/garage
2805	23	1845 Grand Concourse	1 #story commercial#
2801	7	1850 Grand Concourse	2 #story

			commercial#
2808	44	1963 Grand Concourse	Funeral Home
2808	82	2029-2043 Grand Con.	1 #story commercial#
3161	25	2101 Grand Concourse	1 #story commercial#
3157	32	2202-2206 Grand Con.	1 #story commercial#
3163	40	2231-2233 Grand Con.	1 #story commercial#
3158	16	2262-2268 Grand Con.	1 #story commercial#
3163	38	2235-2239 Grand Con.	1 #story commercial#
3307	68	3000 Grand Concourse	Funeral Home
3315	51	2833-2843 Grand Con	1 #story commercial#
2808	82	148 E. Burnside Ave.	1 #story commercial#

- (d) For the purposes of this Chapter, any non-#residential uses# permitted pursuant to paragraphs (a) through (c) of this Section shall be located only on a #story# below the lowest #story# occupied by a #residential use#, except that this limitation shall not preclude the location of any such non-#residential use# below the level of the first #story# ceiling.

(2/2/11)

122-20

SPECIAL SIGN REGULATIONS

In order to enhance the visual quality of the Special District, the applicable #sign# regulations of the underlying districts are modified, as follows:

- (a) Within the Limited Commercial Areas, only one #sign#, other than an #advertising sign#, with a surface area not exceeding 12 square feet, shall be permitted per #commercial use#. Such #signs# shall be located in a #sign band#, on the

flap of a canopy, or as allowed under paragraph (d) of this Section. The height of such #signs# shall be not more than 24 inches and the letter sizes shall be restricted to a height of 12 inches. Except as provided in paragraph (d), all such #signs# may not project from the vertical surface of a #building# more than 18 inches.

- (b) Within the Commercial Extension Areas, no #signs# and no #display windows# shall be permitted on a #building or other structure# within 50 feet of the Grand Concourse. #Commercial uses# which are located on a cross-street beyond a distance of 50 feet from the Grand Concourse #street line#, shall comply with the #sign# regulations applicable to the underlying #Commercial District#.
- (c) On Commercial Infill Sites, the maximum surface area to be occupied by a #sign#, other than an #advertising sign#, shall be three square feet for every five feet of store frontage or 12 square feet, whichever is greater. Such #signs# shall be located in a #sign band# or on the flap of a canopy, or as allowed under paragraph (d). On portions of Commercial Infill Sites more than 50 feet from the Grand Concourse, the signage regulations of a C1 District shall apply.
- (d) Except in C1 Districts, no #sign# may be located so as to obscure any decorative lintel, cornice or other architectural detail. In the event that compliance with this requirement does not provide adequate surface area for the allowable #sign#, as defined in paragraph (a) of this Section, a projecting #sign# may be permitted by the Commissioner of Buildings provided that no such #sign# shall project from the vertical surface of a #building# more than 18 inches.
- (e) Except in C1 Districts, no banners, pennants, #flashing# or #illuminated signs# shall be permitted anywhere within the Special District.
- (f) Within the Limited Commercial Areas, Commercial Infill Sites, and Commercial Extension Areas within 50 feet of the Grand Concourse, window graphics shall occupy not more than 20 percent of a window. Display lettering more than three inches high shall be considered as a #sign#.
- (g) All lawfully existing #non-conforming signs# located within the Special District shall be terminated one year after September 28, 1989.

(2/2/11)

122-30

SPECIAL BULK REGULATIONS

In order to preserve the scale and character of the Grand Concourse, the #bulk# regulations of the underlying R8 District and the C1 or C2 Districts mapped within such R8 District shall be inapplicable to any #residential# or #community facility developments# or #enlargements# located within the Special District.

In lieu thereof, such #developments# or #enlargements# shall comply with the regulations of an R8X District, including Article II, Chapter 8.

If a #commercial development# is constructed on a vacant Commercial Infill Site previously occupied by a #commercial building# on or before July 1, 1981, or an existing #commercial building# located on a Commercial Infill Site is replaced by a #commercial development#, the height, #lot coverage# and #floor area# of the #commercial development# shall not exceed the height, #lot coverage# and #floor area# of the #building# it replaced. However, if a #residential# or #community facility building# is constructed on any Commercial Infill Site or when such sites become a part of the adjoining #zoning lot#, it shall be subject to the R8X District regulations. No #mixed buildings# or #enlargement# of existing #buildings# shall be permitted on any Commercial Infill Sites.

(9/28/89)

122-40

SPECIAL REGULATIONS FOR LOCATION OF NEW DOORS AND WINDOWS

If any new doors or windows are installed on the exterior walls of a #building#, they shall be uniform in width and shall be aligned with existing doors and windows.

(2/2/11)

122-50

SPECIAL PROVISIONS FOR PLANTING STRIPS

For #developments# or #enlargements#, there shall be a strip of

continuous planting at grade of not less than three feet in width along the entire front wall of such #development# or such #building# that is #enlarged#. In the event a #building# is constructed within three feet of the #street line#, the owner of the #building# shall apply to the Bureau of Highway Operations for permission to locate a portion of such planting strips on a public sidewalk within the #street line#. A copy of such application shall be submitted with the new building application when filed at the Department of Buildings. Such sidewalk planting requirement may be waived by the Department of Buildings only upon receipt of written disapproval by the Department of Transportation.

(2/2/11)

122-60

SPECIAL ACCESSORY OFF-STREET PARKING REGULATIONS

In the Residential Preservation Area, the parking requirements of the underlying districts shall be inapplicable. In lieu thereof, the #accessory# off-street parking regulations of R8X Districts shall apply to #developments# or #enlargements#.

If a #commercial development# is constructed on a vacant Commercial Infill Site previously occupied by a #commercial building# on or before July 1, 1981, or an existing #commercial building# located on a Commercial Infill Site is replaced by a #commercial development#, the number of #accessory# off-street parking spaces provided by the #commercial development# shall be equal to or greater than the number of #accessory# off-street parking spaces provided by the #building# it replaced.

(9/28/89)

122-70

SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES

Notwithstanding any other provisions of this Resolution, whenever a #zoning lot# existing on September 28, 1989 is divided by a boundary between a district to which R8X District regulations apply and one to which R8 District regulations apply, the provisions of an R8X District shall apply to the entire #zoning lot#.

(9/28/89)

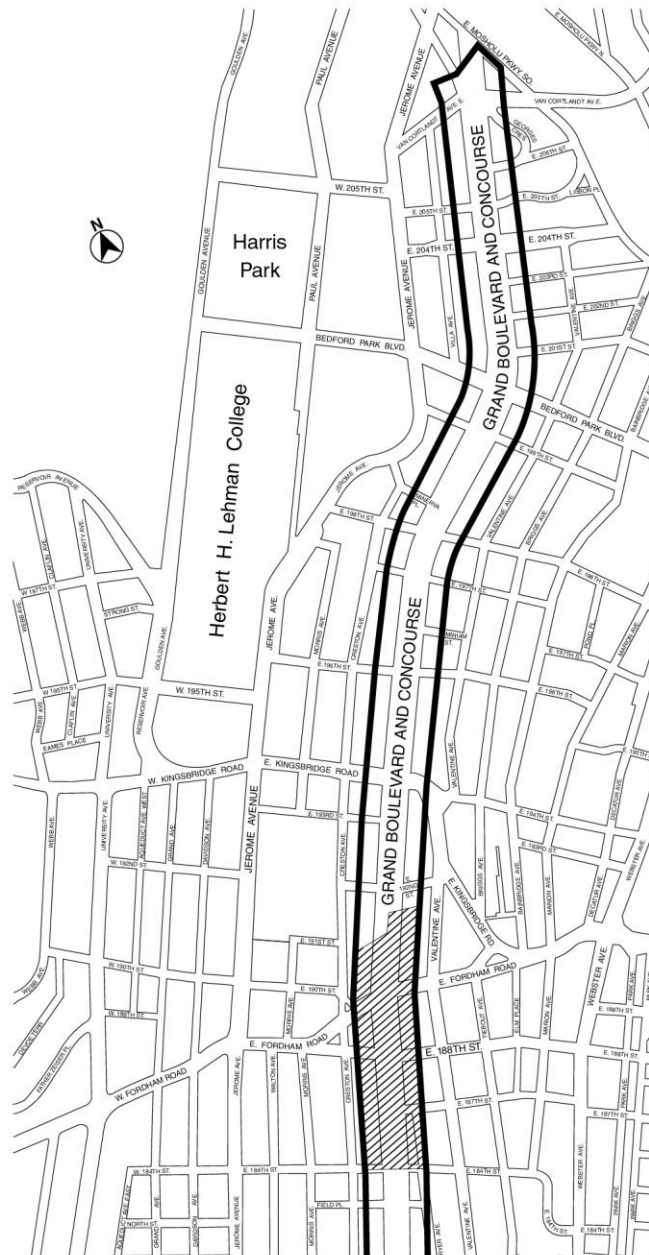
122-80

EXCLUDED AREAS

The regulations set forth in this Chapter shall not apply to C4 Districts and C8 Districts located within the #Special Grand Concourse Preservation District#.

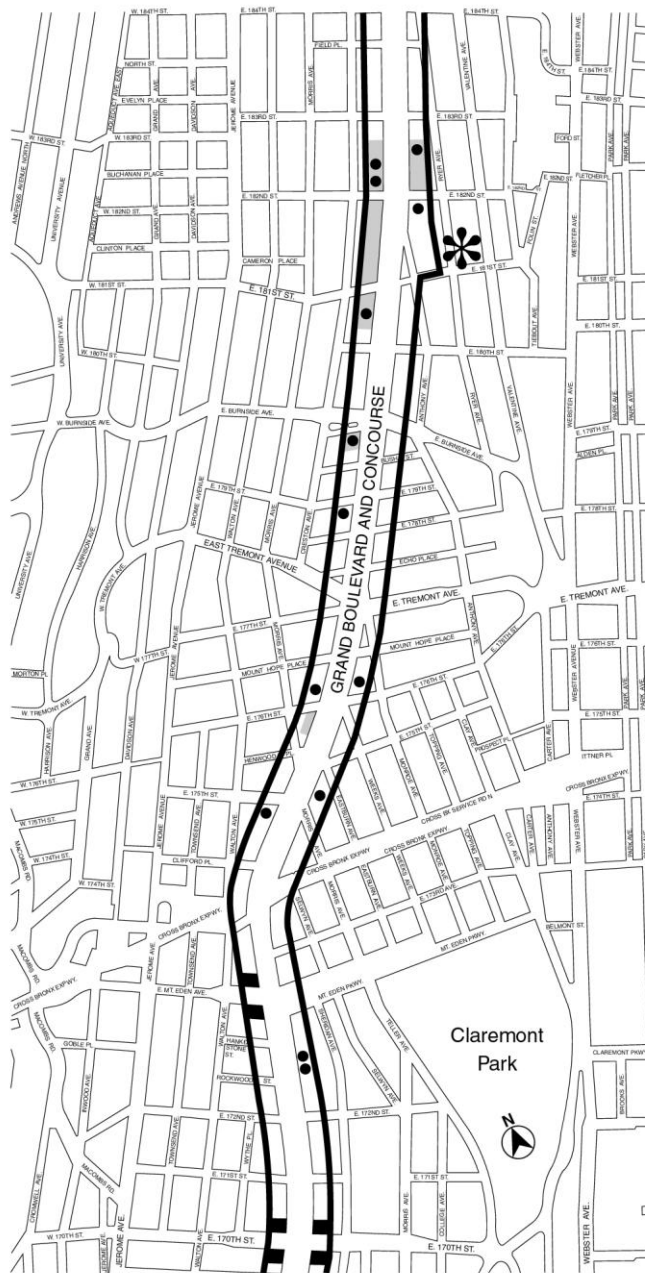
(3/26/92)

Appendix A
Special Grand Concourse Preservation District



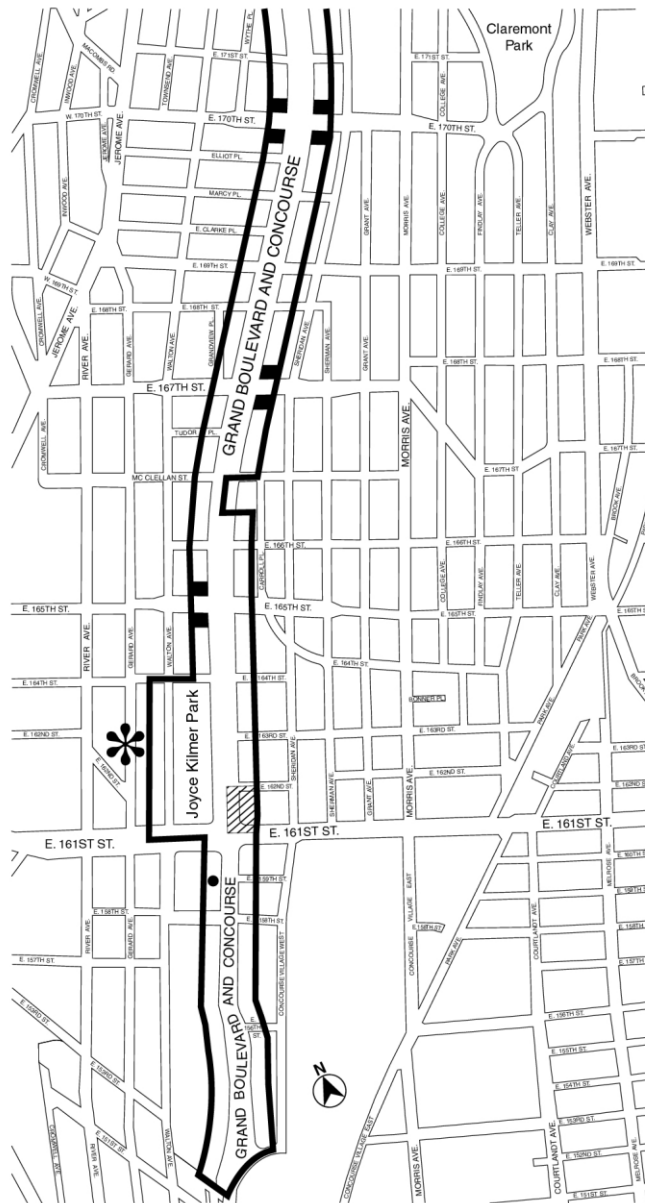
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Appendix A continued









Continued

Appendix A continued



GRAND CONCOURSE DISTRICT PLAN

-  *Special Grand Concourse District Boundary (100 feet from Street Line of Grand Concourse except as indicated by ✱)*
-  *Area Excluded From Special Grand Concourse District Boundary (All C4 Districts)*
-  Residential Preservation Areas – Section 122-03 (a)
-  Limited Commercial Areas – Section 122-03 (b)(1)
-  Commercial Extension Areas – Section 122-03 (b)(2)
-  Commercial Infill Sites (See Table A) – Section 122-03 (b)(3)

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XII: Special Purpose Districts Chapter 3: Special Mixed Use Districts

Effective date of most recently amended section of Article XII Chapter 3: 10/09/13

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(12/10/97)

Article XII - Special Purpose Districts

Chapter 3

Special Mixed Use District

(12/10/97)

123-00

GENERAL PURPOSES

The "Special Mixed Use District" regulations established in this Chapter of the Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner ensuring the health and safety of people using the area;
- (b) to promote the opportunity for workers to live in the vicinity of their work;
- (c) to create new opportunities for mixed use neighborhoods;
- (d) to recognize and enhance the vitality and character of existing and potential mixed use neighborhoods; and
- (e) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings and thereby protect City tax revenues.

(10/9/13)

123-10

GENERAL PROVISIONS

The provisions of this Chapter shall apply within the #Special Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this

Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

In #Special Mixed Use Districts#, an M1 District is paired with a #Residence District#, as indicated on the #zoning maps#.

The designated #Residence Districts# in #Special Mixed Use Districts# shall not include either an R1 or an R2 District.

(2/2/11)

123-11 Definitions

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

Accessory use

In addition to those "accessory uses" listed in Section 12-10 (DEFINITIONS), for the purposes of this Chapter, an #accessory use# shall also include a #dwelling unit# in connection with any #commercial#, #manufacturing# or #community facility# establishment permitted in #Special Mixed Use Districts#, pursuant to Section 123-20 (SPECIAL USE REGULATIONS), provided that no more than one such unit shall be permitted in connection with any establishment, and provided further that each such unit shall not exceed a gross area of 1,200 square feet or contain more than one kitchen.

Home occupation

For the purposes of this Chapter, the #home occupation# provisions of Section 12-10 shall apply, except that:

- (a) up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#;
- (b) such #home occupation# may occupy more than 500 square feet of #floor area#; and
- (c) businesses operated as #home occupations# may have up to three employees not residing in the #dwelling unit#.

Mixed use building

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

(12/10/97)

123-20

SPECIAL USE REGULATIONS

In #Special Mixed Use Districts#, all #uses# permitted in the designated #Residence District# and all #uses# permitted in the designated M1 District, as set forth in any other provision of this Resolution other than Special Purpose Districts, shall be permitted, except as superseded, modified or supplemented by this Section and provided that #signs# shall comply with the requirements of Section 123-40 (SIGN REGULATIONS).

(9/9/04)

123-21

Modification of Use Groups 2, 3 and 4

The #uses# listed in Use Group 2, and the following #uses# listed in Use Groups 3 and 4: college or school student dormitories and fraternity or sorority student houses, domiciliary care facilities for adults, nursing homes and health-related facilities, philanthropic or non-profit institutions with sleeping accommodations, monasteries, convents or novitiates, #non-profit hospital staff dwellings# without restriction on location, and non-profit or voluntary hospitals, may only locate in the same #building# as, or share a common wall with a #building# containing, an existing #manufacturing# or #commercial use#, upon certification by a licensed architect or engineer to the Department of Buildings that such #manufacturing# or #commercial use#:

- (a) does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and

(b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

(12/10/97)

123-22

Modification of Use Groups 16, 17 and 18

The #uses# in Use Groups 16, 17 and 18 shall be permitted in the #Special Mixed Use District# in accordance with the applicable district #use# regulations, subject to the modifications of Sections 123-221 (Uses permitted as-of-right), 123-222 (Uses permitted with restrictions) and 123-223 (Excluded uses).

(12/10/97)

123-221

Uses permitted as-of-right

From Use Group 16A:

Automobile, motorcycle, trailer or boat sales, open or enclosed

Building materials sales, open or enclosed, limited to 10,000 square feet of #lot area# per establishment, provided that not more than 5,000 square feet of such #lot area# is used for open storage

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing, or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 square feet of #lot area# per establishment

Glass cutting shops

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units

Ice or wood sales, open or enclosed, limited to 5,000 square feet of #lot area# per establishment

Machinery rental or sales establishments

Motorcycle or motor scooter rental establishments

Poultry or rabbit killing establishments, for retail sale on the same #zoning lot# only

Riding academies, open or enclosed

Stables for horses

Trade schools for adults, except those using substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

From Use Group 16B:

Automobile, truck, motorcycle or #trailer# repairs, excluding body repair

Automobile laundries, provided that the #zoning lot# contains reservoir space for not less than ten automobiles per washing lane

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a #completely enclosed building#

From Use Group 16C:

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps

Dead storage of motor vehicles

From Use Group 16D:

Diaper supply establishments

Laundries, except medical or laboratory

Linen or towel supply establishments, where cleaning is done on a separate #zoning lot#

Moving or storage offices, with no limitation as to storage or #floor area# per establishment

Packing or crating establishments, except for the packing or crating of substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment

Warehouses, except for the warehousing of substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Wholesale establishments, with no limitation on #accessory# storage, except for wholesale establishments selling, as part of their stock, substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances, if they are stored on the same #zoning lot#

From Use Group 17A:

Building materials or contractor's yards, open or enclosed, including sales, storage or handling of building materials, with no limitation on #lot area# per establishment, except that lumber yards shall be limited to 20,000 square feet of #lot area# per establishment, and provided that any yard in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings

Produce or meat markets, wholesale

From Use Group 17B (Manufacturing Establishments):

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Bottling work, for all beverages

Canvas products, not involving the manufacturing of canvas

Cork products

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt or feather products, except washing, curing or dyeing

Hosiery

Ice, natural

Jute, hemp, sisal or oakum products

Mattresses, including rebuilding or renovating

Scenery construction

Shoddy

Soap or detergents, packaging only

Textiles, spinning, weaving, manufacturing, knit goods, yarn, thread or cordage, not involving printing or dyeing

Upholstering, bulk, excluding upholstering shops dealing directly with consumers

Wax products

From Use Group 17C:

Agriculture, including greenhouses, nurseries or truck gardens

Docks for passenger ocean vessels

Docks for sightseeing, excursion or sport fishing vessels, with no limitation on vessel or dock capacity

Docks for vessels not otherwise listed

Public transit, railroad or electric utility substations, open or enclosed, with no limitations as to size

Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations

Truck weighing stations, open or enclosed

Trucking terminals or motor freight stations, with no limitation on #lot area# per establishment

From Use Group 18:

Breweries, limited to 10,000 square feet of #floor area# per establishment

#Uses accessory# to the preceding listed #uses#

(9/9/04)

123-222

Uses permitted with restrictions

The following #uses# from Use Groups 16 and 17 are permitted in #Special Mixed Use Districts# subject to the certification requirements and locational restrictions of this Section:

From Use Group 16A:

Animal hospitals or kennels

Blacksmith shops

Carpentry, custom woodworking or custom furniture making shops

Fuel, oil, or coal sales, open or enclosed, limited to 5,000 square feet of #lot area# per establishment

Mirror silvering shops

Sign painting shops, with no limitation on #floor area# per establishment

Silver plating shops, custom

Soldering or welding shops

Tool, die, or pattern-making establishments, or similar small machine shops

Trade schools for adults, that use substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

From Use Group 16B:

Automobile, truck, motorcycle or #trailer# body repairs, provided such #use# is conducted within a #completely enclosed building#

From Use Group 16D:

Carpet cleaning establishments

Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment

Laundries, medical or laboratory

Linen or towel supply establishments, where cleaning is done on the same #zoning lot#

Packing or crating establishments for substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Photographic developing or printing, with no limitation on #floor area# per establishment

Warehouses for substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances

Wholesale establishments selling, as part of their stock, substances in quantities required under the City Right-to-Know Law to file a Risk Management Plan for Extremely Hazardous Substances, with no limitation on #accessory storage#

From Use Group 17B (Manufacturing Establishments):

Adhesives, excluding manufacture of basic components

Advertising displays

Aircraft, including parts

Automobiles, trucks or #trailers#, including parts or rebuilding of engines

Beverages, non-alcoholic

Boats less than 200 feet in length, building or repair, open or enclosed, provided that such #use# or portion thereof may be conducted outside a #completely enclosed building# only if located at a distance greater than 200 feet from a #Residence District# boundary, or if effectively screened by a wall or fence at least eight feet in height with no boat building located less than 30 feet from a #Residence District# boundary

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas

Carpets

Ceramic products, including pottery, small glazed tile, or similar products

Chemicals, compounding or packaging

Cosmetics or toiletries

Cotton ginning, or cotton wadding or linters

Electrical appliances, including lighting fixtures, irons, fans, toasters, electric toys, or similar appliances

Electrical equipment assembly, including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries, or similar supplies

Film, photographic

Food products, except slaughtering of meat or preparation of fish for packaging

Ice, dry

Ink or inked ribbon

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Luggage

Machines, business, including typewriters, accounting machines, calculators, card-counting equipment, or similar products

Machinery, miscellaneous, including washing machines, firearms, refrigerators, air-conditioning, commercial motion picture equipment, or similar products

Machine tools, including metal lathes, metal presses, metal stamping machines, woodworking machines, or similar products

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar products

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Motorcycles, including parts

Musical instruments, including pianos or organs

Novelty products

Optical equipment, clocks or similar precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Paper products, including envelopes, stationery, bags, boxes, shipping containers, bulk goods, tubes, wallpaper printing, or similar products

Perfumes or perfumed soaps, compounding only

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Printing or publishing, with no limitation on #floor area# per establishment

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, excluding manufacture of natural or synthetic rubber

Silverware, plate or sterling

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products

Statuary, mannequins, figurines, or religious art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture,

or similar products

Textiles, dyeing or printing

Tobacco, including curing, or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products

Toys

Umbrellas

Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles

Venetian blinds, window shades, or awnings, with no limitation on production or on #floor area# per establishment

Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works, or similar products

#Uses accessory# to the preceding listed #uses#

Any #use# from Use Group 16 or 17, listed in this Section, may only locate in a #building enlarged# or #developed# after December 10, 1997, containing a #use# listed in Section 123-21 (Modification of Use Groups 2, 3 and 4), or share a common wall with such #building#, upon certification by a licensed architect or engineer to the Department of Buildings that any such #use# listed in Use Group 16 or 17:

- (a) does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
- (b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

(12/10/97)

123-223

Excluded uses

The following #uses# listed in Use Groups 16 and 18 shall not be allowed in #Special Mixed Use Districts#:

From Use Group 16A:

Animal pounds or crematoriums

Crematoriums, human

From Use Group 16C:

Public transit yards, open or enclosed, including accessory motor fuel pumps

From Use Group 18:

Any #use# listed in Use Group 18, except that breweries limited to 10,000 square feet of #floor area# shall be permitted as-of-right

#Uses accessory# to the preceding listed #uses#

(12/10/97)

123-23

Modification of Special Permit Requirements

In the event that provisions of this Resolution permit a #use# by special permit, authorization or certification in both designated M1 and #Residence Districts#, no more than one special permit, authorization or certification is required to permit any such #use# in the #Special Mixed Use District#.

In the event that a provision of this Resolution permits a #use# by special permit, authorization or certification in either a designated M1 or #Residence District# and another provision permits such #use# without a special permit, authorization or certification in the other designated district, no special permit, certification or authorization shall be required in the #Special Mixed Use District#. In such case, the #bulk# regulations of the district allowing the #use# as-of-right shall control.

(12/10/97)

123-30

SUPPLEMENTARY USE REGULATIONS

(2/2/11)

123-31

Provisions Regulating Location of Uses in Mixed Use Buildings

In #Special Mixed Use Districts#, in any #building# or portion of a #building# occupied by #residential uses#, non-#residential uses# may be located only on a #story# below the lowest #story# occupied by #dwelling units# or #rooming units#, except that this limitation shall not preclude the:

- (a) extension of a permitted #business sign#, #accessory# to such non-#residential use#, to a maximum height of two feet above the level of a finished floor of the second #story#, but in no event higher than six inches below the lowest window sill on the second #story#;
- (b) location of non-#residential uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units# or #rooming units#, in #buildings# in existence on or prior to December 10, 1997, that are partially #converted# to #residential use# pursuant to paragraph (a) of Section 123-67 (Residential Conversion), or were previously so #converted# pursuant to Article I, Chapter 5 (Residential Conversion within Existing Buildings); or
- (c) location of non-#residential uses# on the same #story#, or on a #story# higher than that occupied by #dwelling units# or #rooming units#, provided that the non-#residential uses#:
 - (1) are located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
 - (2) are not located directly over any portion of a #building# containing #dwelling units# or #rooming units#.

(12/10/97)

123-32

Environmental Conditions

In #Special Mixed Use Districts#, all new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation to maintain an interior noise level of 45dB(A) or less, with windows closed, and shall provide an alternate means of ventilation.

(8/16/06)

123-40

SIGN REGULATIONS

In #Special Mixed Use Districts#, the provisions regulating #signs# in C6-1 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), shall apply for any #sign#. For the purposes of applying such regulations in #Special Mixed Use Districts#, all references to #mixed buildings# shall include #mixed use buildings#.

In MX-9 Districts, the provisions of this Section shall apply, except that the City Planning Commission may permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-65 (Permitted Projection or Height of Signs), provided the Commission finds that such #signs# are consistent with the character of the surrounding area. However, no modification shall be made to the applicable provisions of Section 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts) relating to #flashing signs#.

(12/10/97)

123-50

MODIFICATION OF ARTICLE V, CHAPTER 2 (NON-CONFORMING USES)

In #Special Mixed Use Districts#, a #non-conforming use# may be changed only to a #conforming use#.

The following Sections of Article V, Chapter 2 (Non-Conforming Uses), shall not apply: Sections 52-32 through 52-37, inclusive; Sections 52-43 through 52-46, inclusive; Sections 52-54, 52-56, 52-62, 52-72, 52-731, 52-732, 52-74, and 52-75.

(12/10/97)

123-60

SPECIAL BULK REGULATIONS

(7/26/01)

123-61

General Provisions

All #buildings or other structures# on #zoning lots# within the #Special Mixed Use District# shall comply with the #bulk# regulations of this Chapter.

In #Special Mixed Use Districts#, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure#, and the #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #commercial# and #community facility uses# in a #building or other structure#, except as set forth in Sections 123-60 through 123-66, inclusive.

When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.

(2/2/11)

123-62

Maximum Floor Area Ratio for Community Facilities

The maximum #floor area ratio# permitted for a #community facility use# pursuant to Article IV, Chapter 3, shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for a #community facility use# shall be the maximum #floor area ratio# allowed for a #community facility use# pursuant to the designated #Residence District# regulations set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage). #Lot coverage# requirements shall not apply.

When the designated district is an R7-3 District, the maximum

#floor area ratio# for a #community facility use# shall be 5.0.

When the designated district is an R9-1 District, the maximum #floor area ratio# for a #community facility use# shall be 9.0.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# set forth for #community facility uses# in Section 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

(2/2/11)

123-63

Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Sections 23-142, 23-143 and paragraph (a) of Section 23-147 shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-145, or paragraph (b) of Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 80 percent on a #corner lot#.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in Section 62-30

(SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-952. The locations of such districts are specified in [APPENDIX F](#) of this Resolution.

#Special Mixed Use District#	Designated #Residence District#
	R7A R8A
MX 2 - Community District 2, Brooklyn	
MX 8 - Community District 1, Brooklyn	R6 R6A R6B R7A
MX 11 - Community District 6, Brooklyn	R7-2
MX 14 - Community District 6, The Bronx	R7A R7X

(2/2/11)

123-64

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

For #zoning lots# containing #mixed use buildings#, the following provisions shall apply.

(a) Maximum #floor area ratio#

(1) #Manufacturing# or #commercial uses#

The maximum #floor area ratio# permitted for #manufacturing# or #commercial uses# shall be the applicable maximum #floor area ratio# permitted for #manufacturing# or #commercial uses# under the provisions of Section 43-12, in accordance with the designated M1 District.

(2) #Community facility uses#

The maximum #floor area ratio# permitted for #community

facility uses# shall be the applicable maximum #floor area ratio# permitted for #community facility uses# in #Residence Districts# under the provisions of Section 24-11, in accordance with the designated #Residence District#.

(3) #Residential uses#

Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Sections 23-14 and 23-141, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Section 123-63, in accordance with the designated #Residence District#.

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

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

However, in #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial#, #community facility# or #manufacturing uses# shall be the base #floor area ratio# set forth in Section 23-952 for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing#, pursuant to Section 23-90, inclusive.

(b) #Lot coverage# requirements

#Lot coverage# requirements shall not apply.

(2/2/11)

123-641

Floor area bonus for a public plaza or arcade in connection with mixed use buildings

Any #floor area# bonus for a #public plaza# or #arcade#, permitted under the applicable district regulations, shall apply to a #zoning lot# containing a #mixed use building#, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

However, on #waterfront blocks#, as defined in Section 62-11, #floor area# bonuses for a #public plaza# or #arcade# shall not apply.

(7/26/01)

123-65

Special Yard Regulations

(7/26/01)

123-651

Special yard regulations for residential buildings

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, for #residential buildings# other than #single-# or #two-family residences#, if any open area extending along a #side lot line# is provided at any level, such open area shall have a minimum width of eight feet.

(2/2/11)

123-652

Special yard regulations for mixed use buildings

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, if any open area extending along a #side lot line# is provided at any level, such open area shall have a minimum width of eight feet; except, if the #mixed use building# contains no more than two #dwelling units#, the open area

extending along a #side lot line# may be less than eight feet in width at the level of the #dwelling unit#. For a #residential# portion of a #mixed use building#, the required #rear yard# shall be provided at the floor level of the lowest #story# containing #dwelling units# or #rooming units# where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#.

(4/22/09)

123-653

Special yard regulations applying on waterfront blocks

On #waterfront blocks#, as defined in Section 62-11, the #rear yard# regulations of Section 62-33 (Special Yard Regulations on Waterfront Blocks) shall apply. However, for #mixed use buildings#, the special #yard# regulations of Section 123-652 shall apply.

(4/22/09)

123-654

Special provisions applying along district boundaries

Along such portion of the #Special Mixed Use District# boundary that coincides with a #side lot line# of a #zoning lot# within an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# and with a width of at least eight feet shall be required within the #Special Mixed Use District#.

(4/22/09)

123-66

Height and Setback Regulations

The height of all #buildings or other structures# in #Special Mixed Use Districts# shall be measured from the #base plane#.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

On #waterfront blocks#, as defined in Section 62-11, where the designated #Residence District# is R3, R4 or R5, the height and setback regulations of Section 62-34, inclusive, shall apply to #buildings and other structures#, except that for #mixed use buildings#, the height and setback regulations set forth in Section 123-661 (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations) shall apply.

(7/26/01)

123-661

Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations

In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply to #mixed use buildings#. In lieu thereof, no #building or other structure# shall exceed a height of 35 feet within 25 feet of a #street line#. Beyond 25 feet of a #street line#, no #building or other structure# shall exceed a height of 60 feet. Notwithstanding the foregoing, the provisions of Sections 23-62, 24-51 and 43-42 (Permitted Obstructions) shall apply to any #mixed use building#.

(11/13/12)

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

- (1) 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.

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

District	Maximum Base Height	Maximum #Building# Height
R6	60	110
R7-1 R7-2	60	135
R7-3	85	185
R8	85	210
R9	85	225
R9-1	85	280
R10	110	350

(2) In #Special Mixed Use District# 15 in the Borough of Manhattan, where the designated #Residence District# is an R7-2 District, the height and setback regulations of paragraph (a)(1) of this Section shall not apply. In lieu thereof, the height and setback regulations of this paragraph, (a)(2), shall apply.

(i) A #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet, except for dormers permitted in accordance with paragraph (c) of this Section.

(ii) At least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the

#aggregate width of street walls# shall be located within eight feet of the #street line#.

- (iii) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this paragraph, (a)(2). 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 a maximum #building# height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above 135 feet 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.

Setbacks are required for all portions of #buildings# that exceed the maximum base height specified in Table B. Such setbacks shall be provided in accordance with the following provisions:

- (1) #Building# walls facing a #wide street# shall provide a setback at least ten feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B. #Building# walls facing a #narrow street# shall provide a setback at least 15 feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B.
- (2) These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to such #building# wall would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.
- (3) Required setback areas may be penetrated by dormers in accordance with paragraph (c) of this Section.

- (4) Where the #Residence District# designation is an R10X District, no maximum #building# height shall apply. However, the minimum coverage of any portion of a #building# that exceeds the permitted maximum base height shall be 33 percent of the #lot area# of the #zoning lot#. Such minimum #lot# coverage requirement shall not apply to the highest four #stories# of the #building#.

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

District	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
R6B	30	40	50
R6A	40	60	70
R7B	40	60	75
R7A	40	65	80
R7D	60	85	100
R7X	60	85	125
R8A	60	85	120
R8B	55	60	75
R8X	60	85	150
R9A**	60	95	135
R9A*	60	102	145
R9X**	60	120	160
R9X*	105	120	170
R10A**	60	125	185
R10A*	125	150	210
R10X	60	85	***

- * That portion of a district which is within 100 feet of a #wide street#
- ** That portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#
- *** #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (b)(4) of this Section

(c) Permitted obstructions and dormer provisions

Obstructions shall be permitted pursuant to Sections 23-62, 24-51 or 43-42. In addition, within a required setback area, a dormer may exceed a maximum base height specified in Tables A or B of this Section and thus penetrate a required setback area, 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. At any level above the maximum base height, the length of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See illustration of Dormer in Section 62-341).

However, all #buildings or other structures# on #waterfront blocks#, as defined in Section 62-11, shall comply with the height and setback regulations set forth for the designated #Residential District# as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive.

(2/2/11)

123-67

Residential Conversion

- (a) The provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings) shall not apply in #Special Mixed Use Districts#, except as expressly set forth herein.

In #Special Mixed Use Districts#, in any community district in the City, the #conversion# to #residences# of non-#residential# portions of #buildings#, in existence on or prior to December 10, 1997, shall be permitted subject to Sections 15-11, 15-12 and 15-30, paragraph (b).

#Uses# in #buildings# in existence on or prior to December 10, 1997, containing both #residential# and non-#residential uses#, shall not be subject to the provisions of Section 123-31 (Provisions Regulating Location of Uses in Mixed Use Buildings).

For the purposes of applying paragraph (a) of Section 15-111 to #Special Mixed Use Districts# where the designated #Residence District# is an R3 District, the minimum #floor area# per #dwelling unit# applicable to R4 Districts shall apply.

- (b) The #conversion# to #residences# of non-#residential# portions of #buildings# constructed after December 10, 1997, shall comply with the special #bulk# regulations of this Chapter for new #residential development#.

(5/8/13)

123-70

PARKING AND LOADING

For #Special Mixed Use Districts# located within the #Manhattan Core#, the provisions of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core), inclusive, shall apply, and for #Special Mixed Use Districts# located within the #Long Island City area#, as defined in Section 16-02 (Definitions), the provisions of Article I, Chapter 6 (Comprehensive Off-Street Parking Regulations in the Long Island City Area), inclusive, shall apply. For all other #Special Mixed Use Districts#, the provisions of this Section, inclusive, shall apply.

(12/10/97)

123-71

Manufacturing and Commercial Uses

For #manufacturing# and #commercial uses#, the #accessory# off-street parking and loading regulations of the designated M1 District, as set forth in Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations), shall apply.

(4/14/10)

123-72

Residential and Community Facility Uses

For #residences# and #community facility uses#, the #accessory# off-street parking and loading regulations of the designated #Residence District#, as set forth in Article II, Chapter 5, shall apply, except that:

- (a) the provisions of Section 25-50 (RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES) shall not apply. In lieu thereof, the provisions of Section 44-30 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply to such #uses#; and
- (b) for #buildings# containing #residences# in #Special Mixed Use Districts#, in addition to the applicable #accessory# off-street parking and loading regulations set forth in Article II, Chapter 5, the provisions of Sections 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages), 44-47 (Parking Lot Maneuverability and Curb Cut Regulations) and 44-48 (Parking Lot Landscaping) shall apply.

(2/2/11)

123-73

On Waterfront Blocks

For #uses# on #waterfront blocks#, as defined in Section 62-11, the special #accessory# off-street parking and loading regulations set forth in Section 62-40, inclusive, shall apply. When any #use# is permitted in both the designated #Residence District# and the designated M1 District, the #accessory# off-street parking and loading requirements applicable to the designated M1 District shall apply to such #use#.

(7/26/01)

123-80

MODIFICATION OF ARTICLE V, CHAPTER 4

In Article V, Chapter 4 (Non-Complying Buildings), Section 54-311 (Buildings non-complying as to density regulations), shall not apply.

(4/30/08)

123-81

Modification of Planting Strips

In #Special Mixed Use Districts#, the provisions of Section 26-42 (Planting Strips) shall not apply.

(11/13/12)

123-90

SPECIAL MIXED USE DISTRICTS SPECIFIED

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

#Special Mixed Use District# - 1: (12/10/97)
Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 2: (7/29/09)
DUMBO, Brooklyn

The #Special Mixed Use District# - 2 is established in DUMBO in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 4: (5/9/01)
Flushing/Bedford, Brooklyn

The #Special Mixed Use District# - 4 is established in Flushing/Bedford in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 5: (1/30/02)
Red Hook, Brooklyn

The #Special Mixed Use District# - 5 is established in Red Hook in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 6: (7/23/08)
Hudson Square, Manhattan

The #Special Mixed Use District# - 6 is established in

Hudson Square in Manhattan as indicated on the #zoning maps#.

#Special Mixed Use District# - 7: (8/19/03)
Morrisania, the Bronx

The #Special Mixed Use District# - 7 is established in Morrisania in the Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 8: (5/11/05)
Greenpoint-Williamsburg, Brooklyn

The #Special Mixed Use District# - 8 is established in Greenpoint-Williamsburg in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 9: (8/16/06)
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: (10/29/07)
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#.

#Special Mixed Use District# - 11: (3/11/09)
Gowanus, Brooklyn

The #Special Mixed Use District# - 11 is established in Gowanus in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 12 (10/27/10)
Borough Park, Brooklyn

The #Special Mixed Use District# - 12 is established in Borough Park in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 13: (6/30/09)
Lower Concourse, the Bronx

The #Special Mixed Use District# - 13 is established in the Lower Concourse in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 14: (10/13/10)
Third Avenue/Tremont Avenue, the Bronx

The #Special Mixed Use District# - 14 is established along
Third Avenue in the Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 15: (11/13/12)
West Harlem, Manhattan

The #Special Mixed Use District# - 15 is established in West
Harlem in Manhattan as indicated on the #zoning maps#.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XII: Special Purpose Districts Chapter 4: Special Willets Point District

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(11/13/08)

Article XII - Special Purpose Districts

Chapter 4

Special Willets Point District

(11/13/08)

124-00

GENERAL PURPOSES

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

- (a) transform Willets Point into a diverse and sustainable community that enhances connections to its surroundings through a unique combination of uses;
- (b) create a retail and entertainment destination that catalyzes future growth and strengthens Flushing's role as a nexus of economic, social and cultural activity;
- (c) encourage a mix of uses that complement sporting venues within Flushing Meadows-Corona Park;
- (d) maximize utilization of mass transit, reducing the automobile dependency of the redevelopment;
- (e) create a livable community combining housing, retail and other uses throughout the district;
- (f) create a walkable, urban streetscape environment with publicly accessible open spaces;
- (g) encourage the pedestrian orientation of ground floor uses;
- (h) build upon the diversity of the Borough of Queens as well as the proximity of regional transportation facilities, including the Van Wyck and Whitestone Expressways, LaGuardia and JFK Airports and the Long Island Railroad;
- (i) provide flexibility of architectural design within limits

established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and

- (j) promote the most desirable use of land and building development in accordance with the District Plan and Urban Renewal Plan for Willets Point and thus improve the value of land and buildings and thereby improve the City's tax revenues.

(10/9/13)

124-01

General Provisions

The provisions of this Chapter shall apply within the #Special Willets Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

(11/13/08)

124-02

Definitions

For the purposes of establishing #blocks# and applying the #use#, #signage#, #street# tree, height and setback, #court#, publicly accessible open space and curb cut regulations of this Chapter, #connector streets#, the #eastern perimeter street#, the #primary retail street#, #residential streets#, #retail streets# and #service streets# shall be considered #streets#, and their boundaries shall be treated as #street lines#.

Connector street

A "connector street" shall be a way intended for general public

use located and designed in accordance with requirements set forth in Section 124-31 (Standards for Streets and Blocks), inclusive.

Eastern perimeter street

The "eastern perimeter street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

Primary retail street

The "primary retail street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

Residential street

A "residential street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

Retail street

A "retail street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

Service street

A "service street" shall be a way intended for general public use located and designed in accordance with requirements set forth in Section 124-31, inclusive.

(11/13/08)

124-03

District Plan and Maps

District Plan Maps are located within the Appendix to this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

The District Plan includes the following five maps:

Map 1 - #Special Willets Point District# Plan

Map 2 - Location Requirements for Convention Center, Cinema and Office Tower

Map 3 - Height Limits

Map 4 - Locations of Tower Walls without Setbacks

Map 5 - Mandatory Intersections

(11/13/08)

124-04

Applicability of District Regulations

(3/28/12)

124-041

Applicability of Article III, Chapter 6

The provisions of Section 36-76 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special Willets Point District#.

(3/28/12)

124-042

Applicability of Article VII, Chapter 3

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

Section 73-16 (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #use# shall be allowed within the #Special Willets Point District# upon authorization of the City Planning Commission, pursuant to Section 124-16.

(3/28/12)

124-043

Applicability of Article VII, Chapter 4

The following special permit 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 #use# shall be allowed within the #Special Willets Point District# upon authorization of the City Planning Commission, pursuant to Section 124-16.

(2/2/11)

124-05

Certification for Large Developments

The requirements of this Section shall apply to #zoning lots# of at least 200,000 square feet of #lot area#, containing #developments# or #enlargements# resulting in at least 100,000 square feet of #floor area# on such #zoning lots#.

No building permit shall be issued until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #developments# or #enlargements# comply with the provisions of this Section.

A set of drawings of sufficient scope and detail shall be submitted, showing that:

- (a) all #streets# and private streets within or abutting the proposed #development# or #enlargement# comply with the provisions of Section 124-31 (Standards for Streets and Blocks), inclusive;
- (b) all #streets# and private streets within or abutting the proposed #development# or #enlargement# are constructed to grades acceptable to the Commissioner of Buildings and the

Commissioner of Transportation;

- (c) all publicly accessible open spaces within or abutting the proposed #development# or #enlargement# comply with the provisions of Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS), inclusive; and
- (d) for any portion of the #Special Willets Point District# not within the area proposed for #development# or #enlargement# and for which a certification pursuant to this Section has not been obtained, plans shall be submitted showing that the #development# or #enlargement# that is the subject of this certification shall not preclude such portions of the #Special Willets Point District# from complying with the provisions of Section 124-31 and 124-40 under future certifications pursuant to this Section.

The Chairperson may allow for phased development upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any private streets and publicly accessible open spaces that are integral to the #development# or #enlargement# of a #building# or #buildings# within each phase.

The Chairperson shall modify the provisions of Section 124-31, inclusive, to the minimum extent necessary, in the event that the Fire Department determines in writing that such modifications are required under law or regulation governing adequate fire access.

All required private streets and publicly accessible open spaces, once certified in accordance with the provisions of this Section, shall be duly recorded in the form of a signed declaration of restrictions, including a maintenance and operation agreement, indexed against the property, binding the owners, successors and assigns to provide such private streets and publicly accessible open spaces and public access thereto in accordance with the plans certified by the Chairperson of the City Planning Commission. Such declaration or maintenance and operation agreement shall require that a bond be posted that would ensure that the private streets and public access areas are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

In addition, the private streets and publicly accessible open

spaces integral to the #development# or #enlargement# of a #building# or #buildings# shall be recorded on the certificate of occupancy for such #building# or #buildings# by the Department of Buildings and shall be a condition of issuance of such certificate of occupancy.

(11/13/08)

124-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying district are modified as set forth in this Section, inclusive.

(11/13/08)

124-11

Regulation of Residential Uses

(2/2/11)

124-111

Location of residential use within buildings

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified to permit #dwelling units# or #rooming units# on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #dwelling units# or #rooming units# and provided any non-#residential uses# are not located directly over any #dwelling units# or #rooming units#. However, such non-#residential uses# may be located over #dwelling units# or rooming units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

(11/13/08)

124-112

Residential entrances on residential streets

Each ground floor #dwelling unit# on a #residential street# shall be directly accessible from such #residential street#. No more than one entrance to a #residential street# shall be required for any one ground floor #dwelling unit#.

(11/13/08)

124-12

Regulation of Commercial Uses in Area B

- (a) Within Area B, as shown on Map 1 in the Appendix to this Chapter, #commercial# and special permit #uses# shall be limited to those #uses# permitted in a C1-4 District and #physical culture or health establishments# pursuant to Section 73-36, provided that #commercial uses# shall be located no more than 100 feet from a #connector street#, the present or former 34th Avenue or Willets Point Boulevard, or Area A, as shown on Map 1 in the Appendix to this Chapter.
- (b) Within Area B, #uses# permitted in the underlying district shall be permitted within an area east and south of the present or former Willets Point Boulevard and contiguous with Area A, provided that such area shall be limited to 115,000 square feet in land area.

(11/13/08)

124-13

Uses Permitted As-of-Right

The following special permits shall not apply. In lieu thereof, such #uses# shall be permitted as-of-right:

Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) shall not apply for trade expositions with a capacity in excess of 2,500 persons, provided that the facility has a #floor area# of no more than 400,000 square feet;

Section 73-482 (In Commercial or Manufacturing Districts)

shall not apply for group parking facilities exceeding 225 spaces, provided such facilities comply with the regulations set forth in Section 124-50 (OFF-STREET PARKING REGULATIONS), inclusive.

In #buildings# with frontage on 126th Street, the following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:

Section 73-244 (In C2, C3, C4*, C6-4**, M1-5A, M1-5B, M1-5M and M1-6M Districts and the Special Tribeca Mixed Use District) shall not apply for eating and drinking establishments with a capacity of more than 200 persons, which shall be permitted as-of-right within 100 feet of a #Residence District# boundary

Section 73-35 (Amusement Arcades)

Section 73-36 (Physical Culture or Health Establishments)

Section 74-46 (Indoor Interactive Entertainment Facilities)

Section 74-47 (Amusement Arcades)

(2/2/11)

124-14

Retail Continuity

The following regulations shall apply within Area A, as shown on Map 1 in the Appendix to this Chapter, to all portions of #buildings# with frontage on 126th Street, the #primary retail street#, the #retail streets#, #connector streets# and, in the event that a utility easement is retained on the #block# bounded by Roosevelt Avenue and 126th Street, along the frontage of the publicly accessible open space required by paragraph (d) of Section 124-42.

(a) Ground floor #uses#

#Uses# within #stories# on the ground floor or with a floor level within five feet of #base flood elevation# shall be limited to #commercial uses# permitted by the underlying

district, but not including #uses# listed in Use Groups 6B, 6E, 8C, 8D, 9B, 10B or 12D, as provided in Article III, Chapter 2. A #building's# frontage shall be allocated exclusively to such #uses#, except for lobby space or entryways, parking pursuant to Section 124-50, inclusive, and vehicular access pursuant to Section 124-53 (Curb Cut Restrictions). Such #uses# shall have a minimum depth of 50 feet measured from any #street wall# facing 126th Street, the #primary retail street# or #connector streets#.

In no event shall the length of such frontage occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the #building's# frontage, whichever is less, except that the width of a lobby need not be less than 20 feet.

- (b) Maximum length of establishments facing 126th Street and the #primary retail street#

The length of ground floor frontage occupied by any establishment shall not exceed 110 feet along 126th Street and 65 feet along the #primary retail street#. Such maximum lengths shall apply within 50 feet of any #street wall# facing 126th Street and the #primary retail street#. However, the provisions of this paragraph, (b), shall not apply within 300 feet of Northern Boulevard.

- (c) Access

Access to each ground floor establishment shall be provided directly from a #street#.

- (d) Transparency

For any #building#, or portion thereof, #developed# or #enlarged# after November 13, 2008, each ground floor #street wall# shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such glazed area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

However, in locations where such ground floor #street wall#

above the level of the adjoining sidewalk or public access area is below #base flood elevation#, the required glazed area shall occupy an area measured from #base flood elevation# to a height 10 feet above #base flood elevation#.

(11/13/08)

124-15

Modification of Sign Regulations

The height of all #signs# shall be measured from #base flood elevation#. The underlying #sign# regulations shall apply, except as set forth in this Section.

- (a) Within Area A, as shown on Map 1 in the Appendix to this Chapter, the #sign# regulations of a C4 District shall apply, except for #street walls# facing Roosevelt Avenue, Northern Boulevard and 126th Street.
- (b) Within Area B, as shown on Map 1, the #sign# regulations of a C1 District shall apply, except that within the area described in paragraph (b) of Section 124-12, the sign regulations of a C4 District shall apply.
- (c) Within Area A, for #street walls# facing Roosevelt Avenue or Northern Boulevard, the #sign# regulations of a C4 District shall apply, except that #signs# shall be limited to 85 feet in height.
- (d) For #street walls# facing 126th Street to a height of 35 feet, the #sign# regulations of a C4 District shall apply, provided that the maximum projection of any #sign# from the exterior wall of a #building# shall be four feet, and the transparency requirements of paragraph (d) of Section 124-14 are met.
- (e) For #street walls# facing 126th Street above 35 feet in height, the #sign# regulations of a C4 District shall apply except that all permitted #signs#, including #illuminated signs# and #flashing signs#, shall be permitted without limitation on #surface area#, provided that:
 - (1) no such #signs# are higher than 85 feet;

- (2) the maximum projection of any #sign# from the exterior wall of a #building# shall be four feet, except that projections not exceeding six feet are permitted, provided that such projections beyond four feet shall comprise not more than 20 percent of the #surface area# of all such #signs# on the establishment; and
- (3) no #sign# attached to a #building or other structure# shall extend above any parapet wall or roof of such #building or other structure#.
- (f) Within 150 feet of the neighborhood park required pursuant to Section 124-42 (Types and Standards of Publicly Accessible Open Space), paragraph (a), #flashing signs# whose message is visible from such park shall not be permitted.
- (g) The provisions of Section 32-67 (Special Provisions Applying along District Boundaries) shall not apply in the #Special Willets Point District#.

(11/13/08)

124-16

Authorization for Electrical Utility Substations

The City Planning Commission may authorize electrical utility substations in the #Special Willets Point District# in order to serve the needs of the Special District, and the regulations thereof shall be modified as necessary to accommodate the operational needs of the substation, upon authorization of the City Planning Commission, provided the Commission finds that:

- (a) the architectural and landscaping treatment of such #use# shall blend harmoniously with the abutting area to the extent reasonably permitted by the operational needs of the substation; and
- (b) if the site proposed for such #use# is within Area A, as shown on Map 1 in the Appendix to this Chapter, that there are difficulties in locating such #use# within Area B, as shown on Map 1.

The City Planning Commission may, consistent with cost-effective operations and capital planning, and the operational needs of the

substation, prescribe appropriate conditions and safeguards on matters necessary to effectuate the provisions of paragraph (a) of this Section that are not regulated by other applicable codes, laws, rules or regulations. The applicant shall provide the Department of City Planning with a general description of such codes, laws, rules or regulations and a certification that the proposed substation shall comply therewith.

(2/2/11)

124-17

Special Permit for Cogeneration Power Plant

The Board of Standards and Appeals may permit a combined heat and power cogeneration plant not to exceed 100,000 square feet in #floor area#, provided that:

- (a) the power plant is designed to maximize both electric and thermal cogeneration system efficiency to the greatest extent feasible;
- (b) a detailed energy analysis is submitted to the Board demonstrating that the system as designed shall operate with maximum efficiency and perform more effectively than a traditional, power-purchased-from-grid system; and
- (c) the power plant is designed primarily to serve the #Special Willets Point District#.

In addition, the Board shall refer such application to the Department of Environmental Protection for a report to ensure that the power plant is designed to maximize cogeneration efficiency to the greatest extent feasible and that the system as designed shall operate with maximum efficiency and perform more effectively than a traditional, power-purchased-from-grid system.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices, emissions limits, and the concealment of such #use# with #building# enclosures, landscaping, buffer zones or other methods.

(2/2/11)

124-18**Special Permit for Wastewater Treatment Plant**

The Board of Standards and Appeals may permit an enclosed membrane bio-reactor wastewater treatment plant not to exceed 100,000 square feet in #floor area# on a site not to exceed 40,000 square feet in area, provided that the following findings are made:

- (a) that in all cases the proposed plant promotes and protects the public health, safety and general welfare;
- (b) the proposed plant shall be adequate for anticipated #development# in the area to be served;
- (c) the proposed plant is designed primarily to serve the #Special Willets Point District#;
- (d) the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development, and to minimize the interruption of the continuity of retail frontage;
- (e) the architectural and landscaping treatment of such #use# shall blend harmoniously with the rest of the area; and
- (f) that such #use# shall conform to the performance standards applicable to M1 Districts.

In addition, the Board shall refer such application to the Department of Health and the Department of Environmental Protection for a report to ensure that the site-specific design of the enclosed membrane bio-reactor waste water treatment plant meets all City and State health and effluent standards.

The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including requirements for soundproofing, safety devices, and the concealment of such #use# with #building# enclosures, landscaping, buffer zones or other methods.

(11/13/08)

124-19

Location and Other Requirements for Specific Uses

(11/13/08)

124-191

Convention center

A trade exposition center, hereinafter referred to as a convention center, is permitted in the #Special Willets Point District# only in accordance with this Section and shall be located on a #connector street#. A convention center may only be located in the area as depicted on Map 2 (Location Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter, being entirely within 650 feet of Northern Boulevard.

Furthermore, a convention center may not be located within 200 feet of 126th Street, and any portion of a convention center located between 200 feet and 450 feet of 126th Street shall be limited to no more than 50,000 square feet of #floor area#.

Section 124-14 (Retail Continuity) shall not be applicable to a convention center. In lieu thereof, the transparency requirements of this Section shall apply to the #street wall# of a convention center facing a #connector street#. Such #street wall# shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of such #street wall#, measured to a height of 15 feet above the level of the adjoining sidewalk or public access area. Not less than 40 percent of such area shall be glazed with transparent materials.

The main entrance(s) of such convention center shall be on a #connector street#.

(11/13/08)

124-192

Location of theaters

Theaters comprising over 10,000 square feet in #floor area# shall be located entirely within 600 feet of the intersection of Roosevelt Avenue and 126th Street, as depicted on Map 2 (Location

Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter.

(11/13/08)

124-193

Location of office uses in towers

Use Group 6B office #uses#, pursuant to Section 32-15, located on any #story# entirely above 120 feet in height shall be located entirely within 600 feet of the intersection of Roosevelt Avenue and 126th Street, as depicted on Map 2 (Location Requirements for Convention Center, Cinema and Office Tower) in the Appendix to this Chapter.

(11/13/08)

124-20

BULK REGULATIONS

In the #Special Willets Point District#, bulk regulations shall be as set forth in this Section, inclusive.

(2/2/11)

124-21

Floor Area Regulations

#Zoning lots# containing less than 200,000 square feet of #lot area# shall not exceed a #floor area ratio# of 2.0.

#Zoning lots# containing at least 200,000 square feet of #lot area# shall have a maximum #floor area ratio# as follows:

(a) Within Area A, as shown on Map 1 in the Appendix of this Chapter:

- (1) #Zoning lots# of at least 28 acres of #lot area# shall have a maximum #commercial floor area ratio# of 2.0 and a maximum total #floor area ratio# of 4.6.

(2) For #zoning lots# less than 28 acres:

(i) north of the centerline of the present or former 34th Avenue, the maximum #commercial floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 3.4.

(ii) south of the centerline of the present or former 34th Avenue, the maximum #commercial floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 5.0.

(b) Within Area B, as shown on Map 1:

(1) #Zoning lots# of at least 33 acres of #lot area# shall have a maximum #commercial floor area ratio# of 2.0 and a maximum total #floor area ratio# of 2.25.

(2) For #zoning lots# less than 33 acres:

(i) north of the centerline of the present or former 34th Avenue, the #floor area ratio# shall not exceed 2.0.

(ii) south of the centerline of the present or former 34th Avenue, and north and west of the centerline of the present or former Willets Point Boulevard, the maximum #commercial floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 3.0.

(iii) south and east of the centerline of the present or former Willets Point Boulevard, the maximum #commercial floor area ratio# shall be 2.0 and the maximum total #floor area ratio# shall be 4.0.

(2/2/11)

124-22

Height and Setback Regulations

The height and setback regulations of this Section shall apply throughout the #Special Willets Point District#, except that #developments# or #enlargements# that result in less than 100,000 square feet of #floor area# on #zoning lots# of less than 200,000

square feet shall be limited to the height and setback regulations of an R6B District. The height of all #buildings or other structures# shall be measured from the level of the adjoining sidewalk or other publicly accessible open space. For the purposes of this Section, the present or former 34th Avenue and Willets Point Boulevard shall be considered to be #connector streets#, 127th Street shall be considered to be a #residential street#, and public access areas provided pursuant to paragraph (d) of Section 124-42 (Types and Standards of Publicly Accessible Open Space) shall be considered a #connector street#.

(a) Street wall location and base heights

- (1) Except along 126th Street, Northern Boulevard and #residential streets#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# or public access area and shall extend without setback to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. However, the minimum base height of a convention center shall be 40 feet or the height of the #building#, whichever is less.
- (2) Along 126th Street, at least 80 percent of the #aggregate width of street walls# shall be located within 60 feet of the #street line# of 126th Street and shall extend to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. However, for #buildings# directly opposite Citi Field Stadium, a setback lower than 60 feet shall be permitted, provided that:
 - (i) for #buildings# greater than 85 feet in height, an additional setback is provided between a height of 60 and 85 feet; and
 - (ii) eating and drinking establishments with outdoor seating on terraces overlooking 126th Street are provided on the second #story#. Such terraces shall be located on the roof level above the ground floor level of the #building#, at a height not lower than 20 feet or higher than 30 feet above the level of the sidewalk fronting the 126th

Street #street wall# of the #building#, and shall have a minimum depth of 15 feet.

- (3) Along #residential streets#, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# or public access area and shall extend without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet. Where #street walls# facing #residential streets# contain ground floor #dwelling units#, such #street walls# shall be set back at least four feet from the #street line#. The #building# may project into the required setback area, provided that:
 - (i) any such projection does not exceed 20 feet in width;
 - (ii) any such projection does not exceed 25 feet in height;
 - (iii) the aggregate width of all such projections at the level of any #story# shall not exceed 50 percent of the width of the #street wall# of the #building#; and
 - (iv) all such projections are at least 10 feet apart.
- (4) Along Northern Boulevard, no portion of a #street wall# shall be located closer to Northern Boulevard than eight feet. At least 70 percent of the #aggregate width of street walls# shall be located between eight and 15 feet of the Northern Boulevard #street line# and shall extend without setback to a minimum base height of 60 feet or the height of the #building#, whichever is less. The maximum height of a #building or other structure# before setback shall be 85 feet.
- (5) Wherever an open area is provided between the #street wall# of a #building# and the #street line#, such area shall be planted, except at entrances to and exits from the #building#, and except where non-#residential uses# are provided at the ground floor level of the #building#.

- (b) Required setbacks and maximum #building# height

Except as provided in paragraph (c)(6) of this Section, setbacks are required for all portions of #buildings or other structures# that exceed a height of 85 feet. Such setbacks shall be provided at a height not lower than 60 feet. The depth of the required setback shall be at least 10 feet measured from any required #street wall# fronting on a #wide street#, and at least 15 feet from any required #street wall# fronting on a #narrow street#. Where portions of #buildings or other structures# that exceed a height of 85 feet are not located above a required #street wall#, such portions shall be set back at least ten feet from a #wide street line# and at least 15 feet from a #narrow street line#. However, dormers may penetrate a height of 85 feet in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts). Within the area limited to 232 feet above mean sea level, as shown on Map 3 in the Appendix to this Chapter, no portion of a #building or other structure# shall exceed a height of 120 feet except in accordance with the tower provisions of paragraph (c) of this Section.

(c) Towers

Within the area limited to 232 feet above mean sea level, as shown on Map 3, any #story# of a #building# located above a height of 120 feet shall comply with the provisions of this paragraph, (c). Such portions of a #building# are hereinafter referred to as "towers."

(1) Maximum tower size

Each #residential story# of a tower located entirely above a height of 120 feet shall not exceed a gross area of 11,000 square feet.

(2) Maximum tower length

The maximum length of any #residential story# located entirely above a height of 120 feet shall not exceed 170 feet. Such length shall be measured by inscribing within a rectangle the outermost walls of the tower at the level of each #story# entirely above a height of 120 feet. No side of such rectangle shall exceed a length of 170 feet.

(3) Orientation

The length of any #residential story# located entirely above a height of 120 feet shall be at least 1.5 times its width and oriented so that the long side of such tower faces within 25 degrees of geographical south. Such length shall be measured by inscribing within a rectangle the outermost walls of the tower at the level of each #story# entirely above a height of 120 feet. The orientation provisions of this paragraph, (c)(3), need not apply if at least 75 percent of all towers in the #Special Willets Point District# for which building permits have been issued comply with such provisions.

(4) Tower top articulation

For towers containing #residences#, the highest three #stories#, or as many #stories# as are located entirely above a height of 120 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (c)(4), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(5) Distance between towers

The minimum distance between all towers shall be 60 feet.

(6) Tower walls without setbacks

To permit a #building# to rise from grade to a tower portion without setback, the setback provisions of paragraph (b) of this Section shall not apply to any portion of a #building# located within the tower wall

location areas shown on Map 4 in the Appendix to this Chapter, provided that this exception from paragraph (b) of this Section shall not apply to more than one tower for each #block#.

(d) Maximum total height

Notwithstanding any other provisions of this Chapter, no #building or other structure# shall exceed the height limits depicted on Map 3. The height limits established in Map 3 include reference points for two airport approach surface areas that are continuous planes, and one area with a maximum height limitation of 232 feet above mean sea level (AMSL). The coordinates of the points are:

Point 1	73°50'42.9"W	40°45'38.1"N
Point 2	73°50'36.8"W	40°45'45.6"N
Point 3	73°50'26.6"W	40°45'39.3"N
Point 4	73°50'33.6"W	40°45'30.7"N

The height limits hereby established supersede the height limits described in Article VI, Chapter 1 (SPECIAL REGULATIONS APPLYING AROUND MAJOR AIRPORTS). Application may be made to the Board of Standards and Appeals pursuant to Section 73-66 (Height Regulations around Airports) for a permit to construct a #building or other structure# in excess of what is permitted pursuant to this paragraph, (d), provided that such application is also referred to the Port Authority of New York and New Jersey.

(11/13/08)

124-30
MANDATORY IMPROVEMENTS

(11/13/08)

124-31
Standards for Streets and Blocks

#Developments# or #enlargements# that result in a total of at least 100,000 square feet of #floor area# on #zoning lots# of at least 200,000 square feet, shall front upon #streets# that comply with the requirements of this Section, inclusive.

(11/13/08)

124-311

Maximum length of blocks

The maximum length of a #block# shall be 450 feet, except that:

- (a) where a #block# includes a convention center, such length shall be unlimited;
- (b) where a #block# bounds the intersection of 126th Street and Northern Boulevard, such length shall be limited to 675 feet;
- (c) where a #block# bounds the intersection of 126th Street and Roosevelt Avenue, such length shall be limited to 575 feet; and
- (d) #blocks# or portions of #blocks# east of a line 600 feet east of and parallel to 126th Street and west of a line 1,350 feet east of and parallel to 126th Street shall have a maximum distance between intersections on a #connector street# of 218 feet, except where a #block# includes a convention center or the minimum two-acre park required pursuant to Section 124-40 (PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS). Where public pedestrian access between a #connector street# and another #street# on the same #block# is located no less than 218 feet from both intersections on a #connector street# through provision of open space pursuant to Section 124-40, inclusive, such #block# or a portion of a #block# east of a line 600 feet east of and parallel to 126th Street and west of a line 1,350 feet east of and parallel to 126th Street may have a maximum distance between intersections on a #connector street# that does not exceed 400 feet, provided that there is only one such #block# in the Special District.

(2/2/11)

124-312

New streets

The provisions of this Section shall apply to all private streets constructed after November 13, 2008.

(a) #Primary retail street#

One #primary retail street# shall be provided parallel to, or generally parallel to, 126th Street and comply with the following requirements:

- (1) The western boundary of such #street# shall be not less than 220 feet and not more than 320 feet from 126th Street.
- (2) Such #street# shall intersect two #retail streets# and two #connector streets#.
- (3) The width of such #street# shall be a minimum of 70 feet and a maximum of 80 feet, comprised of:
 - (i) two 15 foot wide sidewalks, one adjacent to each curb;
 - (ii) two nine foot wide strips, one adjacent to each sidewalk that can be used as either parking lanes or pedestrian amenity areas that may include landscaping, seating and walkways;
 - (iii) two travel lanes in the center of the #street# totaling 22 feet in width; and
 - (iv) one optional eight to ten foot wide landscaped median located on the centerline of the #street# between the two travel lanes provided that the #street# width shall not exceed 72 feet without such median.

(b) #Connector streets#

Two #connector streets# shall be provided, as follows:

- (1) One #connector street# shall intersect 126th Street as shown on Map 5 in the Appendix to this Chapter.

- (2) One #connector street# shall intersect 126th Street opposite the south side of Citi Field Stadium within the 125 foot area shown on Map 5.
- (3) Both #connector streets# shall intersect with the #primary retail street# and with each other at a point east of the #primary retail street#.
- (4) The width of each #connector street# shall be at least 75 feet and no more than 86 feet, comprised of:
 - (i) two 15 foot wide sidewalks, one adjacent to each curb;
 - (ii) two nine foot wide strips, one adjacent to each sidewalk that can be used as either parking lanes or pedestrian amenity areas that may include landscaping, seating and walkways; and
 - (iii) at least two travel lanes and not more than three travel lanes totaling at least 22 feet and not more than 33 feet in width, and one bike lane at least five feet wide.
- (5) Where a convention center fronts upon a #connector street#, the requirements set forth in this paragraph, (b), shall be modified to eliminate the nine foot wide strip and, in lieu thereof, require a 12 foot wide drop off lane that, in the aggregate, shall not exceed 300 feet.

(c) #Retail streets#

A minimum of two and maximum of three #retail streets# shall be provided, as follows:

- (1) One #retail street# shall intersect 126th Street opposite the entrance to Citi Field stadium, within the area shown on Map 5;
- (2) One #retail street# shall intersect 126th Street opposite the north side of Citi Field Stadium within the area shown on Map 5;
- (3) Two #retail streets# shall intersect with the #primary retail street#;

(4) The width of each #retail street# shall be no more than 68 feet wide, comprised of:

(i) two 13 foot wide sidewalks, one adjacent to each curb;

(ii) two ten foot wide strips, one adjacent to each sidewalk that can be used as pedestrian amenity areas that may include landscaping, seating and walkways; and

(iii) two travel lanes totaling at least 22 feet in width.

(d) #Eastern perimeter street#

One #eastern perimeter street# shall be provided as follows:

(1) The eastern boundary of such #street# shall be within 20 feet of the eastern boundary of the #Special Willets Point District#, extending between Roosevelt Avenue and a #connector street#.

(2) The width of such #street# shall be at least 62 feet and no more than 75 feet, comprised of:

(i) a 13 foot wide sidewalk along its western boundary and a sidewalk at least five feet wide along its eastern boundary;

(ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and

(iii) at least two and no more than three travel lanes totaling at least 20 feet and not more than 33 feet in width.

(e) #Residential streets#

All #streets#, other than those listed in paragraphs (a) through (d) of this Section, that have one or more ground floor #dwelling units# fronting on the #street# shall be considered #residential streets#, except where such #street# is designated a #service street# pursuant to paragraph (f) of this Section. #Residential streets# shall be provided, as

follows:

- (1) A #residential street# shall be a minimum of 62 feet wide and a maximum of 64 feet wide, comprised of:
 - (i) two 13 foot wide sidewalks, one adjacent to each curb;
 - (ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and
 - (iii) two travel lanes totaling between 20 and 22 feet in width.

(f) #Service streets#

All newly constructed #streets#, other than those listed in paragraphs (a) through (e) of this Section, shall be improved as a #service street#. A minimum of 50 percent of the #uses# within #stories# on the ground floor or with a floor level within five feet of #base flood elevation# fronting a #service street# shall contain non-#residential uses#. #Service streets# shall be provided, as follows:

- (1) A #service street# may only be located as one of the #streets# bounding:
 - (i) a #block# that bounds the intersection of 126th Street and Northern Boulevard; and
 - (ii) a #block# that bounds the intersection of 126th Street and Roosevelt Avenue.
- (2) A #service street# shall be a minimum of 62 feet wide and a maximum of 64 feet wide, comprised of:
 - (i) two 13 foot wide sidewalks, one adjacent to each curb;
 - (ii) two eight foot wide strips, one adjacent to each sidewalk that can be used as either a parking lane or as pedestrian amenity areas that may include landscaping, seating and walkways; and
 - (iii) two travel lanes totaling between 20 and 22 feet

in width.

(2/2/11)

124-32

Street Tree Planting

All #developments# or #enlargements# shall provide and maintain trees of not less than three-inch caliper at the time of planting in the sidewalk adjacent to the #building# on the side of the sidewalk closest to the travel lane. All such trees shall be provided for the entire length of the frontage of the #building#, for every 25 feet of such frontage, except where curb cuts or utilities make such planting infeasible. Species shall be selected, installed and maintained in accordance with specifications established by the Department of Parks and Recreation. However, #street# trees need not be provided where such trees may interfere with truck movements in the loading area for a convention center.

(11/13/08)

124-33

Mandatory Sidewalk Widening

In the event that 34th Avenue remains a mapped street, all #developments# or #enlargements# on 34th Avenue shall provide a sidewalk widening of no less than 13 feet in width. No obstructions shall be permitted from the lowest level to the sky except for those permitted pursuant to Section 37-53 (Design Standards for Pedestrian Circulation Spaces), paragraph(f)(3). When one end of the sidewalk widening abuts an existing #building#, the special design treatment specified in Section 37-53, paragraph (f)(5), shall be required.

(11/13/08)

124-34

Roof Design Requirements

Any roof of a facility containing off-street parking spaces, not

otherwise covered by a #building#, which is larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust, and that it is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 50 percent of such roof area.

(11/13/08)

124-40

PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS

Publicly accessible open spaces shall be provided as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

(11/13/08)

124-41

Amount of Publicly Accessible Open Space

Publicly accessible open space within the #Special Willets Point District# shall total not less than eight acres. Such required amounts shall be open to the sky and shall not include any sidewalks required pursuant to this Section or sidewalk widenings pursuant to Section 124-33.

For #developments# or #enlargements# that result in a total of at least 100,000 square feet of #floor area# on #zoning lots# of at least 200,000 square feet, the following amount of publicly accessible open space shall be provided for each 1,000 square feet of #floor area#:

Within Area A: 30 square feet

Within Area B: 50 square feet.

Such publicly accessible open space may be transferred from the #zoning lot# containing the #development# or #enlargement# to any other #zoning lot# in the #Special Willets Point District#, provided that such publicly accessible open space meets the requirements of Section 124-42, inclusive.

(11/13/08)

124-42

Types and Standards of Publicly Accessible Open Space

The following types and standards of publicly accessible open space shall apply:

(a) Park

At least one park not less than two acres in area shall be provided. Such park shall be bounded on all sides by #streets# or a #school#, and at least one of the #streets# bounding the park shall be a #connector street#. No portion of such park shall be closer than 200 feet from the boundaries of the #Special Willets Point District#. Up to five percent of the area of such outdoor park may be covered by a #building or other structure#. A minimum of 50 percent of such park shall be planted, except that the planted area may be reduced to 40 percent if a playground acceptable to the Department of Parks and Recreation is provided within such park.

(b) 126th Street

The provisions of this paragraph, (b), shall apply along the western boundary of #blocks# bounding 126th Street:

- (1) a sidewalk with a minimum width of 15 feet shall be located adjacent to the curb, and have an elevation not higher than one foot above the level of the road bed;
- (2) a pedestrian amenity area at least 20 feet wide and no more than 35 feet wide shall be located between such sidewalk and the #street wall# of any #building# fronting upon 126th Street. Pedestrian circulation space at least five feet wide shall be provided within

such area within 1.5 feet of the ground floor elevation of such #street walls# to allow pedestrian movement in a direction parallel with the #street# and connecting with sidewalks of #streets# intersecting 126th Street;

- (3) on each such #block# there shall be a minimum of two ramps connecting the sidewalk along 126th Street and the pedestrian circulation space. In addition, stairways shall be provided linking the sidewalk and pedestrian circulation space so that each establishment on the #block# with entrances facing 126th Street is readily accessible by such stairs or ramps; and
- (4) all publicly accessible open spaces shall comply with the provisions of Sections 37-725 (Steps), 37-726 (Permitted obstructions), 37-728 (Standards of accessibility for persons with disabilities), 37-73 (Kiosks and Open Air Cafes) and 37-74 (Amenities), except for the following modifications:
 - (i) Section 37-73, paragraph (b), shall be modified to permit open air cafes to be at a different elevation from adjoining public access areas and from adjoining sidewalks;
 - (ii) Section 37-73, paragraphs (c)(4) and (d), shall not apply to the certification of open air cafes in the Special District, and the filing of plans for open air cafes in the Borough Office of the City Register shall not be required;
 - (iii) for publicly accessible open space on the western boundary of #blocks# facing Citi Field Stadium, Section 37-73, paragraph (b), shall be modified to limit the aggregate area of open air cafes to no more than 50 percent of the public access area, and to allow open air cafes to occupy up to 75 percent of #street# frontage;
 - (iv) in Section 37-741, the requirement for a minimum of one linear foot of required seating for every two linear feet of #street# frontage within 15 feet of the #street line# shall not apply;
 - (v) for public access areas on the western boundary of #blocks# facing Citi Field Stadium, Section 37-741 shall be modified so that seating for open air

cafes may count toward the seating requirement, in the category of moveable seating, provided that 25 percent of the linear seating capacity is provided through other seating types;

(vi) for publicly accessible open space not on the western boundary of #blocks# facing Citi Field Stadium, Section 37-742 shall be modified to require planters, planting beds and accessible lawns at a rate of 200 square feet for every 1,000 square feet of publicly accessible open space; and

(vii) Section 37-747 (Public space signage) shall not apply; in lieu thereof, paragraph (i) (Hours of access) of this Section shall apply.

(c) Roosevelt Avenue

Along the south side of #blocks# bounding Roosevelt Avenue, the following provisions shall apply:

(1) a bike lane with a minimum width of five feet shall be located no more than 16 feet from the curb line; and

(2) a pedestrian amenity area at least 20 feet in width and not more than 45 feet in width shall be provided between the bike lane and the #street wall# of a #building#:

(i) within the pedestrian amenity area, there shall be a sidewalk with a minimum width of 13 feet, generally parallel to Roosevelt Avenue, linking the sidewalk along 126th Street to either a sidewalk along the #eastern perimeter street#, if built, or the sidewalk leading to the Roosevelt Avenue Bridge; and

(ii) a minimum of 50 percent of the pedestrian amenity area shall be planted.

(d) #Block# at Roosevelt Avenue and 126th Street

In the event that a utility easement is retained on the #block# bounded by Roosevelt Avenue and 126th Street, the following improvements shall be provided:

(1) an entry plaza of at least 7,000 square feet shall be

provided adjacent to the intersection of 126th Street and Roosevelt Avenue, as follows:

- (i) the plaza shall include no less than 60 feet and no more than 80 feet of frontage along 126th Street;
 - (ii) each #use# or establishment with frontage on the plaza shall include at least one entrance to such plaza;
 - (iii) at least two amenities shall be provided from among those listed in Section 37-748, except that a kiosk that provides information instead of food service shall also be permitted; and
 - (iv) the area of such plaza shall not overlap with the requirements of paragraph (c) of this Section for Roosevelt Avenue;
- (2) a central plaza of at least 20,000 square feet shall be provided, as follows:
 - (i) the plaza shall have at least 100 feet of frontage on a #connector street#;
 - (ii) the prolongation of the centerline of the #primary retail street# shall intersect with such plaza;
 - (iii) such plaza shall meet the pedestrian amenity standards of paragraph (b)(4) of this Section for 126th Street; and
 - (iv) a minimum of 15 percent of such plaza shall be planted; and
- (3) a pedestrian corridor area shall be provided linking the entry plaza required pursuant to paragraph (d)(1) of this Section and the central plaza required pursuant to paragraph (d)(2) of this Section, as follows:
 - (i) such corridor shall be at least 60 feet in width and include, within such width, a 40 foot utility easement;
 - (ii) such corridor shall be at least 150 feet in length;

(iii) each #use# or establishment with frontage on such corridor shall include at least one entrance to such corridor; and

(iv) each side of such corridor area shall be planted with #street# trees of not less than three-inch caliper at the time of planting for the entire length of such corridor, at a rate of one tree for every 25 feet of the length of each side of such corridor.

(e) Northern Boulevard

Along the north side of #blocks# bounding Northern Boulevard, the following provisions shall apply:

(1) a sidewalk with a minimum width of 13 feet shall be located adjacent to the curb and have an elevation not higher than one foot above the road bed of Northern Boulevard;

(2) an open area at least eight feet wide and no more than 15 feet wide shall be located between the sidewalk and the #street wall# of a #building#, except that such area need not be provided where such areas may interfere with truck movements in the loading area for a convention center located on any such #block#; and

(3) a minimum of 70 percent of such open area shall be planted.

(f) #Eastern perimeter street#

Along the #eastern perimeter street# between the required sidewalk and the eastern boundary of the #Special Willets Point District#, an open area with a minimum depth of eight feet and a maximum depth of 15 feet shall be provided. At least 70 percent of such open area shall be planted.

(g) Convention center

If a convention center is provided, a pedestrian amenity area shall be required between the #street line# and the #street wall# of the convention center. The pedestrian amenity area shall have a depth of at least 10 feet and not more than 22 feet and shall meet the standards of paragraph

(b)(4) of this Section for 126th Street.

(h) Standards for additional areas

If the amount of public access areas required pursuant to paragraphs (a) through (g) of this Section does not total eight acres, the difference shall be provided in the form of one or more public access areas located not closer than 100 feet to the boundary of the #Special Willets Point District#.

(i) Hours of access

All publicly accessible open space shall be accessible to the public from sunrise to one hour after sunset. Entry plaques for public access areas over one-half acre in size shall be provided as described in paragraph (a) of Section 37-751, except that the number of such plaques shall be provided so that one such plaque is located at each point of entry to such publicly accessible open space, and lettering at least one inch in height shall be provided stating the words, "Open to the public:" followed by hours permitted pursuant to this paragraph, (i).

(j) Active recreation

A minimum of one-half acre of public access area shall be designed for active recreational use. This area may be located anywhere within the eight acres of publicly accessible open space required within the #Special Willets Point District#. Such area may include rooftop areas, provided that adequate public access is provided to the general public and that, regardless of the size of such rooftop area, entry plaques are provided for each point of entry pursuant to paragraph (i) of this Section. Access to such areas shall comply with the Americans with Disabilities Act of 1990.

(11/13/08)

124-50

OFF-STREET PARKING REGULATIONS

Off-street parking shall be provided for all required parking spaces and loading berths as specified by the underlying

district, except as modified by the special regulations of this Section, inclusive.

(2/2/11)

124-51

Use and Location of Parking Facilities

The provisions of this Section shall apply to all off-street parking spaces within the #Special Willets Point District#.

Floor space used for parking shall be exempt from the definition of #floor area#.

Parking facilities with over 225 parking spaces shall provide adequate reservoir space at the vehicular entrances to accommodate either ten automobiles or five percent of the total parking spaces provided in such facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles.

- (a) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are located:
 - (1) entirely below the level of any #street# or publicly accessible open space upon which such facility, or portion thereof, fronts;
 - (2) in a #cellar# no more than four feet above grade within Area B, as shown on Map 1 in the Appendix to this Chapter, provided that the #street wall# is set back at least four feet from the #street line# except for projections permitted pursuant to Section 124-22, paragraph (a)(3), and planted areas are provided pursuant to Section 124-22, paragraph (a)(5), and further provided that 50 percent of such #street wall# with adjacent parking spaces consists of opaque materials;
 - (3) at every level above-grade, behind any #floor area# containing permitted #commercial#, #community facility# or #residential uses#, at least 25 feet from any #street wall# or public access area; or

- (4) above-grade and adjacent to a #street wall# or public access area, provided that any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view and opaque materials are located in the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck and a total of at least 50 percent of such #street wall# with adjacent parking spaces consists of opaque materials. A parking structure so screened shall be permitted only in the following locations:
- (i) except within #blocks# that bound the intersection of 126th Street and Northern Boulevard or 126th Street and Roosevelt Avenue, a parking facility may be located adjacent to a #street wall# facing 126th Street above a height of 35 feet and limited to a height of 85 feet, provided that no less than 60 percent and no more than 70 percent of the surface area of the portion of such #street wall# with adjacent parking spaces consists of one or more of the following: #signs#, graphic or sculptural art, or living plant material. At least 25 feet of #floor area# containing permitted #commercial#, #community facility# or #residential uses# shall separate such parking spaces from any other adjacent #street#;
 - (ii) a parking facility may be located adjacent to a #street wall# limited to a height of 85 feet on a #block# that bounds the intersection of 126th Street and Northern Boulevard, provided that such #street wall# is on Northern Boulevard and is more than 100 feet from 126th Street, and provided that no less than 60 percent and no more than 70 percent of the surface area of the portion of such #street wall# with adjacent parking spaces consists of one or more of the following: #signs#, graphic or sculptural art, or living plant material. At least 25 feet of #floor area# containing permitted #commercial#, #community facility# or #residential uses# shall separate such parking spaces from adjacent #residential#, #connector# or #primary retail streets#;
 - (iii) a parking facility not on a #block# that bounds the intersection of 126th Street and Northern

Boulevard may be located adjacent to a #street wall# limited to a height of 40 feet facing Northern Boulevard, provided that such #street wall# with adjacent parking spaces is on Northern Boulevard and is more than 100 feet from 126th Street. At least 25 feet of #floor area# containing permitted #commercial#, #community facility# or #residential uses# shall separate such parking spaces from any other adjacent #street#;

- (iv) a parking facility may be located adjacent to a #street wall# on a #block# that bounds the intersection of 126th Street and Roosevelt Avenue, provided that such #street wall# with adjacent parking spaces is more than 100 feet from 126th Street, Roosevelt Avenue and at least 25 feet from any #connector street#;
- (v) a parking facility may be located adjacent to a #street wall# limited to a height of 40 feet facing the eastern boundary of the #Special Willets Point District#, within 200 feet of such eastern boundary, so that such parking facility is not visible from a #connector street#. At least 25 feet of permitted #floor area# containing #commercial#, #community facility# or #residential uses# shall separate such parking spaces from adjacent #residential# and #connector streets#; and
- (vi) a parking facility may be located adjacent to a #street wall# where such #street wall# is on a #service street#, provided that at least 25 feet of #floor area# containing permitted #commercial#, #community facility# or #residential uses# shall separate such parking spaces from adjacent #residential#, #connector#, #retail# or #primary retail streets#.

- (b) All parking facilities with parking spaces adjacent to an exterior #building# wall that is not a #street wall# shall provide screening of such exterior wall so that any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view and opaque materials are located in the exterior #building# wall between the bottom of the floor of each parking deck and no

less than three feet above such deck and a total of at least 50 percent of such exterior #building# wall with adjacent parking spaces consists of opaque materials.

- (c) All parking facilities shall not be open to the sky, and all parking facilities shall have a roof that meets the design requirements of Section 124-34.
- (d) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# and public parking spaces are provided on the same #block#, all such spaces shall be located within the same parking facility.
- (e) All #accessory# off-street parking spaces may be provided within parking facilities in #buildings# other than the same #building# as the #uses# to which they are #accessory#, provided that:
 - (1) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #building#; and
 - (2) such parking facilities are located within the #Special Willets Point District#; or
 - (3) such parking facilities are located within distances specified by Sections 36-421 (Maximum distance from zoning lot) and 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), as applicable.

(11/13/08)

124-52

Loading Restrictions

Loading areas shall not be permitted within 75 feet of 126th Street or within 50 feet of the #primary retail street#. Loading areas for a convention center #use# shall not be permitted within 100 feet of a #connector street#.

(11/13/08)

124-53

Curb Cut Restrictions

No driveway curb cuts for parking facilities or loading berths shall be permitted along 126th Street, the #primary retail street#, the #connector streets#, across from public open space of two or more acres, and within 50 feet of the intersection of any #streets#, except for a convention center or a #transient hotel# with a minimum of 50,000 square feet of #floor area#, and except that the City Planning Commission may authorize curb cuts, provided the Commission finds that such curb cuts are needed, do not unduly inhibit surface traffic or pedestrian flow and do not impair the essential character of the surrounding area.

Where permitted, the maximum aggregate width of curb cuts on any frontage shall be limited to 24 feet for #residential streets# and 60 feet for all other #streets#, except that the maximum width shall be 100 feet for #blocks# that bound the intersection of 126th Street and Northern Boulevard or 126th Street and Roosevelt Avenue and for #blocks# that contain a #transient hotel# with a minimum of 50,000 square feet of #floor area#. For a convention center, the maximum aggregate width of curb cuts on any frontage shall be limited to 100 feet, except that curb cuts shall be unlimited when located directly adjacent to the loading area of the convention center. All curb cuts shall be achieved with minimal reduction to the grade of the sidewalk over which they pass.

(10/9/13)

124-60

SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS

For any #zoning lot# within the #Special Willets Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission shall find that such:

- (a) #use# or #bulk# modification shall aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification shall encourage a lively pedestrian

environment along the street, or is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;

- (c) #bulk# modifications shall enhance the distribution of #bulk# within the Special District;
- (d) #bulk# modifications shall permit adequate access of light and air to surrounding streets; and
- (e) #use# or #bulk# modification shall relate harmoniously to the character of the surrounding area.

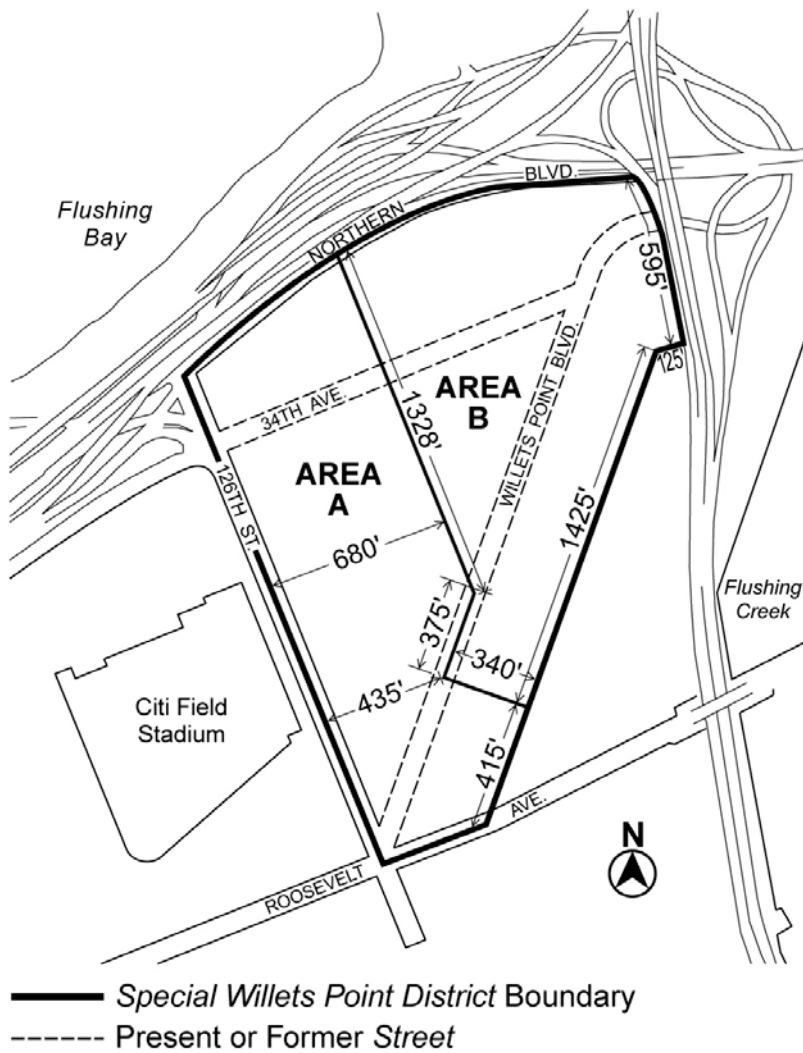
Notwithstanding the foregoing, a #use# modification may include a #use# proposed as part of a phased development within the Special District, where the Commission finds that such #use# is reasonably necessary for transitional purposes to assist in achievement of the goals of the Special District, provided the findings of paragraphs (a), (b) and (e) of this Section are met to the maximum extent possible, taking into account the nature of such #use#.

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

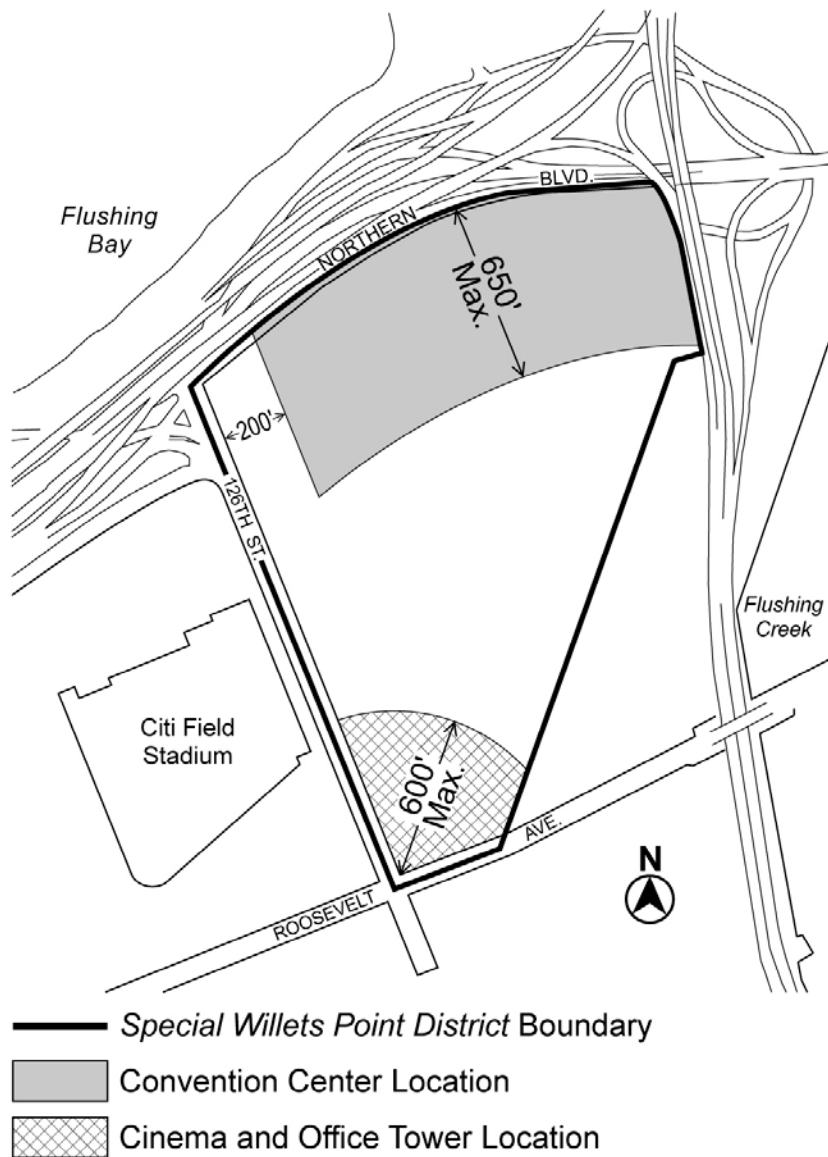
(11/13/08)

Appendix A
Special Willets Point District Plan

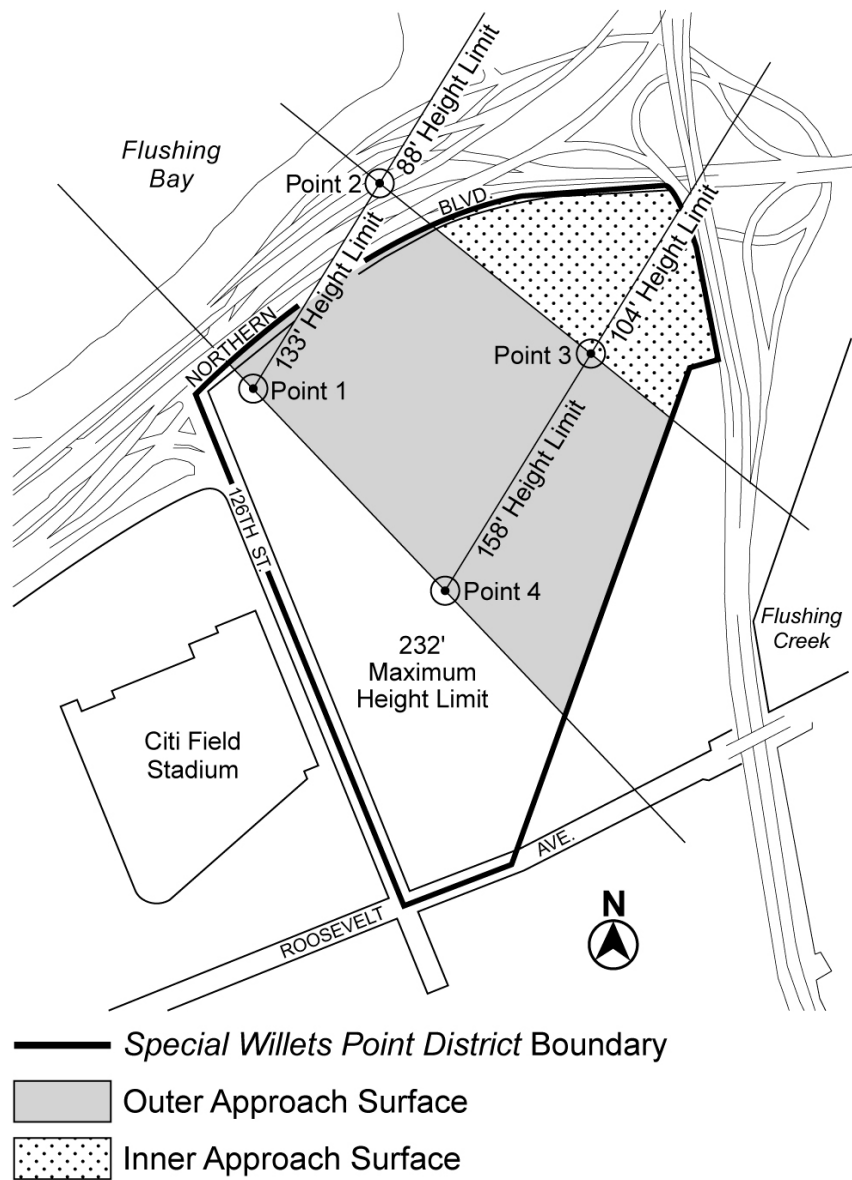
Map 1 - Special Willets Point District Plan



Map 2 - Location Requirements for Convention Center, Cinema and Office Tower

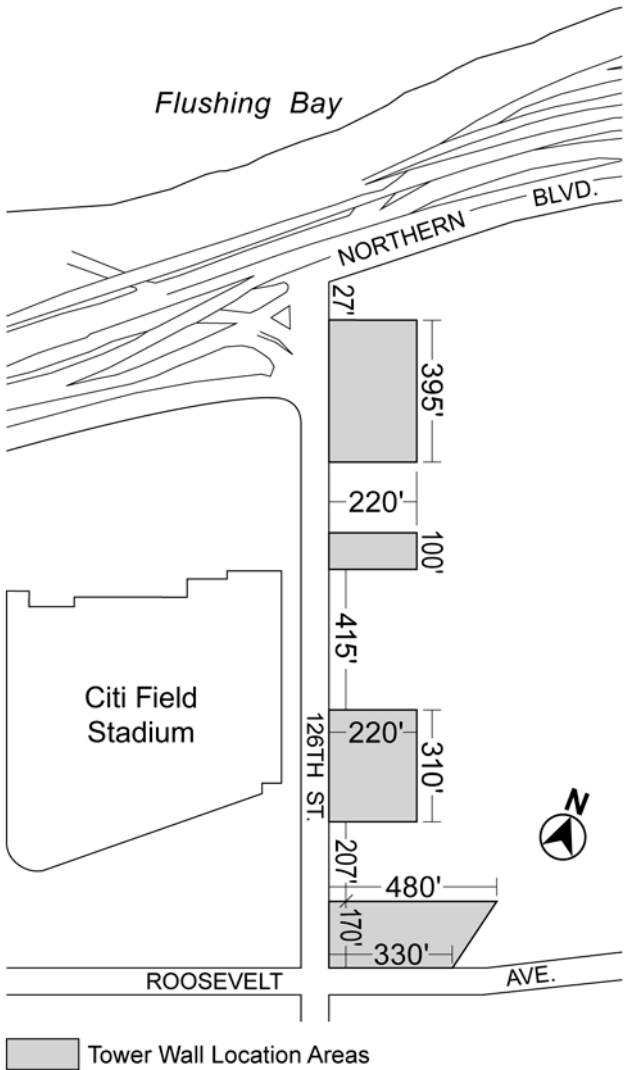


Map 3 - Height Limits

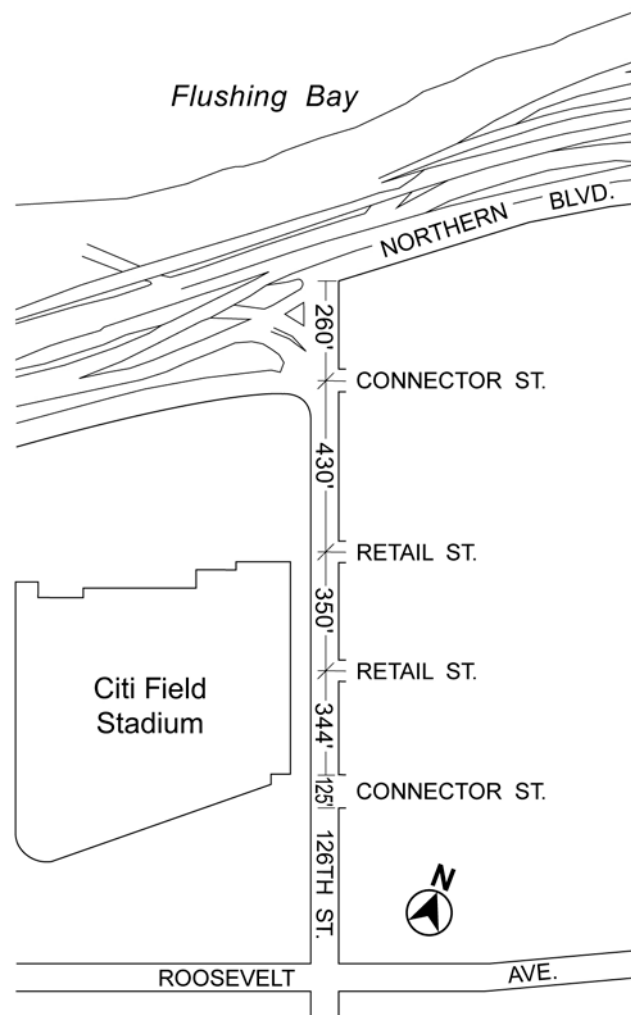


NOTE: Height Limits are measured Above Mean Sea Level (AMSL)

Map 4 - Locations of Tower Walls without Setbacks



Map 5 - Mandatory Intersections



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



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Michael R. Bloomberg, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XII: Special Purpose Districts Chapter 5: Special Southern Hunters Point District

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(11/13/08)

Article XII - Special Purpose Districts

Chapter 5

Special Southern Hunters Point District

(2/2/11)

125-00

GENERAL PURPOSES

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

- (a) encourage well-designed buildings that complement the built character of the Hunters Point neighborhood;
- (b) maintain and reestablish physical and visual public access to and along the waterfront;
- (c) broaden the regional choice of residences by introducing new affordable housing;
- (d) achieve a harmonious visual and functional relationship with the adjacent neighborhood;
- (e) create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;
- (f) take maximum advantage of the beauty of the East River waterfront and provide an open space network comprised of public parks, public open space and public access areas;
- (g) provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and
- (h) promote the most desirable use of land in accordance with the district plan for Southern Hunters Point, thus conserving the value of land and buildings, thereby protecting the City's tax revenues.

(10/9/13)

125-01

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Southern Hunters Point District#, the regulations of this Chapter shall apply within the #Special Southern Hunters Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

(11/13/08)

125-02

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Southern Hunters Point District# Plan. The District Plan, in Appendix A of this Chapter, includes the following ten maps:

- | | |
|-------|--|
| Map 1 | Special Southern Hunters Point District,
Subdistricts and Parcels |
| Map 2 | Special Ground Floor Use Regulations |
| Map 3 | Street Wall Location |
| Map 4 | Minimum Base Heights of 40 Feet |
| Map 5 | Maximum Base Heights other than 70 Feet |
| Map 6 | Tower Areas |
| Map 7 | Mandatory Sidewalk Widenings and Publicly
Accessible Open Area |
| Map 8 | Publicly Accessible Private Street and Open Area
in Newtown Creek Subdistrict |

Map 9 Newtown Creek Waterfront Access Plan (Q-3)

Map 10 Permitted Curb Cut Locations

(11/13/08)

125-03
Subdistricts

In order to carry out the purposes and provisions of this Chapter, the #Special Southern Hunters Point District# is divided into two subdistricts: the East River Subdistrict and the Newtown Creek Subdistrict. The East River Subdistrict is further subdivided into parcels A through G. The location and boundaries of the subdistricts and parcels are shown on Map 1 (Special Southern Hunters Point District, Subdistricts and Parcels), in Appendix A of this Chapter.

(11/13/08)

125-04
Applicability of District Regulations

(11/13/08)

125-041
Modification of use and bulk regulations for zoning lots bounding parks

Where the #lot line# of a #zoning lot# coincides with the boundary of a #public park#, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

(4/22/09)

125-042
Applicability of Article II, Chapter 5

The provisions of Section 25-86 (Waiver or Reduction of Spaces

for Subsidized Housing) shall not apply in the #Special Hunters Point District#.

(4/22/09)

125-043

Modification of Article VI, Chapter 2

The provisions of Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) are modified as set forth in Section 125-46 (Newtown Creek Waterfront Access Plan).

(11/13/08)

125-10

USE REGULATIONS

(2/2/11)

125-11

Ground Floor Use along Designated Streets

Map 2 (Special Ground Floor Use Regulations), in Appendix A of this Chapter, specifies locations where the special ground floor #use# regulations of this Section apply. Such regulations shall apply along the entire #street# frontage of the #building#, as indicated on Map 2.

#Uses# located on the ground floor level or within five feet of #curb level#, and within 30 feet of the #street wall#, shall be limited to #commercial# or #community facility uses# permitted by the underlying district. A #building's street# frontage shall be allocated exclusively to such #uses#, except for lobby space. In no event shall the length of #street# frontage occupied by lobby space exceed, in total, 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less, except that the length of lobby frontage need not be less than 20 feet.

(11/13/08)

125-12

Transparency Requirements

The ground floor #street wall# bounding any #community facility use# other than a #school# shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area, and the maximum sill height of all show windows shall be two feet, six inches above the adjoining sidewalk or public access area.

The ground floor #street wall# bounding any #commercial use# shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials. Furthermore, the maximum sill level of all show windows shall be two feet, six inches above the adjoining sidewalk or public access area.

(2/2/11)

125-13

Location of Uses in Mixed Buildings

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #dwelling units# or #rooming units# on the same #story# as a non-#residential use#, provided no access exists between such #uses# at any level containing #dwelling units# or #rooming units# and provided any non-#residential uses# are not located directly over any #dwelling units# or #rooming units#. However, such non-#residential uses# may be located over #dwelling units# or #rooming units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

(2/2/11)

125-14

Security Gates

All security gates that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street# or any publicly accessible area, except that this provision shall not apply to entrances or exits to parking garages.

(11/13/08)

125-20

FLOOR AREA REGULATIONS

(11/13/08)

125-21

East River Subdistrict

In the East River Subdistrict, the maximum #residential floor area ratio# shall be as set forth in the following table, and no #floor area# bonuses shall apply.

Parcel	Maximum #Floor Area#
A	12.0
B	10.0
C	10.5
D	12.0
E	12.0
F	10.0
G	12.0

(10/9/13)

125-22

Newtown Creek Subdistrict

In the Newtown Creek Subdistrict, the maximum #floor area ratio# shall be 2.75, and may be increased only as set forth in this Section.

(a) #Floor area# bonus for public amenities

For #developments# located within the Newtown Creek Subdistrict that provide a publicly accessible private street and open area, the #floor area ratio# may be increased from 2.75 to a maximum permitted #floor area ratio# of 3.75, provided that the Chairperson of the City Planning Commission has certified that such publicly accessible private street and open area comply with the design standards of Sections 125-44 (Private Street Requirements in Newtown Creek Subdistrict) and 125-45 (Publicly Accessible Open Area in Newtown Creek Subdistrict).

(b) #Floor area# increase for Inclusionary Housing

- (1) Within the #Special Southern Hunters Point District#, the Newtown Creek Subdistrict shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District.
- (2) In the Newtown Creek Subdistrict, for #developments# that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the #floor area ratio# for any #zoning lot# with #buildings# containing #residences# may be increased from 3.75 to a maximum #floor area ratio# of 5.0 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that:
 - (i) the height and setback regulations of paragraph (a) of Section 23-954 shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30, inclusive, of this Chapter shall apply; and
 - (ii) the provisions of Section 23-96 (Requirements for Generating Sites) shall be modified to require that in the event the #affordable housing# is not located within the same Community District as the #compensated zoning lot#, it shall be located within a one-half mile radius of the #compensated zoning lot# in an adjacent Community District in the Borough of Queens.

(11/13/08)

125-30

HEIGHT AND SETBACK REGULATIONS

The underlying height and setback regulations shall not apply, except as set forth in this Section. In lieu thereof, the height and setback regulations of this Section, inclusive, shall apply. All heights shall be measured from the #base plane#.

(4/30/12)

125-31

Rooftop Regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Southern Hunters Point District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

(11/13/08)

125-32

Balconies

Balconies shall not be permitted below a height of 70 feet. Above a height of 70 feet, balconies are permitted provided that at least 50 percent of the perimeter of the balcony is bounded by #building# walls, exclusive of parapet walls.

(2/2/11)

125-33

Required Street Walls

(a) #Street wall# location

All #street walls# of #buildings# shall be located on #street lines# of #zoning lots# as shown on Map 3 (Street Wall Location) in Appendix A of this Chapter. For the purposes of applying the

height and setback regulations of this Section, wherever a #building# fronts upon any #public park#, or any sidewalk widening, #publicly accessible open area# or private street provided in accordance with the design requirements of Sections 125-41 through 125-46, inclusive, the boundary of such #public park#, sidewalk widening, #publicly accessible open area# or private street shall be considered to be a #wide street line#.

(b) Minimum base heights

All #street walls# shall extend up to at least a minimum base height of 50 feet or the height of the #building#, whichever is less, except that a minimum base height of 40 feet shall be permitted in the locations specified on Map 4 (Minimum Base Heights of 40 Feet) in Appendix A of this Chapter.

(c) Maximum base heights

The maximum height of a #street wall# before setback shall be 70 feet, except in the locations specified on Map 5 (Maximum Base Heights other than 70 Feet) in Appendix A of this Chapter.

(d) Recesses

Recesses, not to exceed three feet in depth, shall be permitted on the ground floor where required to provide access to the #building#, and recesses, not to exceed five feet in depth, shall be permitted on the ground floor where required to provide access to utilities. Above the height of the second #story# or 30 feet above adjoining grade, whichever is greater, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#.

(e) Required setbacks and maximum #building# heights

Setbacks are required for all portions of #buildings# that exceed the applicable maximum base height, except #schools#. All required setbacks shall be provided at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except that the depth of such setbacks may include the depth of any permitted recesses in the #street wall#. For the purposes of this paragraph, (c), the following shall be considered #wide streets#:

(1) Second Street between 54th Avenue and Borden Avenue

(2) 55th Avenue between Center Boulevard and Second Street

(3) Center Boulevard between 50th Avenue and 57th Avenue.

Above the applicable maximum base height, the maximum height of a #building or other structure# shall be 125 feet, except where towers are permitted, pursuant to Section 125-34.

(11/13/08)

125-34

Towers

Any portion of a #building# that exceeds a height of 125 feet shall comply with the following provisions:

(a) Tower location and maximum tower height

All towers shall be located entirely within a Tower Area as designated on Map 6 (Tower Areas), in Appendix A of this Chapter. The maximum height of such towers shall be as indicated for the specified location on Map 6. For #buildings# higher than 165 feet, the #stories# entirely within 40 feet of the highest roof level of the #building# shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Orientation and maximum tower size

The outermost walls of each #story# located entirely above a height of 125 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to Second Street or Center Boulevard, whichever is closest, shall be 95 feet. The maximum length of any other side of such rectangle shall be 170 feet. Each #story# of a tower located entirely above a height of 125 feet shall not exceed a gross area of 11,000 square feet.

However, on Parcel G in the East River Subdistrict, the maximum length of the side of such rectangle that is parallel or within 45 degrees of being parallel to Second Street shall not exceed 170 feet.

(c) Tower and base integration

Notwithstanding the setback provisions of paragraph (c) of Section 125-33, up to 50 percent of the #street wall# width of a tower may rise sheer from grade without setback.

(2/2/11)

125-35

Authorization for Height and Setback Modifications

Within the #Special Southern Hunters Point District#, for any #development# or #enlargement#, the City Planning Commission may modify the regulations set forth in Section 125-30, inclusive, provided the Commission finds that such modifications:

- (a) will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets# and properties;
- (b) are consistent with the goals of the Special District to provide flexibility of architectural design and encourage more attractive #building# forms; and
- (c) will result in a #development# or #enlargement# that enhances the streetscape and is compatible with development in the surrounding area.

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

(11/13/08)

125-40

DISTRICT PLAN ELEMENTS

(11/13/08)

125-41

Sidewalk Widening

Map 7 (Mandatory Sidewalk Widening and Publicly Accessible Open Area), in Appendix A of this Chapter, shows locations of mandatory sidewalk widening in the East River Subdistrict. The depth of such sidewalk widening shall be as indicated on Map 7 and shall be measured perpendicular to the street line unless otherwise indicated. All sidewalk widening shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalk, and shall be accessible to the public at all times.

(11/13/08)

125-42

Publicly Accessible Open Area Requirements on Parcels B, D, E and F

Map 7 (Mandatory Sidewalk Widening and Publicly Accessible Open Areas), in Appendix A of this Chapter, shows locations where open areas are permitted or required on Parcels B, D, E and F in the East River Subdistrict. Where any such area is provided, it shall be publicly accessible and comply with the standards of Sections 37-741 (Seating), 37-743 (Lighting and electrical power), 37-744 (Litter receptacles), 37-745 (Bicycle parking), 37-746 (Drinking fountains), 37-747 (Public space signage), 37-76 (Mandatory Allocation of Frontages for Permitted Uses) and 37-77 (Maintenance).

In addition, the provisions of Section 37-742 (Planting and trees) shall apply to such open areas, and shall be modified to require that:

- (a) at least 30 percent of each open area be comprised of planting beds;
- (b) at least two four-inch caliper trees or three ornamental trees be provided within such open areas on Parcels D and F; and
- (c) no trees shall be required within the open areas on Parcels B and E.

(11/13/08)

125-43

Publicly Accessible Open Area Requirements on Parcel G

A publicly accessible private open area shall be provided within the area of Parcel G in the East River Subdistrict as shown on Map 7 (Mandatory Sidewalk Widening and Publicly Accessible Open Area) in Appendix A of this Chapter. No excavation or building permit shall be issued for any #development# on such parcel until the Chairperson of the City Planning Commission certifies to the Department of Buildings that a site plan for such open area has been submitted that is consistent with the Department of Parks and Recreation design standards used for the development of the adjacent #public park#. A certification under this paragraph shall be granted on condition that an acceptable restrictive declaration is executed and filed, binding the owners, successors and assigns to develop such publicly accessible private open area in accordance with the approved site plan and to maintain such open area in accordance with maintenance standards acceptable to the Department of Parks and Recreation.

In the event that Parcel G is not owned by the City, then, prior to design and development of the publicly accessible open area, the owner of Parcel G may make a request directed to the Office of the Mayor to transfer to the City its fee simple absolute interest, free and clear of any encumbrances in the open area. The City may accept the transfer request, provided that development of the open area is made in accordance with guidelines established by the Chairperson of the City Planning Commission and the Commissioner of the Department of Parks and Recreation, and transfer is made pursuant to such instruments as are necessary for implementation. In the event of a transfer, the #bulk# and parking computations for the #zoning lot# shall include the transferred property and such transfer shall not be deemed a #non-compliance#.

(11/13/08)

125-44

Private Street Requirements in Newtown Creek Subdistrict

In the Newtown Creek Subdistrict, where a private street is provided pursuant to paragraph (a) of Section 125-22, such private street shall be constructed to minimum Department of Transportation standards for public #streets#, including lighting, curbs and curb drops. Such private street shall consist of a paved road bed with a minimum width of 34 feet from curb to curb with 13 foot wide sidewalks on each side along its entire length. Such private street shall be located as shown on Map 8 (Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict) in Appendix A of this Chapter. One tree shall be planted for every 25 feet of curb length of the private street. Fractions equal to or greater than one-half resulting from this

calculation shall be considered to be one tree. Such trees shall be planted at approximately equal intervals along the entire length of the curb of the private street.

(2/2/11)

125-45

Publicly Accessible Open Area in Newtown Creek Subdistrict

Where a publicly accessible private open area is provided pursuant to paragraph (a) of Section 125-22, such open area shall be located as shown on Map 8 (Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict) in Appendix A of this Chapter. No excavation or building permit shall be issued for any #development# or #enlargement# on such parcel until the Chairperson of the City Planning Commission certifies to the Department of Buildings that a site plan for such open area has been submitted that is either:

- (a) consistent with the Department of Parks and Recreation design standards for the #public park# located on 55th Avenue between Center Boulevard and Second Street; or
- (b) in the event that design standards have not been developed for the #public park# located on 55th Avenue between Center Boulevard and Second Street, acceptable to the Chairperson of the City Planning Commission and the Department of Parks and Recreation.

A certification under this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed, binding the owners, successors and assigns to develop such publicly accessible private open area in accordance with the approved site plan and to maintain such open area in accordance with maintenance standards acceptable to the Department of Parks and Recreation. Such approved plan shall allow for pedestrian access from 55th Avenue to the #residential# entrance of a #building# bounding the publicly accessible private open area. The paved width of such access shall not exceed 13 feet, and its location shall be within the area shown on Map 8.

(4/22/09)

125-46

Newtown Creek Waterfront Access Plan

Map 9, in Appendix A of this Chapter, shows the boundaries of the area comprising the Newtown Creek Waterfront Access Plan and the location of

certain features mandated or permitted by the Plan. The plan area consists of Block 11, Lot 1, as established on November 13, 2008.

(a) Modification of #use# requirements

Docks for water taxis and docks or mooring facilities for non-commercial pleasure boats, listed in Section 32-16 (Use Group 6), shall be permitted #uses# within the Newtown Creek Waterfront Access Plan.

(b) Area-wide modifications

The requirements for #waterfront public access area#, as defined in Section 62-11, pursuant to Sections 62-53 through 62-57, inclusive, are modified at the following designated locations:

(1) #Upland connection#

An #upland connection#, as defined in Section 62-11, shall be provided through Block 11, Lot 1, abutting the prolongation of 5th Street and extending from the #shore public walkway#, as defined in Section 62-11, northerly to 54th Avenue.

(2) #Supplemental public access area#

#Supplemental public access areas#, as defined in Section 62-11, shall be provided as indicated on Map 9.

(2/2/11)

125-47

Phased Implementation of Publicly Accessible Areas

In the Newtown Creek Subdistrict, the Chairperson of the City Planning Commission shall allow for the phased implementation of all required publicly accessible areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for an amount of public access area proportionate to the amount of #floor area# being #developed# or #enlarged# in each phase. For any #development# or #enlargement# located within 100 feet of a #shoreline#, the initial phase shall provide, at a minimum, the required #shore public walkway# and any adjacent #supplemental public access areas# located between such #development# or #enlargement# and such #shore public walkway#, as defined in Section 62-11. For any #development# or #enlargement# that fronts upon 54th Avenue, the initial phase shall provide, at a minimum, the required publicly accessible private street.

(5/8/13)

125-50

PARKING REGULATIONS

The regulations governing permitted and required #accessory# off-street parking spaces of Article I, Chapter 6 (Comprehensive Off-Street Parking Regulations in the Long Island City area) and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall apply, except as set forth in this Section.

(11/13/08)

125-51

General Regulations

For the purposes of Section 125-50 (PARKING REGULATIONS), inclusive, the #floor area# of a #building# shall not include floor space used for #accessory# off-street parking spaces provided in any #story# located not more than 33 feet above #curb level#.

No #public parking garages# or #public parking lots# shall be permitted.

(2/2/11)

125-52

Location of Off-street Parking Spaces

(a) Enclosure of spaces

All off-street parking spaces shall be located within facilities that, except for entrances and exits, are entirely below the level of any #street# or #publicly accessible open area# upon which such facility or portion thereof fronts, or shall be located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# so that no portion of such parking facility is visible from adjoining #streets# or #publicly accessible open areas#. Such #floor area# shall have a minimum depth of 30 feet.

(b) Rooftop landscaping

Any roof area of a parking garage not otherwise covered by a

#building# and larger than 400 square feet shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational #use# of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 50 percent of such roof area. #Schools# shall be exempt from the provisions of this paragraph, (b).

(5/8/13)

125-53

Maximum Size of Permitted Accessory Group Parking Facilities

In the East River Subdistrict, Section 16-13 (Permitted Parking for Zoning Lots with Multiple Uses) shall apply, except that the maximum number of spaces shall be 780. Section 16-21 (Off-Site Parking) shall not apply.

In the Newtown Creek Subdistrict, Section 16-13 shall apply except that the maximum number of spaces shall not exceed 40 percent of the number of #dwelling units# within the #development# or #enlargement#.

(11/13/08)

125-54

Off-site Facilities in the East River Subdistrict

In the East River Subdistrict, all #accessory# off-street parking spaces may be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #uses# to which they are #accessory#, provided such parking facilities are located within the #Special Southern Hunters Point District#, and the number of parking spaces within such facility shall not exceed the combined maximum number of spaces permitted on each off-site #zoning lot# using such facility, less the number of any spaces provided on such #zoning lots#.

(2/2/11)

125-55

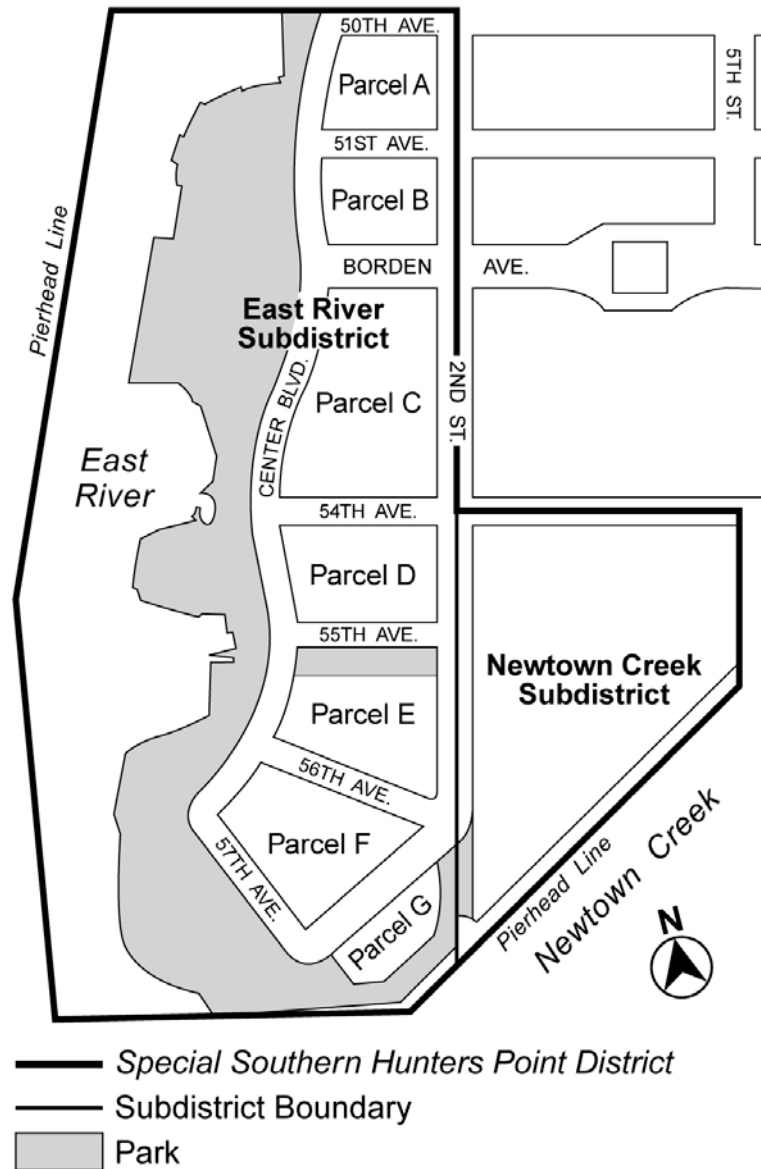
Location of Curb Cuts

Curb cuts are permitted only in the locations indicated on Map 10 (Permitted Curb Cut Locations) in Appendix A of this Chapter. The aggregate width of all curb cuts provided for any #building# shall not exceed 50 feet.

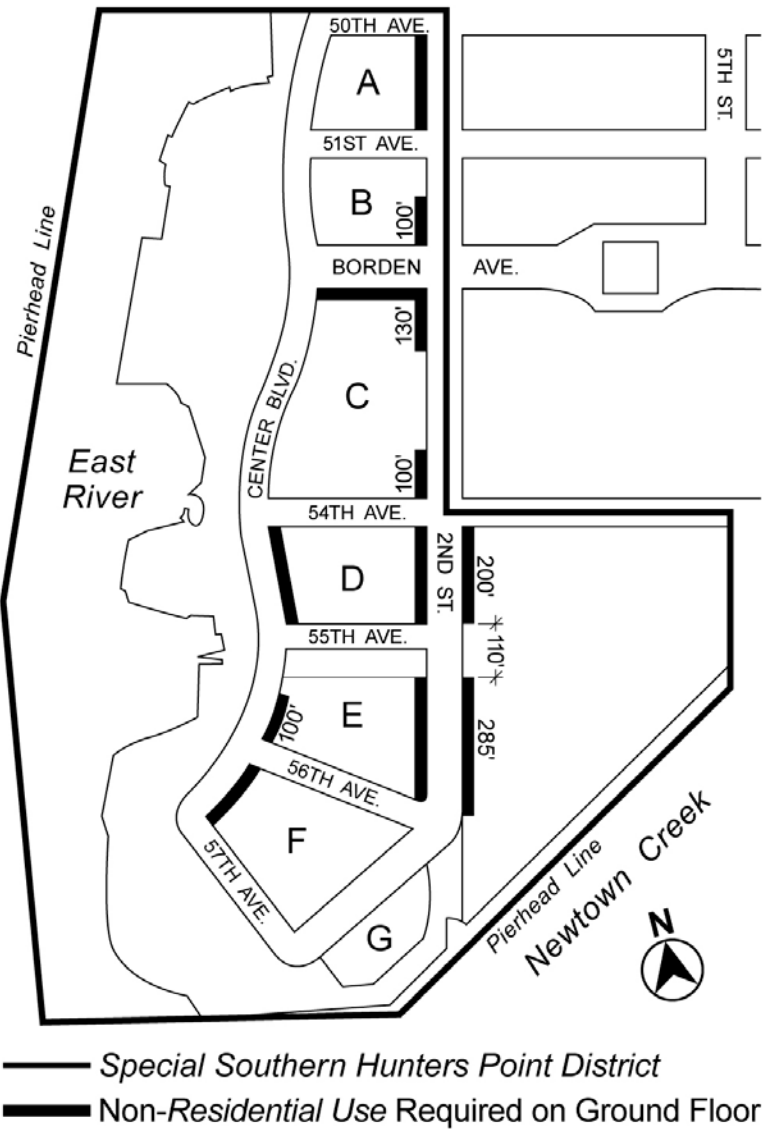
(11/13/08)

Appendix A
Special Southern Hunters Point District Plan

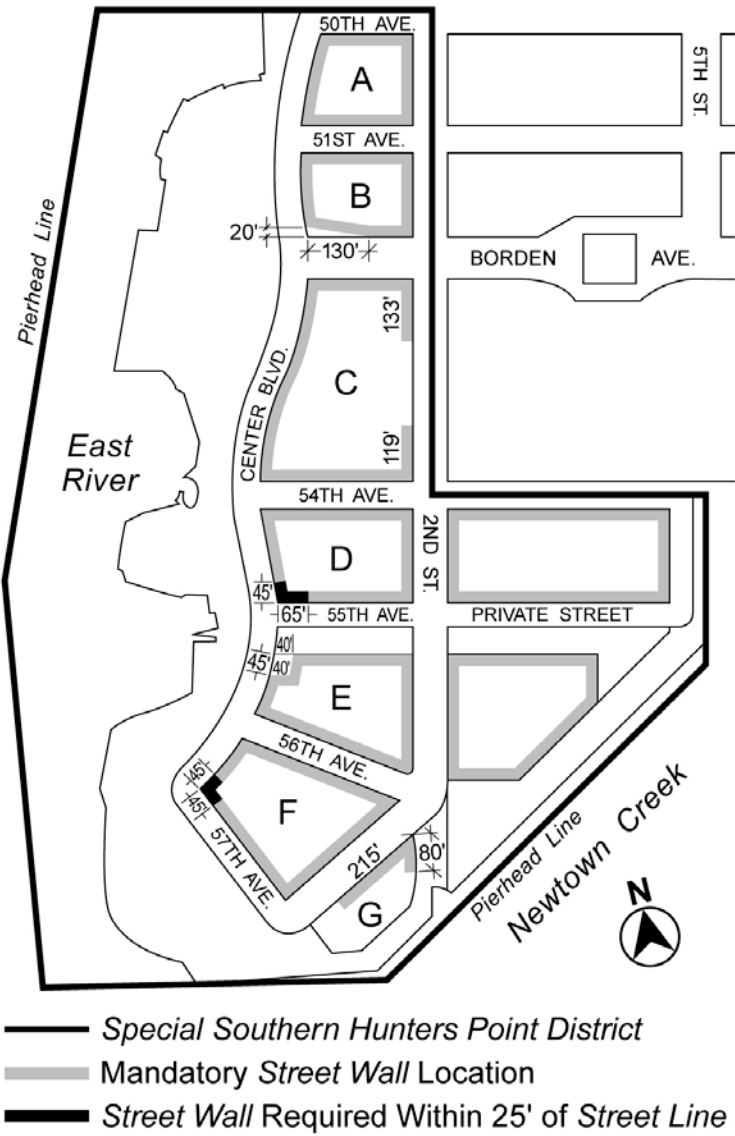
Map 1 - Special Southern Hunters Point District, Subdistricts and
Parcels



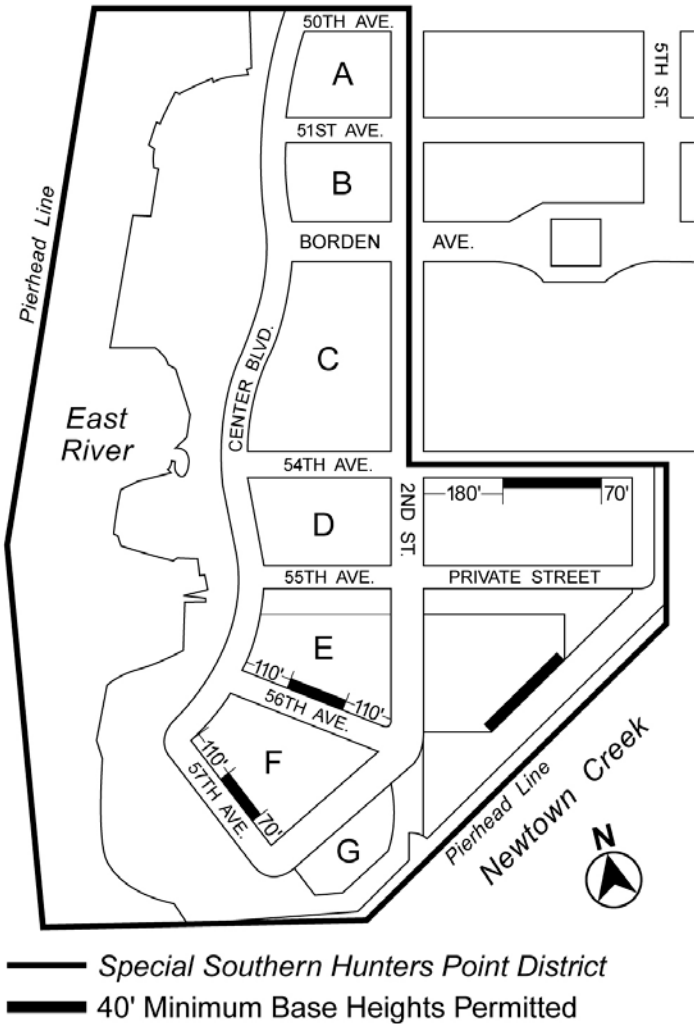
Map 2 - Special Ground Floor Use Regulations



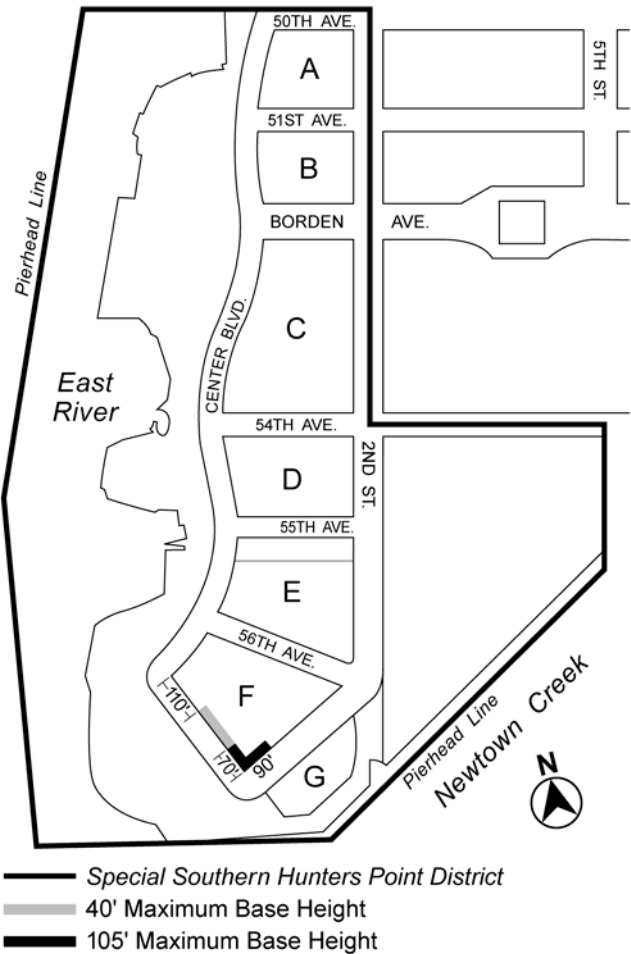
Map 3 - Street Wall Locations



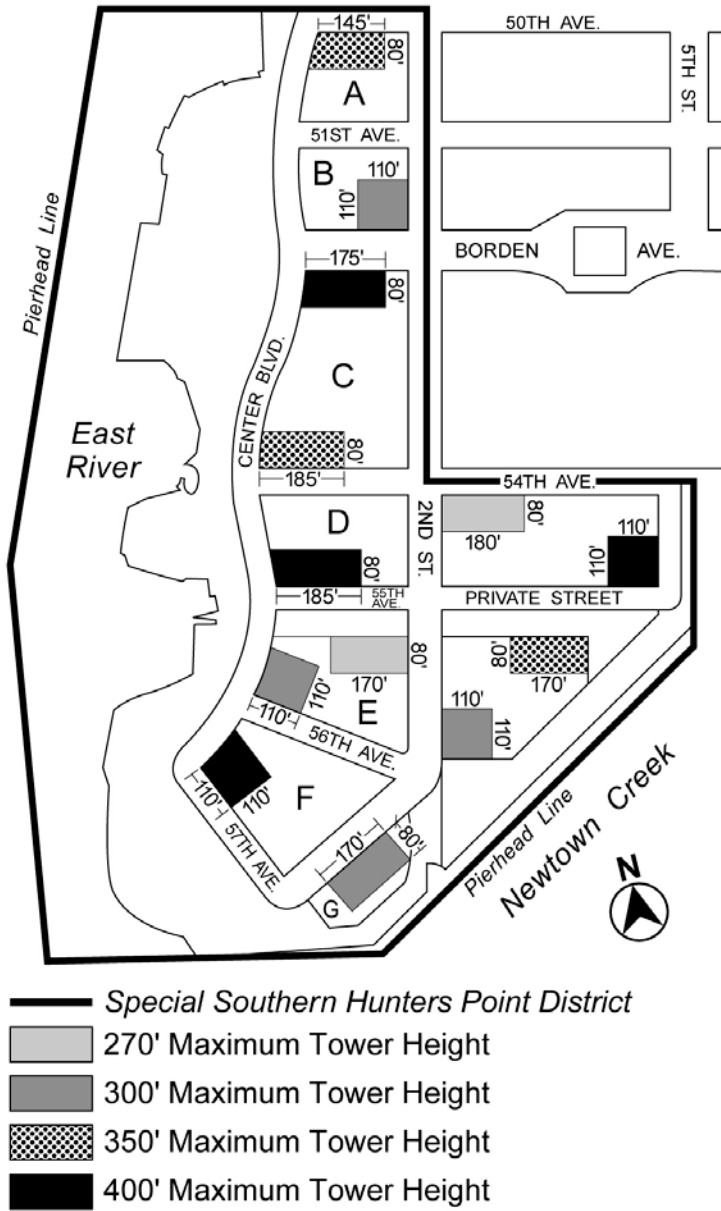
Map 4 - Minimum Base Heights of 40 Feet



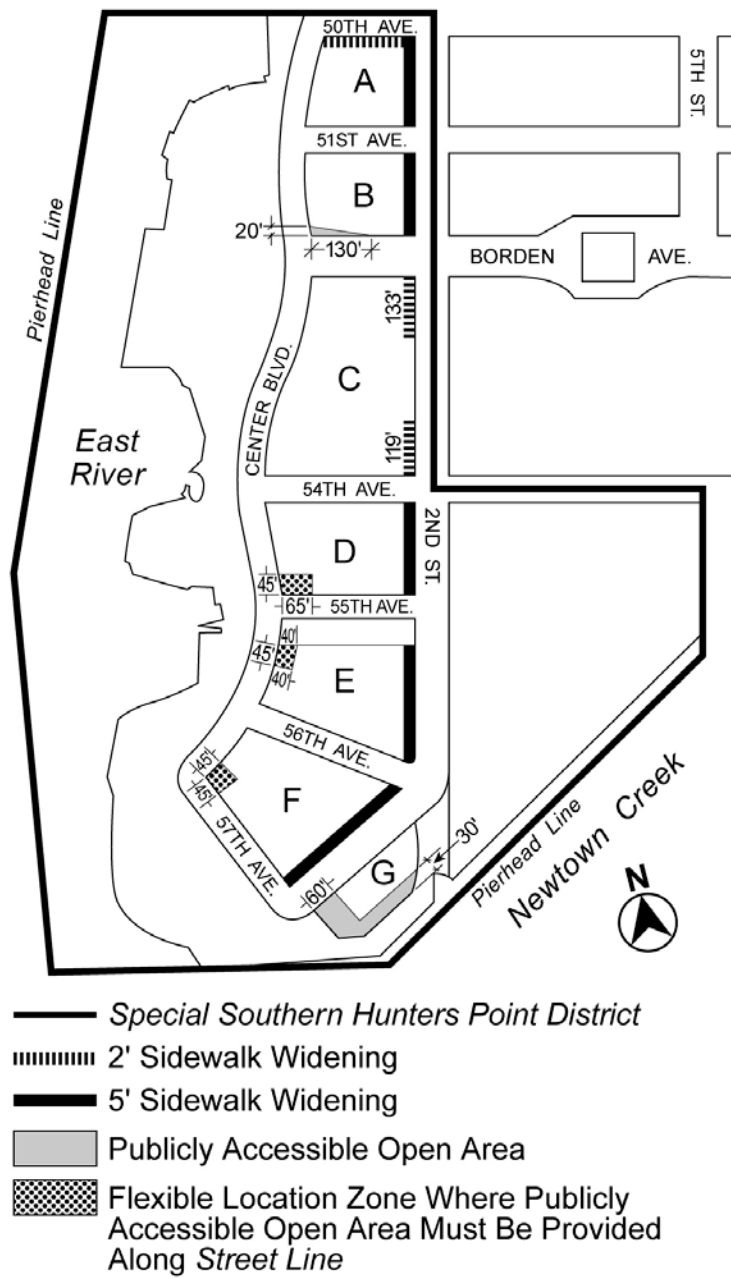
Map 5 - Maximum Base Heights other than 70 Feet



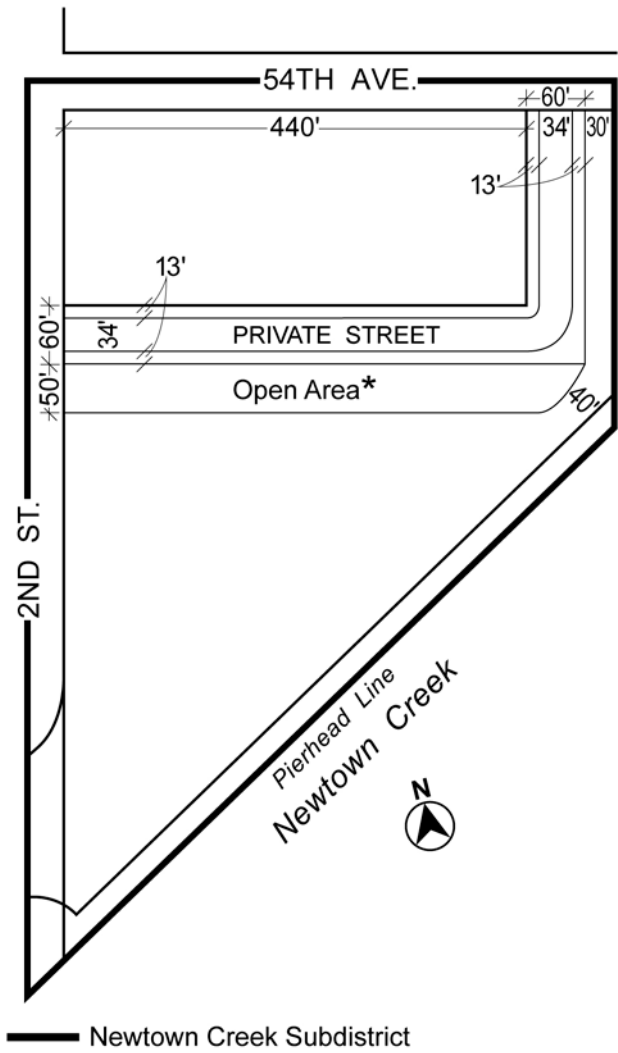
Map 6 - Tower Areas



Map 7 - Mandatory Sidewalk Widening and Publicly Accessible Open Area

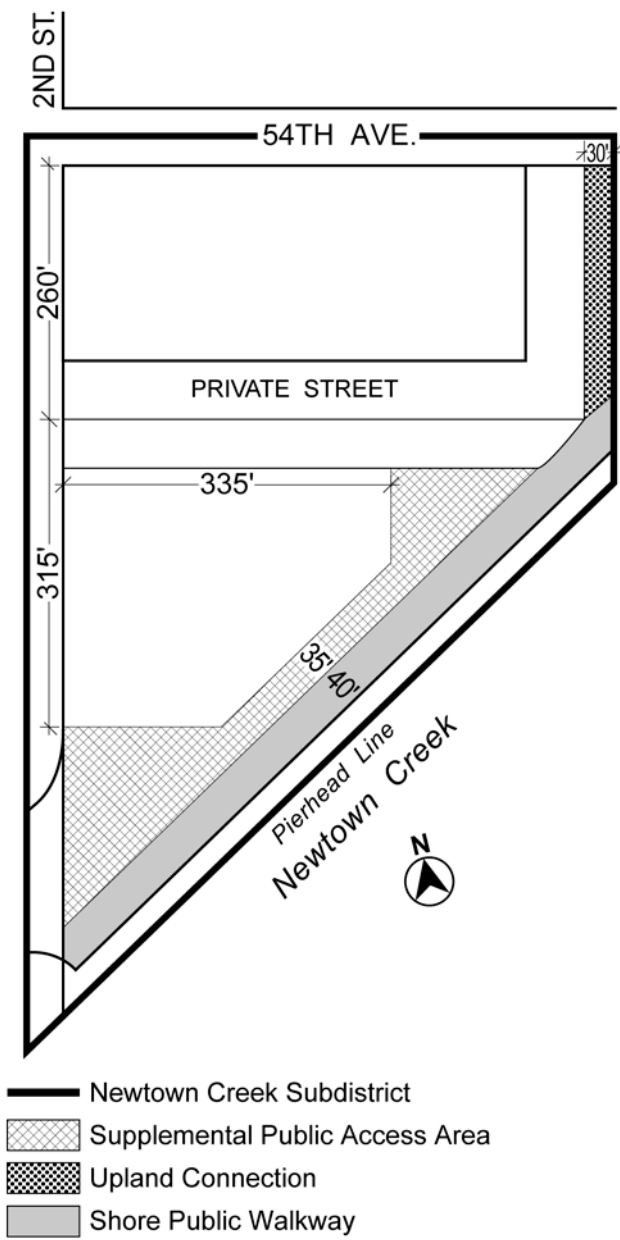


Map 8 - Publicly Accessible Private Street and Open Area in Newtown Creek Subdistrict

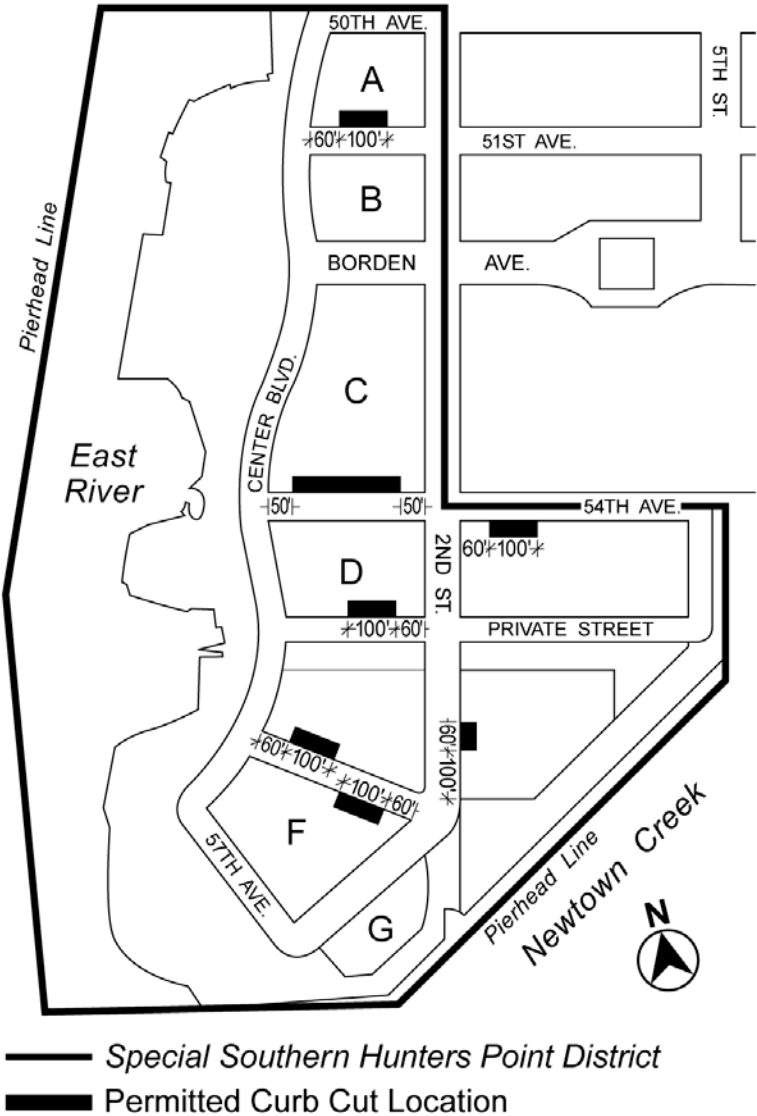


*One 13' wide walkway connecting sidewalk of private street and residential building entrance may traverse Open Area beyond 200' of 2nd St.

Map 9 - Newtown Creek Waterfront Access Plan (Q-3)



Map 10 - Permitted Curb Cut Locations



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



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Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XII: Special Purpose Districts Chapter 6: Special College Point District

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(7/29/09)

Article XII - Special Purpose Districts

Chapter 6

Special College Point District

(7/29/09)

126-00

GENERAL PURPOSES

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

- (a) encourage and retain high performance manufacturing establishments in New York City;
- (b) maintain the high quality business campus environment with landscaped yards within the area known as the College Point Corporate Park; and
- (c) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

(10/9/13)

126-01

General Provisions

The provisions of this Chapter shall apply within the #Special College Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

(7/29/09)

126-02

District Plan and Map

The District Map is located within the Appendix to this Chapter and is hereby incorporated and made part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

(7/29/09)

126-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying district are modified as set forth in this Section, inclusive.

(2/2/11)

126-11

Recreational Uses

The regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall be modified to allow the following #uses# as-of-right within the #Special College Point District#:

From Use Group 4A:

Non-commercial recreation centers

From Use Group 4B:

Golf courses

Outdoor tennis courts or ice skating rinks, provided that all lighting shall be directed away from nearby #residences#

#Public parks#, playgrounds or private parks

From Use Group 4C:

#Accessory uses#

(7/29/09)

126-12

Performance Standards

Section 42-20 (PERFORMANCE STANDARDS) shall be modified so that the performance standards of an M1 District apply throughout the #Special College Point District#.

(2/2/11)

126-13

Enclosure Regulations

The following provisions supersede Sections 42-41 (Enclosure of Commercial or Manufacturing Activities) and 42-42 (Enclosure or Screening of Storage).

All #commercial# or #manufacturing uses# established by a #development#, #enlargement#, #extension#, or change of #use#, including storage of materials or products, shall be subject to the provisions of this Section, inclusive. With respect to the #enlargement# or #extension# of an existing #use# or storage of materials or products, such provisions shall apply to the #enlarged# or #extended# portion of such #use# or storage. In addition, new #accessory# open storage or any increase in the portion of a #zoning lot# used for #accessory# open storage shall conform to the provisions of this Section.

However, these provisions shall not apply to open parking and loading areas as specifically provided in Sections 44-11 (General Provisions) and 44-51 (Permitted Accessory Off-Street Loading Berths).

(7/29/09)

126-131

Special enclosure regulations for specific uses previously prohibited under the former College Point Urban Renewal Plan

The following #uses#, including all storage of materials or products, shall be located within a #completely enclosed

building#:

From Use Group 17 A:

Produce or meat markets, wholesale.

From Use Group 18A:

Incineration or reduction of garbage, offal or dead animals

Radioactive waste disposal services involving the handling or storage of radioactive waste

Sewage disposal plants

Stock yards or slaughtering of animals or poultry.

From Use Group 18B:

Dumps, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

Explosives storage, when not prohibited by other ordinances

Junk or salvage establishments, including auto wrecking or similar establishments

Scrap metal, junk, paper or rags storage, sorting, or baling.

All #commercial# or #manufacturing uses# specified in this Section shall be permitted, provided the City Planning Commission certifies that such #uses# comply with the provisions of this Chapter. A site plan indicating the distribution of #bulk#, #uses#, planting areas and planting types shall be submitted to the Commission. Such submission shall be referred to the applicable Community Board and Borough President for review and comment for a period of no less than 45 days prior to such certification.

(7/29/09)

126-132

Enclosure regulations in M1-1 Districts

All #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#; however, #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

(7/29/09)

126-133

Enclosure regulations in M2-1 Districts near Residence Districts

Within 300 feet of a #Residence District# boundary, all #uses#, except storage of materials or products, shall be located within #completely enclosed buildings#. However, #commercial uses# may be located within #buildings# which are #completely enclosed# except for store fronts or store windows which may be opened to serve customers outside the #building#. Recreational uses permitted pursuant to Section 126-11 (Recreational Uses) shall be permitted as open or enclosed #uses#.

(7/29/09)

126-134

Enclosure of storage in M1-1 Districts near Residence Districts

All storage of materials or products within 200 feet of a #Residence District# boundary shall be located within #completely enclosed buildings#.

(7/29/09)

126-135

Screening of storage in M2-1 Districts near Residence Districts

Within 200 feet of a #Residence District# boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

In addition, such solid wall or fence:

- (a) shall not be located within a #front yard#;
- (b) shall be maintained in good condition at all times; and
- (c) shall have no #signs# hung or attached thereto other than those permitted in Sections 42-52 (Permitted Signs), and 126-14 (Sign Regulations), inclusive.

(7/29/09)

126-136

Screening of storage

- (a) At a distance greater than 200 feet from a #Residence District# boundary, the open storage of materials or products, where permitted, shall be screened from all adjoining #zoning lots#, including #zoning lots# situated across a #street#, by either:
 - (1) a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
 - (2) a wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade. Such wall, barrier, or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.
- (b) In addition, such screening provided pursuant to paragraphs (a)(1) or (a)(2) of this Section:
 - (1) shall not be located within a #front yard#;
 - (2) shall be maintained in good condition at all times;
 - (3) may be interrupted by normal entrances or exits; and
 - (4) shall have no #signs# hung or attached thereto other than those permitted in Sections 42-52 (Permitted Signs) and 126-14 (Sign Regulations).

(7/29/09)

126-14

Sign Regulations

Within the #Special College Point District#, no #advertising signs# shall be permitted. #Signs# may be #illuminated# but not #flashing#. The provisions of Section 32-67 (Special Provisions Applying along District Boundaries) shall not apply for #zoning lots# with frontage on the Whitestone Expressway.

No #sign# displayed from the wall of a #building or other structure# shall extend above the parapet wall or roof of such #building or other structure#, and no #signs# shall be permitted on the roof of any #building#.

(7/29/09)

126-141

Special sign regulations in M2-1 Districts

In M2-1 Districts, only non-#illuminated signs# and #signs with indirect illumination# are permitted. The surface area of all #signs# on a #zoning lot# shall be limited to:

- (a) one #sign# displayed from the wall of a #building# limited to 1.5 square feet of #surface area# for each linear foot of #street wall# or 150 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of eight feet, and shall not extend to a height greater than 20 feet above #curb level#; and
- (b) one #sign# not affixed to a #building# limited to one square foot of #surface area# for each 200 square feet of #street wall# or 30 square feet, whichever is less, and further provided that such #signs# shall not exceed a height of five feet above #curb level#.

(7/29/09)

126-20

SPECIAL BULK REGULATIONS

The #bulk# regulations of the underlying district are modified as set forth in this Section, inclusive.

(2/2/11)

126-21

Street Tree Planting

Within the #Special College Point District#, all #developments#, or #enlargements# of 20 percent or more in #floor area#, shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting). In addition, any #building# where 20 percent or more of the #floor area# is #converted# shall provide #street# trees in accordance with Section 26-41. The #street# frontage used to calculate the number of required trees may exclude the #street# frontage occupied by curb cuts serving #uses# listed in Use Groups 16B, 16C, 16D, 17 and 18.

(7/29/09)

126-22

Floor Area Ratio

Within the #Special College Point District#, the #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 1.0. However, within the M2-1 District south of 30th Avenue and its prolongation, the maximum #floor area ratio# for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be as permitted in the underlying district, for:

- (a) portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard; or
- (b) #zoning lots# with frontage on the Whitestone Expressway.

(7/29/09)

126-23

Modification of Yard Regulations

(7/29/09)

126-231

Minimum required front yards

#Front yards# shall be provided with a depth of 15 feet, except for:

- (a) #zoning lots# with frontage along the Whitestone Expressway, where #front yards# shall be provided with a depth of 20 feet; and
- (b) #corner lots#, where one #front yard# may have a depth of 10 feet.

(7/29/09)

126-232

Minimum required side yards

#Side yards# shall be provided with a width of 10 feet.

(4/14/10)

126-233

Special provisions along district boundaries

The following regulations shall modify the provisions of Section 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES).

- (a) Sections 43-301 (Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District) shall be modified so that an open area not higher than #curb level# and at least 20 feet wide shall be provided within the #Manufacturing District# on any #zoning lot# which is within 25 feet of a #Residence District#.
- (b) Within the areas depicted on the #Special College Point District# Map as 60-foot buffer areas, an open area not higher than #curb level# shall be provided within the #Manufacturing District#, as follows:
 - (1) where such buffer area is adjacent to a #street#, a #front yard# at least 60 feet in depth shall be provided; or

- (2) where such buffer area is not adjacent to a #street#, an open area at least 60 feet wide shall be provided along the boundary of the #Manufacturing District#. Such open area may be reduced to a width of not less than 25 feet where there is an open area in an adjacent #Residence District# so that, in combination with the open area within the #Manufacturing District#, there is an open area totaling at least 60 feet in width. The open area in the #Residence District# shall be subject to a restrictive declaration requiring that such area be maintained pursuant to the standards of this Section, in a form approved by the New York City Department of Buildings, and subsequently recorded in the Office of the City Register of the City of New York against all tax lots comprising such restricted open area. Proof of recordation of the restrictive declaration in a form acceptable to the New York City Department of Buildings shall be submitted.

All such open areas shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

- (c) All open areas required pursuant to this Section and Section 43-30 shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. In addition, except within #front yards#, there shall be a planting strip at least four feet wide, along the portion of the #lot line# adjoining the #Residence District#, complying with the provisions applicable to Section 126-136 (Screening of storage), provided that the option described in paragraph (a)(2) of Section 126-136 shall not be a permitted form of screening.

(7/29/09)

126-234

Planting requirement in front yards

#Front yards# shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. #Front yards# shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

(7/29/09)

126-235

Storage of materials within yards

Within #side# and #rear yards#, the maximum height of the open storage of materials, where permitted, shall be 12 feet.

(7/29/09)

126-24

Height and Setback Regulations

Within the #Special College Point District#, the height and setback regulations of an M1-1 District shall apply.

However, within the M2-1 District south of 30th Avenue and its prolongation, the height and setback regulations shall be as permitted in the underlying district, for:

- (a) portions of #zoning lots# within 600 feet of College Point Boulevard, where such #zoning lot# has frontage on College Point Boulevard; or
- (b) #zoning lots# with frontage on the Whitestone Expressway.

(7/29/09)

126-30

SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

The off-street parking and loading regulations of the underlying district are modified as set forth in this Section, inclusive.

(2/2/11)

126-31

Parking Regulations

- (a) #Accessory# off-street parking shall not be permitted within a required #front yard#.
- (b) The provisions of Section 44-21 (General Provisions)

pertaining to #accessory# off-street parking spaces for #commercial uses# shall be modified as follows:

Hotels, for the #floor area# used for sleeping accommodations, shall be required to provide one parking space per two guest rooms or suites and, for the #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios, shall be required to provide one parking space per four persons-rated capacity

Places of Assembly, for #uses# in parking requirement category D in Use Group 6, 8, 9, 10 or 12, or when permitted by special permit, shall be required to provide one parking space per four persons-rated capacity

- (c) For #commercial uses# within the commercial areas identified on the #Special College Point District# Map, the parking requirements of a C4-1 District shall apply.
- (d) Section 37-90 (PARKING LOTS), inclusive, shall apply to all open parking areas #accessory# to #manufacturing uses# listed in Use Group 17. Perimeter landscaping, required pursuant to Section 37-921, may overlap with required #yards#, pursuant to Section 126-231.
- (e) The provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number) shall only apply to #zoning lots# existing both on July 29, 2009, and on the date of application for a building permit.

(7/29/09)

126-32

Loading Regulations

- (a) Off-street loading berths shall not be permitted between a #street wall# and a #street line#. However, the City Planning Commission may authorize off-street loading berths located between a #street wall# and a #street line#, provided that the Commission finds that such loading berths can not be located elsewhere on the #zoning lot# and that such loading berths shall be enclosed or screened to the greatest extent practicable.
- (b) All open off-street loading berths shall be screened from

all adjoining #zoning lots# pursuant to the standards of Section 44-585 (Screening).

(7/29/09)

126-33

Curb Cut Restrictions on 15th Avenue

Within the #Special College Point District#, curb cuts shall be prohibited on 15th Avenue.

However, where permitted or required #accessory# off-street parking and loading requirements apply in a location where such curb cuts are prohibited, a curb cut may be allowed, provided that the City Planning Commission certifies to the Commissioner of Buildings that such #zoning lot# has access to the #street# only through such prohibited location and that such curb cut shall be no greater than 20 feet in width.

An application to the City Planning Commission for certification respecting such curb cut shall be accompanied by a site plan drawn to a scale of at least one-sixteenth inch to a foot, showing the size and location of the proposed curb cut.

(7/29/09)

126-40

SPECIAL APPROVALS

(7/29/09)

126-41

Modification of Planting Requirements

The requirements of Section 126-234 (Planting requirement) and paragraph (c) of Section 126-233 (Special provisions along district boundaries) may be waived in whole or in part if the Commissioner of Buildings certifies that such requirements are infeasible due to unique geological conditions such as excessive subsurface rock conditions, underground municipal infrastructure, or a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed

engineer that such conditions exist.

(7/29/09)

126-42

Authorization for Reduction of Required Parking

Within the commercial areas identified on the #Special College Point District# Map, the City Planning Commission may authorize a reduction of the parking requirement of Section 44-21 (General Provisions) and paragraphs (b) and (c) of Section 126-31 (Parking Regulations) by an amount not to exceed 50 percent, provided that the Commission finds that the proposed parking is sufficient for the #use# proposed.

(2/2/11)

126-43

Special Permit to Modify Use or Bulk Regulations

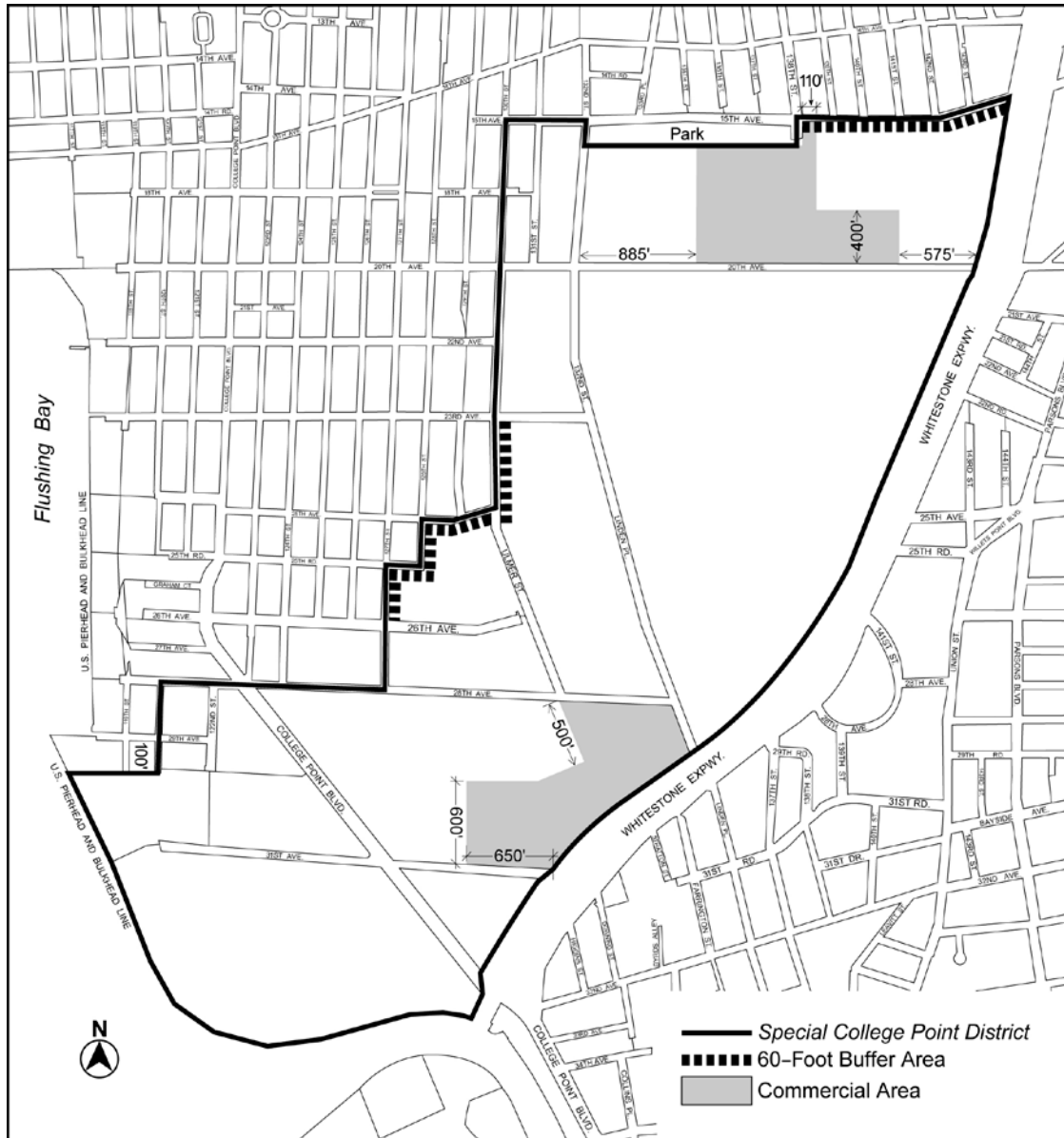
For any #zoning lot# within the #Special College Point District#, the City Planning Commission may permit modification of the #use# or #bulk# regulations, except #floor area ratio# provisions, provided the Commission finds that such:

- (a) #use# or #bulk# modification will aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;
- (c) #bulk# modifications will enhance the distribution of #bulk# on the #zoning lot#;
- (d) #bulk# modifications will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) #use# or #bulk# modification will relate harmoniously to the character of the surrounding area.

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

(7/29/09)

Appendix Special College Point District Map



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



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Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XII: Special Purpose Districts Chapter 8: Special St. George District

Effective date of most recently amended section of Article XII Chapter 8: 10/30/13

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(10/23/08)

Article XII - Special Purpose Districts

Chapter 8

Special St. George District

(10/23/08)

128-00

GENERAL PURPOSES

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

- (a) build upon St. George's existing strengths as a civic center, neighborhood and transit hub by providing rules that will bolster a thriving, pedestrian-friendly business and residence district;
- (b) establish zoning regulations that facilitate continuous ground floor retail and the critical mass needed to attract and sustain a broader mix of uses;
- (c) require a tall, slender building form that capitalizes on St. George's hillside topography and maintains waterfront vistas;
- (d) encourage the reuse and reinvestment of vacant office buildings;
- (e) accommodate an appropriate level of off-street parking while reducing its visual impact; and
- (f) promote the most desirable use of land and building development in accordance with the District Plan for St. George and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

(10/23/08)

128-01

Definitions

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Commercial Street

A "commercial street" shall be a #street#, or portion thereof, where special regulations pertaining to ground floor #uses# on #commercial streets#, pursuant to Section 128-11, apply to #zoning lots# fronting upon such #streets#. #Commercial streets# are designated on Map 2 in the Appendix to this Chapter.

(10/30/13)

128-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George District#, the regulations of this Chapter shall apply within the #Special St. George District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

However, the regulations of this Chapter shall not apply to any property that is the subject of a site selection for a court house and #public parking garage# pursuant to application C080379 PSR. Such property shall be governed by the underlying regulations of this Resolution.

Furthermore, any property that is the subject of a site selection and acquisition for the use of a lot for open parking pursuant to application C080378 PCR may be governed by the regulations of this Chapter or the underlying regulations of this Resolution for a period of two years after October 23, 2008. After October 23, 2010, such property shall be subject to the regulations of this Chapter.

In the North Waterfront Subdistrict, "publicly accessible waterfront open space" shall include on-site and off-site areas, as applicable, as set forth in the approved Proposed Plans, pursuant to Section

128-61 (Special Permit for North Waterfront Sites).

(10/30/13)

128-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special St. George District# Plan.

The District Plan includes the following five maps:

Map 1 Special St. George District and Subdistricts

Map 2 Commercial Streets

Map 3 Minimum and Maximum Base Heights

Map 4 Tower Restriction Areas

Map 5 Visual Corridors and Parcels

The maps are located in the Appendix to this Chapter and are hereby incorporated and made a part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

(10/30/13)

128-04

Subdistricts

In order to carry out the purposes and provisions of this Chapter, the #Special St. George District# shall include three subdistricts: the Upland Subdistrict, the North Waterfront District and the South Waterfront Subdistrict, as shown on Map 1 (Special St. George District and Subdistricts) in the Appendix to this Chapter.

(10/23/08)

128-05

Applicability of District Regulations

(3/28/12)

128-051

Applicability of Article I, Chapter 2

The definition of "lower density growth management area" in Section 12-10 (DEFINITIONS) shall be modified to exclude all districts within the #Special St. George District#.

(3/28/12)

128-052

Applicability of Article I, Chapter 5

The provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), shall apply in the #Special St. George District#, as modified in this Section. The change of non-#residential floor area# to #residences# in #buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b). #Uses# in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

(3/28/12)

128-053

Applicability of Article III, Chapter 6

The provisions of Section 36-76 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special St. George District#.

(10/30/13)

128-054

Applicability of Article VI, Chapter 2

The provisions of Article VI, Chapter 2 (Special Regulations

Applying in the Waterfront Area), shall apply in the North Waterfront Subdistrict of the #Special St. George District#, as modified in this Chapter. In such Subdistrict, such provisions shall not apply to improvements to the publicly accessible waterfront open space, or to #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section 128-61 (Special Permit for North Waterfront Sites). However, the regulations of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) shall apply to such #developments#, #enlargements#, alterations and changes of #use#, as modified pursuant to such special permit. In addition, the special requirements for #visual corridors# set forth in Section 128-43 (Visual Corridors in the North Waterfront Subdistrict) shall apply.

(10/30/13)

128-055

Applicability of Article VII, Chapter 4

Within the North Waterfront Subdistrict of the #Special St. George District#, the following special permits shall not apply:

Section 74-512 (In other districts)

Section 74-68 (Development Within or Over a Right-of-way or Yards)

Section 74-922 (Certain large retail establishments).

In addition, the provisions of the following special permits, as applicable, shall be deemed to be modified when an application pursuant to Section 128-61 (Special Permit for North Waterfront Sites) for Parcel 1 or Parcel 2, as shown on the maps in the Appendix to this Chapter, under application numbers C130317 ZSR or C130318 ZSR, as applicable, has been approved:

C000012 ZSR

C000013 ZSR

C000014 ZSR

C000016(A) ZSR

(10/23/08)

128-10

USE REGULATIONS

(10/23/08)

128-11

Ground Floor Uses on Commercial Streets

Map 2 (Commercial Streets) in the Appendix to this Chapter specifies locations where the special ground floor #use# regulations of this Section apply.

#Uses# on the ground floor of a #building# shall be limited to #commercial uses#. The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

#Commercial uses# shall have a depth of at least 30 feet from the #street wall# of the #building# facing the #commercial street# and shall extend along the entire width of the #building# except for lobbies and entrances to #accessory# parking spaces, provided such lobbies and entrances do not occupy more than 25 percent of the #street wall# width of the #building#. Enclosed parking spaces, or parking spaces covered by 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# facing the #commercial street#.

(10/30/13)

128-12

Transparency Requirements

Any #street wall# of a #building developed# or #enlarged# after October 23, 2008, where the ground floor level of such #development# or #enlarged# portion of the #building# contains #commercial# or #community facility uses#, excluding #schools#, shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area.

For the purposes of this Section, Bank Street shall be considered a #street#. However, this Section shall not apply to a stadium #use# within the North Waterfront Subdistrict.

(2/2/11)

128-13

Location of Uses in Mixed Buildings

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #dwelling units# or #rooming units# on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #dwelling units# or #rooming units# and provided any non-#residential uses# are not located directly over any #dwelling units# or #rooming units#. However, such non-#residential uses# may be located over #dwelling units# or #rooming units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

(2/2/11)

128-14

Security Gates

Within the #Special St. George District#, all security gates that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street# or publicly accessible area, except that this provision shall not apply to entrances or exits to parking garages.

(10/23/08)

128-20

FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

(10/23/08)

128-21

Maximum Floor Area Ratio

In C4-2 Districts within the Upland Subdistrict, the underlying

#floor area ratio# and #open space# regulations shall not apply. In lieu thereof, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 3.4, and no #floor area# bonuses shall apply, except that for #zoning lots# with less than 10,000 square feet of #lot area# without frontage on a #commercial street#, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 2.2, and no #floor area# bonuses shall apply.

(10/23/08)

128-22

Maximum Lot Coverage

In C4-2 Districts within the Upland Subdistrict, the underlying #open space ratio# provisions shall not apply. In lieu thereof, the maximum permitted #lot coverage# for a #residential building#, or portion thereof, shall be 70 percent for an #interior# or #through lot# and 80 percent for a #corner lot#. However, no maximum #lot coverage# shall apply to any #corner lot# of 5,000 square feet or less.

(10/23/08)

128-23

Rear Yard Equivalents

In C4-2 Districts within the Upland Subdistrict, the #rear yard equivalent# regulations for #residential uses# on #through lots#, or the #through lot# portion of a #zoning lot#, are modified as set forth in this Section. Such #yards# shall be provided within 45 feet of the centerline of the #through lot# or #through lot# portion, and the level of such #yards# may be provided at any level not higher than the floor level of the lowest #story# containing #dwelling units# that face such #yards#. Furthermore, no #rear yard equivalent# regulations shall apply to any #through lot# or #through lot# portion of a #zoning lot# on which a tower is #developed# or #enlarged#, pursuant to Section 128-35.

(10/30/13)

128-30

HEIGHT AND SETBACK REGULATIONS

The provisions of this Section, inclusive, shall apply to all #buildings or other structures# within the Upland Subdistrict.

In C1-2 Districts mapped within R3-2 Districts, all #buildings or other structures# shall comply with the height and setback regulations of R4 Districts, except that the maximum perimeter wall height shall be 26 feet, and the #street wall# location provisions of Section 128-32 (Street Wall Location) shall apply.

The underlying height and setback regulations of C4-2 Districts within the Upland Subdistrict shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall apply.

In the South and North Waterfront Subdistricts, the underlying height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply, except that:

- (a) in the South Waterfront Subdistrict, rooftop regulations shall be as modified in Section 128-31 (Rooftop Regulations); and
- (b) in the North Waterfront Subdistrict, #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section 128-61 (Special Permit for North Waterfront Sites) shall instead be subject to the Proposed Plans, as set forth in Section 128-61, as approved pursuant to such special permit.

All heights shall be measured from the #base plane#, except that wherever a minimum or maximum base height is specified for #zoning lots# with multiple #street frontages#, such heights shall be determined separately for each #street# frontage, with each height measured from the final grade of the sidewalk fronting such #street wall#.

(4/30/12)

128-31 Rooftop Regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

(2/2/11)

128-32

Street Wall Location

(a) #Street walls# along #commercial streets#

For #zoning lots# with #commercial street# frontage, the #street wall# shall extend along at least 70 percent of the #commercial street# frontage of the #zoning lot# and be located within eight feet of the #street line# of the #commercial street#, or sidewalk widening line, whichever is applicable.

(b) #Street walls# along non-#commercial streets#

For #zoning lots# without #commercial street# frontage, the #street wall# shall extend along at least 50 percent of the #street# frontage of the #zoning lot# and be located within eight feet of the #street line# or sidewalk widening line, whichever is applicable.

In C4-2 Districts within the Upland Subdistrict, such #street walls# shall rise without setback to the minimum height specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, or the height of the #building#, whichever is less. When a #building# fronts on two intersecting #streets# for which different minimum base heights apply, the higher base height may wrap around to the #street# with the lower base height, for a distance of up to 100 feet.

(2/2/11)

128-33

Maximum Base Height

The maximum height of a #building or other structure# before setback shall be as specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter. Where a maximum base height of 60 feet applies as shown on Map 3, such maximum base height shall be reduced to 40 feet for #zoning lots developed# or #enlarged# pursuant to the tower provisions of Section 128-35. When a #building# fronts on two intersecting #streets# for which different maximum base heights apply, the higher base height may wrap around to the #street# with the lower base height for a distance of up to 100 feet. All portions of #buildings or other structures# above such maximum base heights shall provide a setback at least ten feet in depth measured from any #street wall# facing a #wide street# and 15 feet in depth from any

#street wall# facing a #narrow street#.

In C4-2 Districts within the Upland Subdistrict, dormers may exceed the maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts). However, on any #zoning lot# that includes a tower #developed# or #enlarged# pursuant to Section 128-35, dormers shall not be permitted.

(2/2/11)

128-34

Maximum Building Height

In C4-2 Districts within the Upland Subdistrict, for #buildings# that are not #developed# or #enlarged# pursuant to the tower provisions of Section 128-35 (Towers), the maximum height of a #building or other structure# shall be 70 feet, except that on Bay Street where there is a maximum base height of 85 feet, the maximum height of a #building or other structure# also shall be 85 feet.

In C4-2 Districts within the Upland Subdistrict for #buildings# that are #developed# or #enlarged# pursuant to the tower provisions of Section 128-35, the maximum height of the tower portion of a #building# shall be 200 feet, and the height of all other portions of the #building# shall not exceed the applicable maximum base height. Where a maximum base height of 60 feet applies as shown on Map 3 in the Appendix to this Chapter, such maximum base height shall be reduced to 40 feet for #zoning lots developed# or #enlarged# pursuant to the tower provisions of Section 128-35.

(2/2/11)

128-35

Towers

The tower provisions of this Section shall apply, as an option, to any #zoning lot# with a #lot area# of at least 10,000 square feet. Any portion of a #building developed# or #enlarged# on such #zoning lots# that exceeds the applicable maximum base height shall be constructed as either a point tower or a broad tower, as follows:

(a) Point tower

(1) Tower #lot coverage# and maximum length

Each #story# located entirely above a height of 70 feet shall not exceed a gross area of 6,800 square feet. The outermost walls of each #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 85 feet.

(2) Tower top articulation

The highest three #stories#, or as many #stories# as are located entirely above a height of 70 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (a)(2), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Broad tower

Each #story# located entirely above a height of 70 feet shall not exceed a gross area of 8,800 square feet. The outermost walls of each such #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 135 feet. The upper #stories# shall provide setbacks with a minimum depth of 15 feet measured from the east facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 70 feet, whichever is less. For towers with at least six #stories# located entirely above a height of 70 feet, the lowest level at which such setbacks may be provided is 100 feet, and the highest #story# shall be located entirely within the western half of the tower.

(c) Orientation of all towers

The maximum length of the outermost walls of any side of each #story# of a #building# facing the #shoreline# that is entirely above a height of 70 feet shall not exceed 80 feet. For the purposes of this Section, the #street line# of St. Marks Place

shall be considered to be a line parallel to the #shoreline#, and any side of such rectangle facing St. Marks Place from which lines perpendicular to the #street line# of St Marks Place may be drawn, regardless of intervening structures, properties or #streets#, shall not exceed 80 feet.

(d) Location of all towers

Any portion of a #building# that exceeds a height of 70 feet shall be no closer to a #side lot line# than eight feet, and any #story# of a #building# that is entirely above a height of 70 feet shall be located within 25 feet of a #street line# or sidewalk widening line, where applicable.

(e) Maximum tower height

The maximum height of any #building# utilizing the tower provisions of this Section shall be 200 feet. The height of the tower portion of the #building# shall be measured from the #base plane#.

(f) Tower and base integration

All portions of a #building# that exceed the applicable maximum base height set forth in Section 128-33 shall be set back at least 10 feet from the #street wall# of a #building# facing a #wide street# and at least 15 feet from the #street wall# of a #building# facing a #narrow street#. However, up to 50 percent of the #street wall# of the portion of the #building# located above a height of 70 feet need not be set back from the #street wall# of the #building#, and may rise without setback from grade, provided such portion of the #building# is set back at least 10 feet from a #wide street line# or sidewalk widening line, where applicable, and at least 15 feet from a #narrow street line# or sidewalk widening line, where applicable.

(g) Tower exclusion areas

No #building or other structure# may exceed a height of 70 feet within the areas designated on Map 4 (Tower Restriction Areas) in the Appendix to this Chapter.

(10/23/08)

128-40

MANDATORY IMPROVEMENTS

(10/23/08)

128-41

Sidewalks

Sidewalks with a depth of at least 12 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire #street# frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 12 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 12 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

(2/2/11)

128-42

Planting Areas

The entire area of the #zoning lot# between the #street line# or sidewalk widening line, where applicable, and all #street walls# of the #building# and their prolongations, shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to, and exits from, the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

(10/30/13)

128-43

Visual Corridors in the North Waterfront Subdistrict

The designated locations for #visual corridors#, as defined in Article VI, Chapter 2, are shown on Map 5 in the Appendix to this Chapter. Such #visual corridors# shall be provided in accordance with the standards of Sections 62-512 (Dimensions of visual corridors) and 62-513 (Permitted obstructions in visual corridors), except that:

- (a) lighting fixtures in #visual corridors# shall be considered permitted obstructions; and
- (b) within the #visual corridor# provided through Parcel 2 to the Pierhead line within the flexible location zone indicated on Map 5, a portion of a #building# shall be a permitted obstruction, provided that such obstruction is located no more than 14 feet above the reference plane of the #visual corridor#, and that such obstruction occupies no more than 185,000 cubic feet in total above the reference plane of the #visual corridor#.

(10/23/08)

128-50

PARKING REGULATIONS

In the #Special St. George District#, the underlying regulations governing permitted and required #accessory# off-street parking spaces are modified as set forth in this Section.

(2/2/11)

128-51

Required Off-Street Parking and Loading

In C4-2 Districts, the following special regulations shall apply:

- (a) #Residential uses#

One off-street parking space shall be provided for each #dwelling unit# created after October 23, 2008, including any #dwelling units# within #buildings converted# pursuant to Article 1, Chapter 5 (Residential Conversion within Existing Buildings). However, where the total number of required spaces is five or fewer or, for #conversions#, where the total number of required spaces is 20 or fewer, no parking shall be required, except that such waiver provision shall not apply to any #zoning lot# subdivided after October 28, 2008. The provisions of Section 73-46 (Waiver of Requirements for Conversions) shall apply to #conversions# where more than 20 parking spaces are required.

- (b) #Commercial uses#

For #commercial uses#, the off-street parking and loading requirements of a C4-3 District shall apply, except that food stores with 2,000 or more square feet of #floor area# per establishment shall require one parking space per 400 square feet of #floor area# and, for places of assembly and hotels, the off-street parking and loading requirements of a C4-2 District shall apply.

(c) #Community facility use#

For ambulatory diagnostic or treatment health care facilities listed in Use Group 4, the off-street parking requirements of a C4-3 District shall apply.

(10/23/08)

128-52

Special Floor Area Regulations

The #floor area# of a #building# shall not include floor space used for off-street parking spaces provided in any #story# that complies with the provisions of Section 128-54 (Location of Accessory Off-Street Parking Spaces).

(10/23/08)

128-53

Use of Parking Facilities

All #accessory# off-street parking spaces may be provided within parking facilities, including #public parking garages#, on #zoning lots# other than the same #zoning lot# as the #use# to which they are #accessory#, provided:

- (a) such parking facilities are located within the #Special St. George District#;
- (b) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#; and
- (c) the number of #accessory# parking spaces within such facility shall not exceed the combined number of spaces permitted on each #zoning lot# using such facility, less the number of spaces provided on each #zoning lot# using such facility.

(2/2/11)

128-54

Location of Accessory Off-Street Parking Spaces

No open parking areas shall be located between the #street wall# of a #building# and the #street line#, and no open parking area shall front upon a #commercial street#. All open parking areas, regardless of the number of parking spaces, shall comply with the perimeter screening requirements of Section 37-921.

All off-street parking spaces within structures shall be located within facilities that, except for entrances and exits, are:

- (a) entirely below the level of each #street# upon which such facility fronts; or
- (b) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# so that no portion of such parking facility is visible from adjoining #streets#. The minimum depth of any such #floor area# shall be 30 feet, except that such depth may be reduced to 15 feet where the #street wall# containing such #floor area# fronts upon a #street# with a slope in excess of 11 percent; and
- (c) no parking shall be permitted on the roof of such facilities.

(2/2/11)

128-55

Special Requirements for Roofs of Parking Facilities

The roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. No parking spaces shall be provided on the roof of such facility. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. No less than 75 percent of such roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located; and no more than 25 percent may be accessible solely from an adjacent #dwelling unit#. Hard surfaced areas shall not cover more than 60 percent of such roof area.

(10/23/08)

128-56

Curb Cuts on Commercial Streets

No curb cuts shall be permitted on #commercial streets# as shown on Map 2 in the Appendix to this Chapter. However, if access to a required #accessory# parking facility or loading berth is not possible because of such restriction, a curb cut may be allowed if the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such location is the only possible location for the facility or loading berth, is not hazardous to traffic safety, is at least 50 feet from the intersection of two #street lines#, and is constructed so as to have minimal effect on the streetscape.

(10/30/13)

128-60

SPECIAL APPROVALS

The special permit for North Waterfront sites set forth in Section 128-61 is established in order to guide and encourage appropriate #use# and #development# in a unique location within the #Special St. George District# that serves as a gateway between Staten Island and Manhattan for both visitors and daily commuters. Redevelopment of the North Waterfront sites pursuant to this special permit provides an appropriate means to address the special characteristics of these sites, while accommodating their continuing transportation function, as part of their transformation into a regional destination that will contribute to the revitalization of the #Special St. George District# and surrounding area.

(10/30/13)

128-61

Special Permit for North Waterfront Sites

In the North Waterfront Subdistrict, for Parcels 1 and 2, and for improvements to the publicly accessible waterfront open space, provided in connection with the #development# of such parcels, as applicable, the City Planning Commission may approve, by special permit, a development plan for each such parcel and an improvement

plan for the publicly accessible waterfront open space. For any application for such special permit, the applicant shall provide plans to the Commission, including but not limited to a site plan, interim parking plan, signage plan, lighting plan and an improvement plan for the publicly accessible waterfront open space (the "Proposed Plans"). Such Proposed Plans shall be subject to the conditions set forth in paragraphs (a) through (e) and the findings set forth in paragraph (f) of this Section.

Pursuant to such Proposed Plans, the Commission may:

(a) permit the following #uses#:

- (1) #commercial uses# as set forth in Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) with no limitation on #floor area# per establishment;
- (2) #uses# specified in Section 32-24 (Use Group 15);
- (3) #public parking garages# with more than 150 spaces;
- (4) temporary #public parking lots# or #public parking garages# with more than 150 spaces, supplied in connection with an interim parking plan, provided that:
 - (i) the applicable findings of Section 74-51 (Public Parking Garages or Public Parking Lots Outside High Density Central Areas) are met by each such temporary public parking facility;
 - (ii) such temporary #public parking lots# or #public parking garages# with more than 150 spaces, may be located off-site or beyond the boundaries of the #Special St. George District# only as set forth in the interim parking plan. Any change in the location of such temporary #public parking# facility with more than 150 spaces, or any increase in the number of spaces in a temporary #public parking# facility to more than 150 spaces, or any addition of a #public parking# facility with more than 150 spaces provided in connection with such interim parking plan, shall be subject to further approval by the City Planning Commission and referred to the applicable Community Board(s) for review; and
 - (iii) the permit to operate such #public parking lots# or #public parking garages# shall expire 30 days after the Department of Buildings issues a certificate of occupancy for all permanent public parking facilities

on Parcel 2;

- (b) where such #development# is located partially or entirely within a railroad or transit right-of way or yard or in #railroad or transit air space#:
 - (1) permit that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform to be included in the calculations of #lot area# for such #development#; and
 - (2) establish, in lieu of #base plane#, an appropriate level or levels as the reference plane for the entire #zoning lot# for the applicable regulations pertaining to, but not limited to, height and setback, #floor area# and #yards#;
- (c) permit #signs# pursuant to a signage plan, subject to the following conditions:
 - (1) the #sign# regulations of a C4 District, as set forth in Section 32-60, shall apply, except as specifically modified by the conditions set forth in paragraphs (c) (2) through (c) (7), inclusive, of this Section;
 - (2) #flashing signs# shall not be permitted;
 - (3) the height of #signs# shall be measured from the #base plane#;
 - (4) flags, banners or pennants, other than those that are #advertising signs#, shall be permitted without limitation;
 - (5) on Parcel 1:
 - (i) the total #surface area# of a #sign# affixed to a #building# frontage facing the #shoreline# or affixed to the base of a structure facing the #shoreline# shall not exceed 1,120 square feet, provided that for a #sign# with a #surface area# larger than 500 square feet, all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such #sign#, shall be separate elements, individually cut and separately affixed to the structure. No perimeter or background surfaces shall be applied or affixed to the structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for the structure; and

- (ii) #signs# shall be permitted to be located on the deck of the railroad right-of-way, provided that the #surface area# of such #signs# shall be included in the calculations of total #surface area# of #signs#;

(6) on Parcel 2:

- (i) open pedestrian pathways of at least 20 feet in width shall be considered #streets# for the purposes of #sign# regulations;

- (ii) #signs# shall not extend to a height greater than 60 feet above the #base plane#; and

- (iii) the total #surface area# of #signs# on the #building# frontage facing Richmond Terrace, the prolongation of Wall Street, or on the #building# frontage or other structure facing the access route into the Ferry Terminal for buses, may exceed the limitations for total #surface area# for #signs# permitted in a C4 District, pursuant to an approved signage plan; and

(7) the total #surface area# of all #signs# on Parcel 2 facing the #shoreline#, or that are within 15 degrees of being parallel to the #shoreline#, shall not exceed:

- (i) 500 square feet for #signs# located above the level of the first #story# ceiling of #buildings#; or

- (ii) 250 square feet for #signs# located below the level of the first #story# ceiling of #buildings#;

(d) through approval of the Proposed Plans, establish appropriate requirements in lieu of the following #Special St. George District# regulations:

Section 128-12 (Transparency Requirements);

Section 128-42 (Planting Areas);

Section 128-54 (Location of Accessory Off-Street Parking Spaces) to the extent necessary to accommodate demand for parking within the North Waterfront Subdistrict;

Section 128-55 (Special Requirements for Roofs of Parking Facilities); and

(e) through approval of the Proposed Plans:

- (1) establish appropriate requirements for the height and setback of #buildings or other structures#, permitted obstructions in #yards#, off-street parking and loading; and
- (2) permit #floor area# to be distributed within the North Waterfront Subdistrict without regard for #zoning lot lines#, provided that if distribution is made to a #zoning lot#, subject to a special permit granted under this Section, from a #zoning lot# not subject to such special permit, Notices of Restriction in a form acceptable to the Department of City Planning shall be filed against such #zoning lots# setting forth the increase and decrease in the #floor area# on such #zoning lots#, respectively.

(f) The Commission shall find that the Proposed Plans:

- (1) include #uses# that are appropriate, considering the unique location of the site in relation to the Staten Island Ferry Terminal, the Staten Island Rail Road, and the land #uses# in and around the #Special St. George District#;
- (2) provide a distribution of #floor area#, locations and heights of #buildings or other structures#, primary business entrances and open areas, that will result in a superior site plan, providing a well-designed relationship between #buildings and other structures# and open areas on the #zoning lot#; and shall also provide a well-designed relationship between the site and adjacent #streets#, surrounding #buildings#, adjacent off-site open areas and #shorelines# and will thus benefit the users of the site, the neighborhood and the City as a whole;
- (3) provide a distribution of #floor area# and locations and heights of #buildings or other structures# that will not unduly increase the #bulk# of #buildings or other structures# in the North Waterfront Subdistrict or unduly obstruct access of light and air to the detriment of the users of the site or nearby #blocks# or of people using the public #streets#, and that will provide waterfront vistas from nearby #streets# and properties on nearby #blocks#;
- (4) provide useful and attractive publicly accessible open space, with sufficient public amenities, including but not limited to seating, landscaping and lighting, that results in a superior relationship with surrounding neighborhood destinations, #streets#, #buildings#, open areas, public facilities and the waterfront;

- (5) improve public access to the waterfront;
- (6) improve, as applicable, the publicly accessible waterfront open space sufficiently to ensure that emergency vehicles will have adequate access to the waterfront and adjacent #developments#;
- (7) in connection with the improvement of the applicable portions of the publicly accessible waterfront open space, restore planted areas, trees and lighting in a way that is attractive and compatible with the design of the Waterfront Esplanade existing on October 30, 2013;
- (8) provide adequate parking and loading to meet the demand for all users during peak utilization;
- (9) provide adequate parking for commuters at locations convenient and accessible to the Staten Island Ferry Terminal at all times and during all phases of construction;
- (10) provide signage and lighting that are compatible with the scenic and historic character of the harbor and that will not adversely affect the character of the surrounding neighborhood;
- (11) for a #public parking garage# with more than 150 parking spaces, will ensure that:
 - (i) entrances are proposed in locations and with design features that minimize traffic congestion and conflicts with pedestrians;
 - (ii) adequate reservoir space has been provided at the vehicular entrances; and
 - (iii) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby; and
- (12) for a #development# located partially or entirely within a railroad or transit right-of-way or yard and/or in #railroad or transit air space#, that:
 - (i) the distribution of #floor area# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development#, including any portion of the #development# located beyond the boundaries of such railroad or transit right-of-way or yard; and

- (ii) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to, the right-of-way for such transportation #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. In addition, for a #development# located partially or entirely within a railroad or transit right-of-way or yard, or in #railroad or transit air space#, the Commission may require that the structural design of such #development# makes due allowance for changes within the layout of tracks or other structures within any #railroad or transit air space# or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

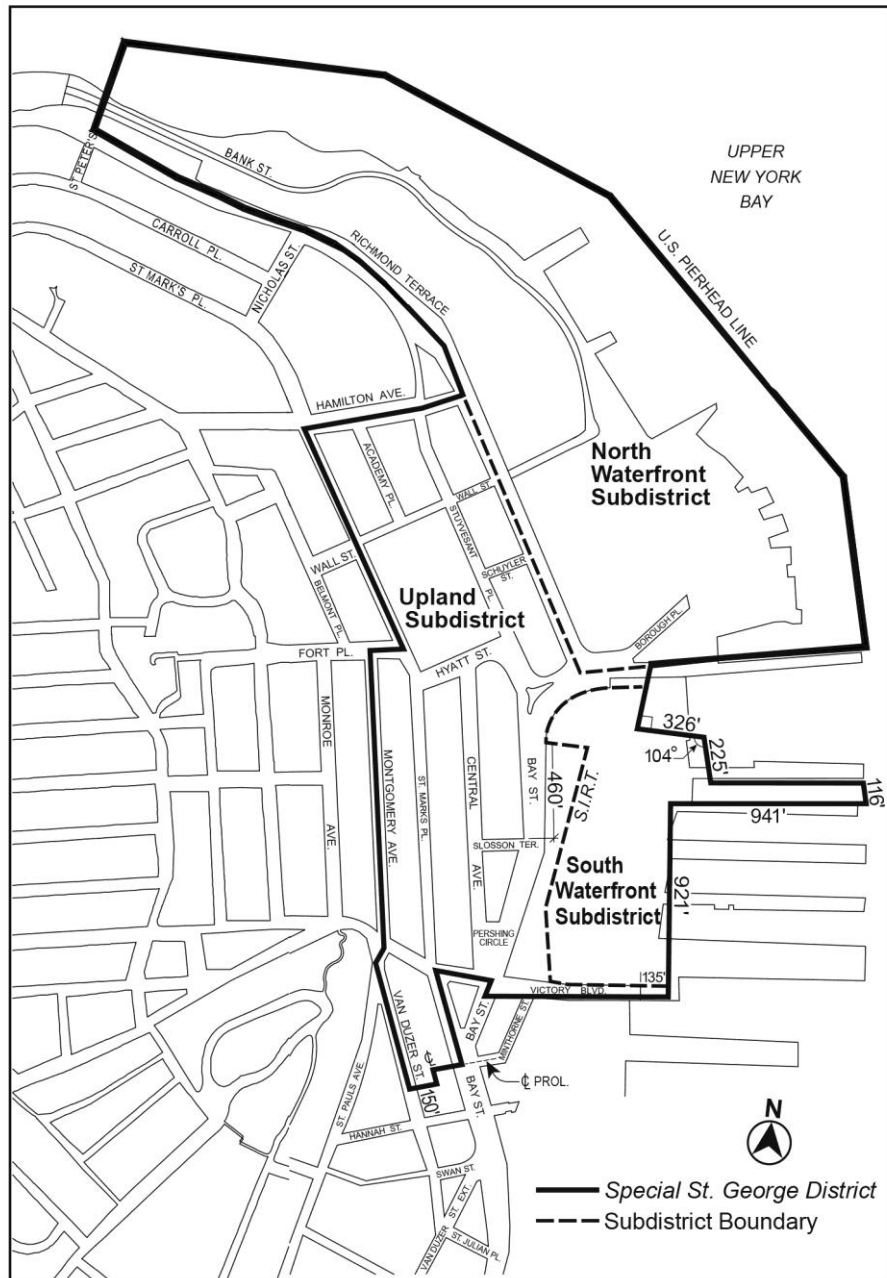
Prior to granting a special permit, the City Planning Commission shall request the Metropolitan Transportation Authority to indicate whether said agency has any plan to use that portion of any #railroad or transit air space# or railroad or transit right-of-way or yard where the railroad or transit #use# has been discontinued.

The execution and recordation of a restrictive declaration acceptable to the Commission, binding the owners, successors and assigns to maintain such #developments#, #enlargements#, alterations, changes of #use#, and any temporary parking facilities, in accordance with the approved Proposed Plans, and in a manner consistent with any additional conditions and safeguards prescribed by the Commission, shall be a condition to exercise of the special permit. Such restrictive declaration shall be recorded in the Office of the County Clerk. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a #development#, #enlargement# or change of #use#.

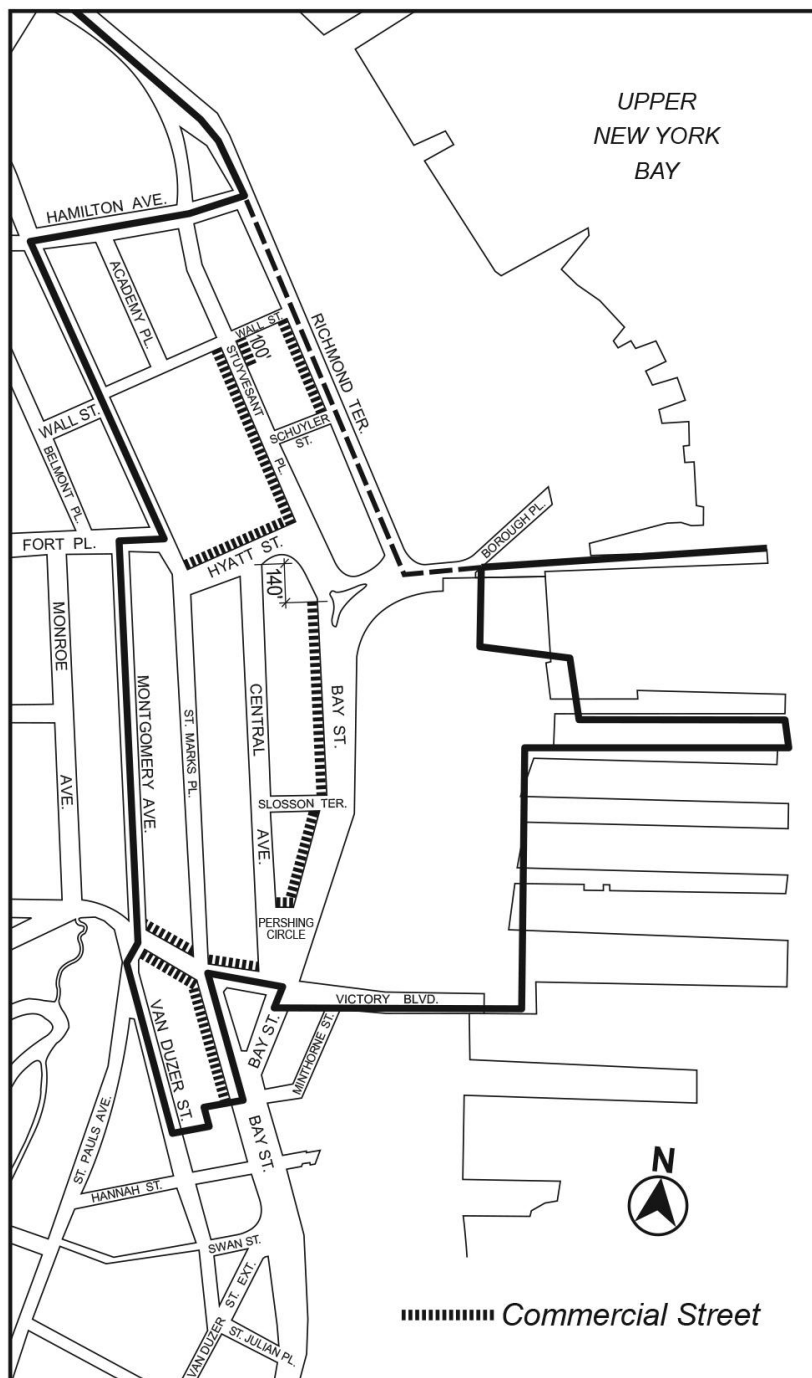
(10/30/13)

Appendix
Special St. George District Plan

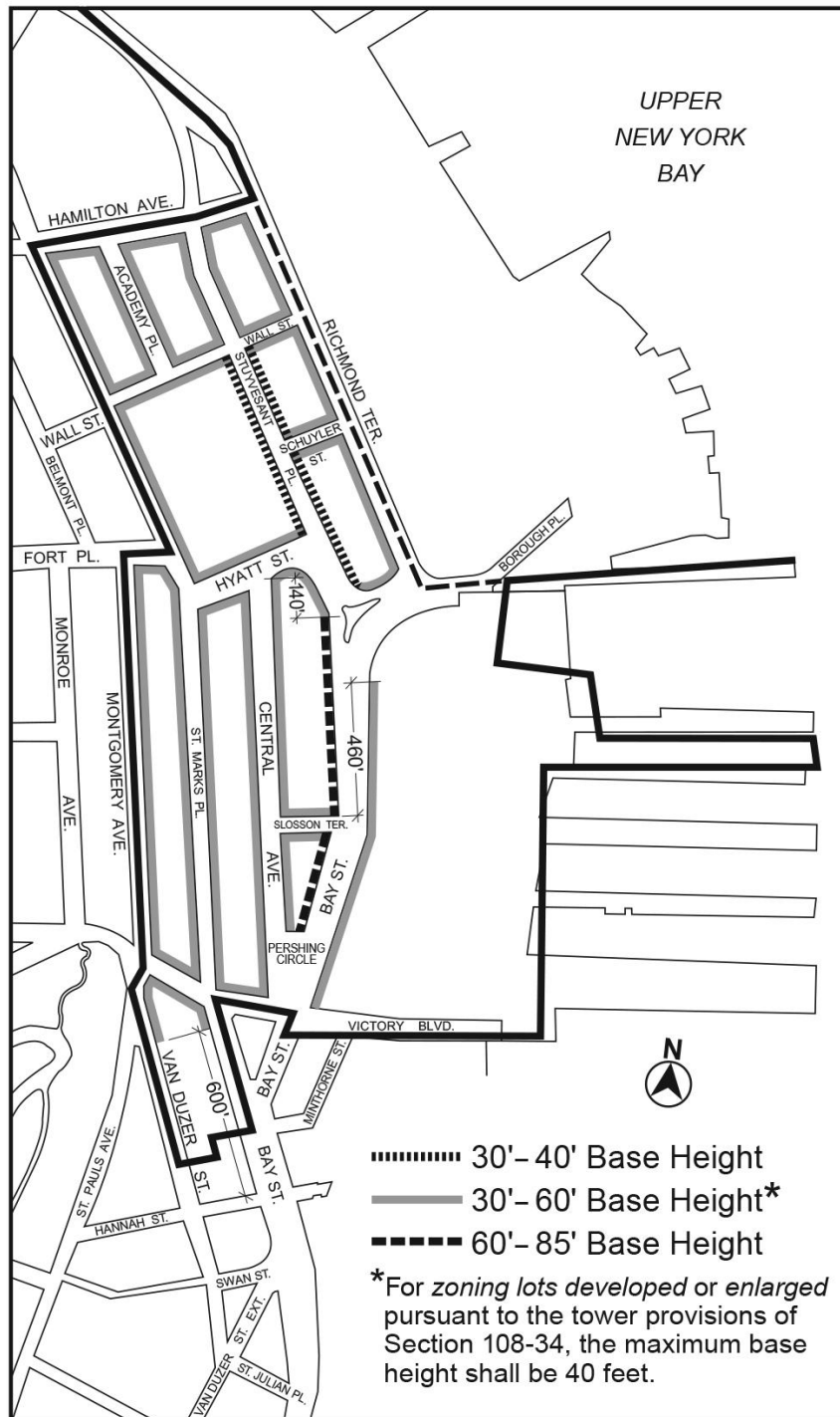
Map 1 - Special St. George District and Subdistricts



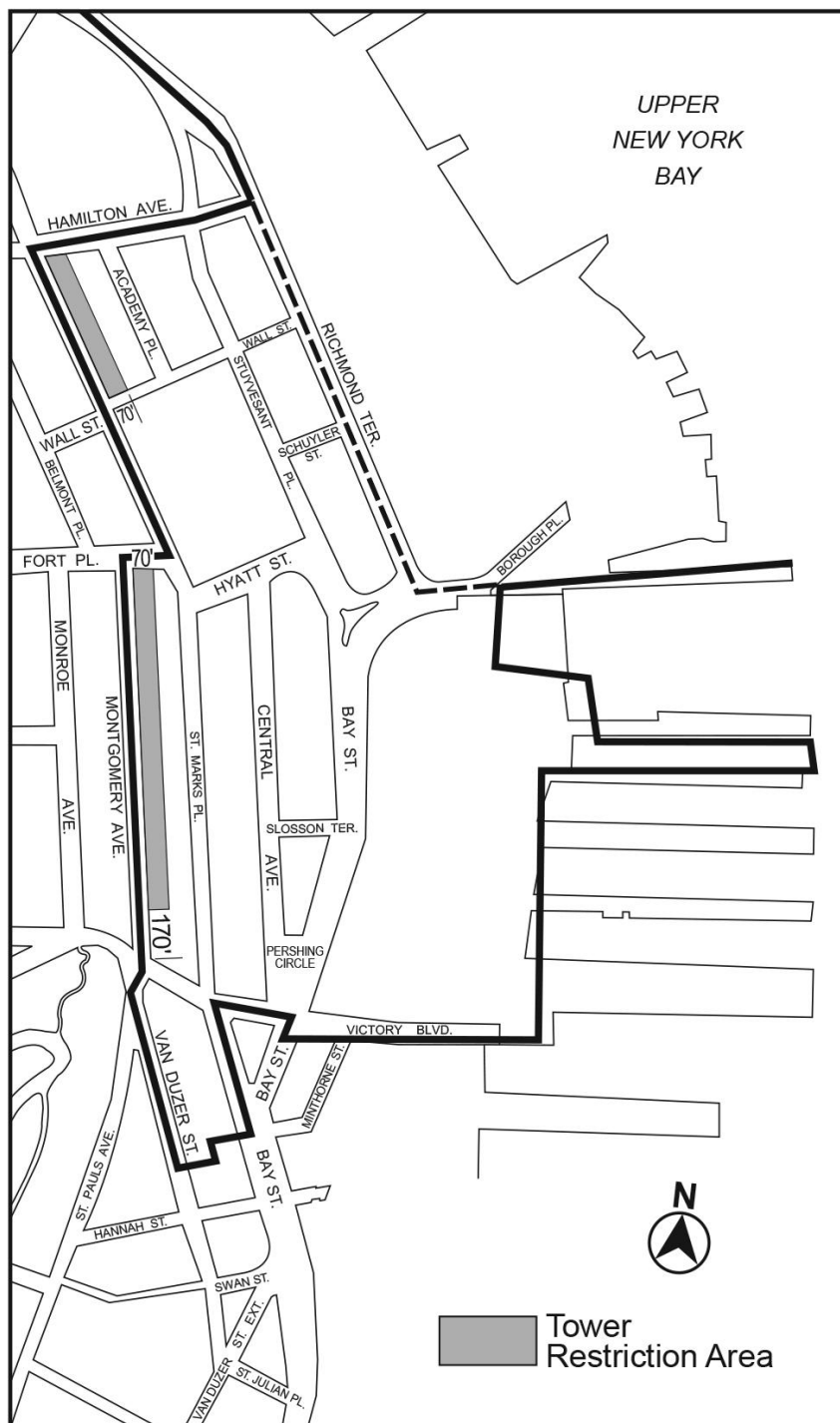
Map 2 - Commercial Streets



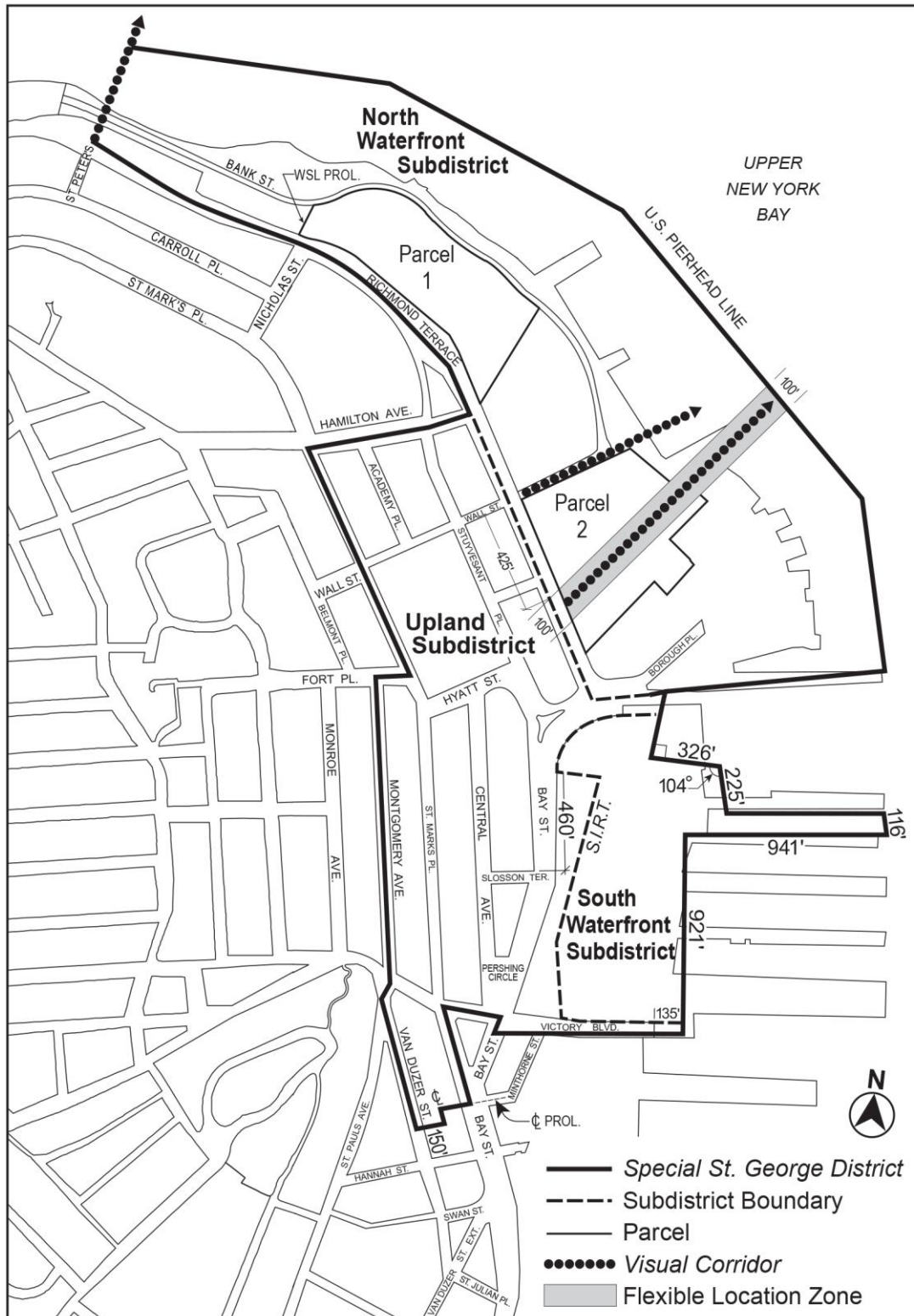
Map 3 - Minimum and Maximum Base Heights



Map 4 - Tower Restriction Areas



Map 5 - Visual Corridors and Parcels



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XIII: Special Purpose Districts Chapter 1: Special Coney Island District

Effective date of most recently amended section of Article XIII Chapter 1: 12/19/13

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(7/29/09)

Article XIII - Special Purpose Districts

Chapter 1

Special Coney Island District

(7/29/09)

131-00

GENERAL PURPOSES

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

- (a) preserve, protect and enhance the character of the existing amusement district as the location of the city's foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (b) facilitate and guide the development of a year-round amusement, entertainment and hotel district;
- (c) facilitate and guide the development of a residential and retail district;
- (d) provide a transition to the neighboring areas to the north and west;
- (e) provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;
- (f) control the impact of development on the access of light and air to streets, the Boardwalk and parks in the district and surrounding neighborhood;
- (g) promote development in accordance with the area's District Plan and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

(10/9/13)

131-01

General Provisions

The provisions of this Chapter shall apply within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

NOTE: Self-certification of sewer connection applications will not be permitted by the Department of Buildings or Department of Environmental Protection in connection with any proposed #development# or #enlargement# in the #Special Coney Island District# for which sewer connection approval is required. Prior to filing a House or Site Connection application, all applicants will be required to submit a site-specific hydraulic analysis to the Department of Environmental Protection for its review and approval, to establish the adequacy of existing sanitary and storm sewers to serve the proposed #development# or #enlargement#.

(7/29/09)

131-02

District Plan and Maps

The District Plan for the #Special Coney Island District# identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special

Coney Island District#. The District Plan includes the following maps in the Appendix to this Chapter.

Map 1 Special Coney Island District and Subdistricts

Map 2 Mandatory Ground Floor Use Requirements

Map 3 Coney East Subdistrict Floor Area Ratios

Map 4 Street Wall Location

Map 5 Minimum and Maximum Base Heights

Map 6 Coney West Subdistrict Transition Heights

(7/29/09)

131-03

Subdistricts

In order to carry out the purposes and provisions of this Chapter, four subdistricts are established as follows:

Coney East Subdistrict (CE)

Coney North Subdistrict (CN)

Coney West Subdistrict (CW)

Mermaid Avenue Subdistrict (MA)

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Coney Island District#. The subdistricts are specified on Map 1 in the Appendix to this Chapter.

(7/29/09)

131-04

Applicability

(3/28/12)

131-041

Applicability of Article I, Chapter 5

The provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), shall apply in the #Special Coney Island District#, as modified in this Section. The change of non-#residential floor area# to #residences# in #buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b). #Uses# in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

(3/28/12)

131-042

Applicability of Article VI, Chapter 2

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall not apply in the #Special Coney Island District#.

(3/28/12)

131-043

Applicability of Article VII, Chapter 4

The provisions of Section 74-513 (In C7 Districts) shall not apply in the #Special Coney Island District#. In lieu thereof, #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

(3/28/12)

131-044**Physical culture or health establishments**

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North or Coney West Subdistricts. In lieu thereof, #physical culture or health establishments# shall be allowed as-of-right.

(3/28/12)

131-045**Modification of use and bulk regulations for zoning lots fronting upon Riegelmann Boardwalk, KeySpan Park and Highland View Park**

Where the #lot line# of a #zoning lot# coincides or is within 20 feet of the boundary of Riegelmann Boardwalk, KeySpan Park or Highland View Park, such #lot line# shall be considered to be a #street line# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

(7/29/09)

131-10**SPECIAL USE REGULATIONS**

The special #use# regulations set forth in this Section, inclusive, shall modify the underlying #Commercial Districts#, as applicable.

For the purposes of this Chapter, "ground floor level" shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open space.

(7/29/09)

131-11**Use Group 5**

For the purposes of this Chapter, the definition of #transient hotel# shall be modified to allow only such hotels used exclusively for transient occupancy. Such #transient hotels# used exclusively for transient occupancy shall be permitted only in specified locations as set forth in this Chapter.

(7/29/09)

131-12

Use Groups A, B and C

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

(7/29/09)

131-121

Use Group A: Amusements

Use Group A consists of a group of #uses#, selected from Use Groups 12, 13 and 15, as modified in this Section, and may be open or enclosed:

Use Group A1

Amusement arcades

Amusement parks, with no limitation on floor area per establishment

Animal exhibits, circuses, carnivals or fairs of a temporary nature

Camps, overnight or day, #commercial# beaches or swimming pools

Dark rides, electronic or computer-supported games, including interactive entertainment facilities, laser tag and motion simulators

Ferris wheels, flume rides, roller coasters, whips, parachute jumps, dodgem scooters, merry-go-rounds or similar midway attractions

Fortune tellers, freak shows, haunted houses, wax museums, or similar midway attractions

Miniature golf courses and model car hobby centers, including racing

Open booths with games of skill or chance, including shooting galleries

Water parks

Use Group A2

Arenas or auditoriums, with capacity limited to 2,000 seats

Billiard parlors or pool halls, table tennis halls or bowling alleys, with no limitation on number of bowling lanes per establishment

Gymnasiums or recreational sports facilities, including but not limited to indoor golf driving ranges, batting cages, basketball, volleyball, squash and other courts, without membership requirements

Skateboard parks, roller or ice skating rinks

Theaters, including movie theaters, provided such #use# does not occupy the ground floor level of a #building#, except for lobbies limited to a maximum #street# frontage of 30 feet, except that on #corner lots# one #street# frontage may extend up to 100 feet.

#Accessory uses# to the amusements listed in this Section, including the display and sale of goods or services, provided:

(a) such #accessory uses# are limited to not more than 25 percent of the #floor area# of the amusement establishment or, for open #uses#, not more than 25 percent of the #lot area#;

(b) such #accessory uses# shall be entered only through

the principal amusement establishment;

- (c) such #accessory uses# shall share common cash registers with the principal amusement #use#;
- (d) such #accessory uses# shall have the same hours of operation as the principal amusement #use#; and
- (e) the principal amusement #use# shall occupy the entire #street# frontage of the ground floor level of the establishment and shall extend to a depth of at least 30 feet from the #street wall# of the #building# or, for open #uses#, at least 30 feet from the #street line#.

(7/29/09)

131-122

Use Group B: Amusement and entertainment-enhancing uses

Use Group B consists of a group of #uses#, selected from Use Groups 6, 9, 12, 13 and 18, as modified in this Section:

Art gallery, commercial

Banquet halls

Breweries

Eating or drinking establishments of any size, including those with entertainment or dancing

Historical exhibits

Spas and bathhouses

Studios, art, music, dancing or theatrical

Tattoo parlors

Radio or television studios

Wedding chapels

(7/29/09)

131-123

Use Group C: Retail and service uses

Use Group C consists of a group of retail and service #uses#, selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

Arts and crafts production and sales, including but not limited to ceramics, art needlework, hand weaving or tapestries, book binding, fabric painting, glass blowing, jewelry or art metal craft and wood carving

Bicycle sales, rental or repair shops

Bookstores

Candy or ice cream stores

Clothing or clothing accessory

Clothing, custom manufacturing or altering for retail, including costume production and hair product manufacturing

Delicatessen stores

Fishing tackle or equipment, rental or sales

Gift shops

Jewelry manufacturing from precious metals

Musical instruments store

Music stores

Newsstands

Patio or beach furniture or equipment

Photographic equipment stores and studios

Sporting goods or equipment, sale or rental, including

instruction in skiing, sailing or skin diving

Toy stores

(7/29/09)

131-13

Special Use Regulations in Subdistricts

(2/2/11)

131-131

Coney East Subdistrict

The #use# regulations of the underlying C7 District are modified as set forth in this Section. The locations of the mandatory ground floor #use# regulations of paragraphs (b), (c), (d) and (f) of this Section are shown on the #streets#, or portions of #streets#, specified on Map 2 in the Appendix to this Chapter. #Transient hotels# and Use Groups A, B and C, as set forth in Sections 131-11 through 131-123, inclusive, and #public parking garages#, shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

(a) Use Group C

Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage, except that on #corner lots# one #street# frontage may extend up to 100 feet.

(b) Bowery and Wonder Wheel Way

At least 50 percent of Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level, and not more than 50 percent of the Bowery and Wonder Wheel Way #street# frontage of any #zoning lot# shall be occupied by Use Group C #uses# at the ground floor level.

(c) Surf Avenue

At least 15 percent of the #street# frontage of each #block# front bounding the south side of Surf Avenue between West 16th Street and West 10th Street shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level.

There shall be separate open establishments or enclosed ground floor establishments fronting upon each #block# front bounding Surf Avenue, as follows:

- (1) on the #block# front bounding the southerly #street line# of Surf Avenue between Stillwell Avenue and West 12th Street there shall be at least six establishments;
- (2) on the #block# front bounding the southerly #street line# of Surf Avenue between West 12th Street and West 10th Street there shall be at least six establishments;
- (3) on all other #block# fronts there shall be at least four establishments;
- (4) the provisions of this paragraph, (c), shall not apply along the southerly #street line# of Surf Avenue east of West 10th Street.

There may be fewer establishments fronting upon such #block# fronts than required pursuant to this paragraph, (c), where the Chairperson of the Department of City Planning certifies to the Department of Buildings that such modification is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Stillwell Avenue and West 10th Street

At least 15 percent of the Stillwell Avenue and West 10th Street #street# frontage of any #zoning lot# shall be occupied by open #uses# listed in Use Group A1 or, if enclosed, by Use Group A1 #uses# at the ground floor level.

(e) #Transient hotels#

- (1) #Transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th and West 16th Streets south of the prolongation of the centerline of Bowery.
- (2) #Transient hotel use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.
- (3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.
- (4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.
- (5) #Accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

(f) Depth of ground floor #uses#

All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of a #building#, located on #streets#, or portions of Streets#, shown on Map 2.

(g) Parcel 2

On Parcel 2, as shown on Map 2, only #uses# listed in Use Group A, and #public parking garages# of any size, shall be permitted, provided such garages comply with the provisions of Section 131-62 (Use and Location of Parking Facilities).

(h) Parcel 3

On Parcel 3, as shown on Map 2, the provisions of the underlying C7 District shall apply, except as modified in this paragraph, (h). Only open amusement #uses# listed in Use Groups 13A and 15, as set forth in Sections 32-22 and 32-24, respectively, shall be permitted.

(2/2/11)

131-132

Coney North and Coney West Subdistricts

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the "building line" shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

(a) Mandatory ground floor level #uses# along certain #streets#

Any #use# listed in Use Groups A, B and C, as set forth in Section 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of Riegelmann Boardwalk and within 100 feet of all other designated #streets#, as shown on Map 2.

(1) Riegelmann Boardwalk

Only #uses# listed in Use Groups A, B and C and #transient hotels# located above the ground floor level are permitted within 70 feet of Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of such ground floor frontage along Riegelmann Boardwalk. Use Group C

#uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of the #building#.

(2) #Streets# other than Riegelmann Boardwalk

At least 20 percent of the frontage of a #building# or of an open #use#, on a #street# specified on Map 2, shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining frontage of such #building# or open #use#, on a specified #street#, shall be allocated to #commercial uses# permitted by the underlying district regulations or, where permitted, a #transient hotel#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a specified #street# frontage.

There shall be at least four separate ground floor or open #commercial# establishments fronting upon each #block# fronting on Surf Avenue.

All ground floor #commercial uses# within #buildings# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. Such minimum 50 foot depth requirement may be reduced where necessary in order to accommodate a #residential# lobby and vertical circulation core.

(b) Prohibited ground floor level #uses# along #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

From Use Group 2:

All #uses#

From Use Groups 3A and 3B:

All #uses#, except for libraries, museums or non-commercial art galleries

From Use Groups 4A and 4B:

All #uses#, except for houses of worship or playgrounds

From Use Group 5A:

All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street

From Use Groups 6B, and 6E:

Offices, veterinary medicine offices or non-commercial clubs

From Use Group 6C:

Banks (except for automated teller machines, provided the length of #street# frontage allocated for automated teller machines shall be no more than 25 feet or 40 percent of the frontage of the #zoning lot#, whichever is less, except such frontage need not be less than 20 feet), except that this prohibition shall not apply along Stillwell Avenue

Electrolysis studios, frozen food lockers and loan offices

From Use Group 6D:

All #uses#

From Use Group 7:

All #uses#, except for bicycle rental or repair shops

From Use Groups 8A and 8B:

Automobile driving schools, ice vending machines, lumber stores or pawn shops

From Use Groups 8C, 8D and 8E:

All #uses#

From Use Groups 9A, 9B and 9C:

All #uses#, except for gymnasiums, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios

From Use Groups 10A, 10B and 10C:

Depositories for storage, and wholesale offices or showrooms

Use Group 11:

All #uses#

Use Groups 12A and 12B:

Trade expositions

Use Groups 12C and 12D:

All #uses#

Use Group 14A and 14B:

All #uses#, except for bicycle sales, rental or repair shops.

(7/29/09)

131-14

Location of Uses within Buildings

The provisions of Section 32-42 are modified to permit:

- (a) #residential uses# on the same #story# as a non-#residential use# or directly below a non-#residential

use#, provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and

- (b) in the Coney North and Coney West Subdistricts, any #commercial use# permitted by this Chapter shall be permitted on the second #story# of a #mixed building#. Furthermore, a #public parking garage# may occupy any #story# of a #mixed building# provided such garage complies with the provisions of Section 131-52 (Use and Location of Parking Facilities).

(7/29/09)

131-15 Transparency

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

However, in the Coney East Subdistrict and along Riegelmann Boardwalk and boundary of KeySpan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section, at least 70 percent of the area of the ground floor level #street wall# of a #commercial use#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 70 percent open during seasonal business hours.

(2/2/11)

131-16

Security Gates

All security gates installed after July 29, 2009, that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#. However, this provision shall not apply to entrances or exits to parking garages, or to any #use# fronting upon Riegelmann Boardwalk, provided that security gates at such locations that permit less than 75 percent visibility when closed shall be treated with artwork.

(2/2/11)

131-17

Authorization for Use Modifications

Along #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter, other than Riegelmann Boardwalk, the City Planning Commission may authorize establishments containing Use Group A, B or C #uses# within #buildings# with a ground floor depth of less than 50 feet upon a finding that the design and operation of such establishments result in an effective and compelling amusement, entertainment or retail space that furthers the goals of the Special District.

(7/29/09)

131-20

SIGN REGULATIONS

- (a) In the Coney East Subdistrict, the underlying C7 #sign# regulations shall apply, except that:
 - (1) no #advertising signs# shall be permitted above a height of 40 feet; and
 - (2) the provisions of Sections 32-66 (Additional Regulations for Signs Near Certain Parks and

Designated Arterial Highways), inclusive, and 32-67 (Special Provisions Applying along District Boundaries) shall not apply.

- (b) In the Coney North and Coney West Subdistricts, the underlying C2-4 District #sign# regulations shall apply, except that the height restrictions of Section 32-655 shall be modified to allow permitted #signs# at the level of any #story# occupied by a #commercial use#.

(2/2/11)

131-30

FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

The #floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section, inclusive.

(2/2/11)

131-31

Coney East Subdistrict

- (a) Except on Parcel 3, as shown on Map 3 (Coney East Subdistrict Floor Area Ratios) in the Appendix to this Chapter, the maximum #floor area ratio# of the underlying C7 District shall not apply. In lieu thereof, the maximum #floor area ratio# is specified for each #block#, or portion thereof, as shown on Map 3. On Parcel 2, as shown on Map 3, the maximum #floor area ratio# for a #public parking garage# shall be 4.0.

On Parcel 3, the maximum #floor area ratio# of the underlying C7 District shall apply. Furthermore, #floor area# attributable to Parcel 3 shall be used exclusively within Parcel 3.

- (b) In the Coney East Subdistrict, no #rear yards# shall be required.

(7/29/09)

131-32

Coney West, Coney North and Mermaid Avenue Subdistricts

(10/9/13)

131-321

Special floor area regulations for residential uses

R7A R7D R7X

(a) Applicability of Inclusionary Housing Program

R7A, R7D and R7X Districts within the #Special Coney Island District# shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

(b) Maximum #floor area ratio#

The base #floor area ratio# for any #zoning lot# containing #residences# shall be as set forth in the table in this Section. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in the table through the provision of #affordable housing#, pursuant to the provisions for #Inclusionary Housing designated areas#, as set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive. Parcels A through F within R7D Districts are shown on Map 1 (Special Coney Island District and Subdistricts).

FLOOR AREA RATIO
FOR BUILDINGS CONTAINING RESIDENCES

Subdistrict/Parcels	Zoning District	Base #floor area ratio#	Maximum #floor area ratio#
Coney West Parcels: A, B, C, D	R7D	4.35	5.8
Coney West Parcels: E, F	R7D	4.12	5.5
Coney North	R7X	3.75	5.0
Mermaid Avenue	R7A	3.45	4.6

(c) Coney West #floor area# distribution

In the Coney West Subdistrict, #floor area# attributable to #zoning lots# within the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, may be distributed anywhere within such sets of parcels:

Parcels A and B

Parcels C and D

Parcels E and F.

In addition, #floor area# attributable to #block# 7071, lot 130, within Parcel B may be distributed anywhere within Parcels C or D.

(d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of Section 23-954 shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

(7/29/09)

131-322

Special floor area regulations for community facility uses

In the Coney West and Coney North Subdistricts, the maximum permitted #floor area ratio# for #community facility uses# shall be 2.0.

(7/29/09)

131-323

Special floor area ratio regulations for hotel uses

In the Coney North Subdistrict, for #transient hotels# located within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, the maximum permitted #floor area ratio# shall be 3.75.

(10/9/13)

131-324

Lot coverage

For #residential uses# in the Coney North and Coney West Subdistricts, no maximum #lot coverage# shall apply to any #corner lot#.

For #residential uses# in the Mermaid Avenue Subdistrict, no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

Furthermore, in the #Special Coney Island District#, the level of any #building# containing #accessory# parking spaces or non-#residential uses# shall be exempt from #lot coverage# regulations.

(7/29/09)

131-40

HEIGHT AND SETBACK REGULATIONS

The underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this Section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

(4/30/12)

131-41

Rooftop Regulations

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Coney Island District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) only in the Mermaid Avenue Subdistrict.

(2/2/11)

131-42

Coney East Subdistrict

The regulations of this Section, inclusive, shall apply to all #buildings or other structures# in the Coney East Subdistrict. #Street wall# location rules and maximum base height rules shall apply only to #buildings#. Maximum heights shall apply to all #buildings or other structures#.

For the purposes of applying the height and setback regulations of this Section, Jones Walk shall not be considered a #street#. Maps 4 (Street Wall Location) and 5 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, illustrate the #street wall# location provisions and minimum and maximum base height provisions of this Section.

A #building or other structure# that exceeds a height limit shall be permitted where the Chairperson of the Department of City Planning certifies to the Department of Buildings

that such additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

(2/2/11)

131-421

Coney East Subdistrict, south side of Surf Avenue

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street line# of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of a #building# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

- (1) a sidewalk widening shall be required at the intersection of Surf Avenue and West 10th Street, extending from a point on the Surf Avenue #street line# 125 feet west of West 10th Street to a point on the West 10th Street #street line# 20 feet south of Surf Avenue. Such area shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining sidewalks, and be accessible to the public at all times. Such sidewalk widening line shall be considered a #street line# for the purposes of applying the #use# and height and setback regulations of this Chapter;
- (2) ground floor level recesses up to three feet deep shall be permitted for access to #building# entrances. However, for #building# entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to ten feet provided the width of such recesses does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;

- (3) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;
- (4) to allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back ten feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower, and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) #Building# base

- (1) Surf Avenue, west of West 12th Street

West of West 12th Street, the #street wall# of a #building# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. If a tower is provided, in accordance with the requirements of paragraph (d) of this Section, the maximum base height shall be 65 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback shall be required, pursuant to the provisions set forth in paragraph (c) of this Section.

For #buildings# located west of West 12th Street that provide a tower in accordance with the requirements of paragraph (d) of this Section, at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall not exceed a height of 45 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 60 feet but not more than 65 feet. Furthermore, any portion of a #street wall# which exceeds a height of 60 feet shall be located within 150 feet of the intersection of two #street lines# and shall coincide with the location of a tower. Towers

shall comply with the location requirements of paragraph (d) of this Section.

(2) Surf Avenue, east of West 12th Street

East of West 12th Street, the #street wall# of a #building# shall rise without setback to a minimum base height of 35 feet or the height of the #building#, whichever is less, and a maximum base height of 45 feet. At a height no lower than the minimum base height and no higher than the maximum base height, a setback is required that shall comply with the provisions set forth in paragraph (d) of this Section.

For the base of any #building# located on the south side of Surf Avenue, above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(3) of this Section.

(c) Transition height

All portions of a #building# that exceed the applicable maximum base height specified in paragraph (b) of this Section shall be set back from the #street line# at least 20 feet except that, where towers are provided, the minimum setback depth from the #street line# shall be 10 feet.

(1) West of West 12th Street

All portions of a #building# that exceed the maximum base height set forth in paragraph (b)(1) of this Section shall comply with the tower provisions of paragraph (d) of this Section.

(2) East of West 12th Street

The maximum transition height shall be 65 feet, and all portions of #buildings# that exceed such height shall comply with the tower provisions of paragraph (d) of this Section, except that within

100 feet of Jones Walk on the easterly side, the maximum #building# height after the required setbacks shall be 85 feet.

(3) Special Regulations for Use Group A

The transition height regulations of paragraphs (c)(1) and (c)(2) of this Section shall not apply to #buildings# that rise to a maximum height of 85 feet to accommodate a Use Group A #use# or to #buildings# where the Chairperson of the Department of City Planning certifies to the Department of Buildings that additional height is necessary to accommodate an amusement #use# listed in Use Group A1.

(d) Towers

All #stories# of a #building# located partially or wholly above a height of 65 feet shall be considered a "tower" and shall comply with the provisions of this paragraph, (d).

(1) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(2) Maximum length and height

The outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

The maximum height of a #building# located between West 12th Street and Jones Walk shall be 150 feet between West 12th Street and Jones Walk. The maximum height of a #building# located between West 12th Street and West 16th Street on #zoning lots# with less than 50,000 square feet of #lot area# shall be 220 feet; on #zoning lots# with 50,000 square feet or more of #lot area#, the maximum height of a #building# shall be 270 feet. All towers that exceed a height of 150 feet shall provide articulation in accordance with Section 131-46.

(3) Tower location

All towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#.

(7/29/09)

131-422

Coney East Subdistrict, north side of Surf Avenue

Any #building or other structure# fronting upon the north side of Surf Avenue shall not exceed a height of 85 feet. Furthermore, in order to protect the view from the elevated subway to the Coney East Subdistrict, no portion of such #building or other structure#, including permitted obstructions or #signs#, shall be located between a height of five feet below the upper level of the elevated subway tracks and a level 25 feet above such level, except for a vertical circulation core, supporting structural elements and related appurtenances. In no event shall more than 30 percent of the Surf Avenue frontage of the #zoning lot# be obstructed with such elements.

(2/2/11)

131-423

Along all other streets

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets#, and portions thereof, located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

(a) #Street wall# location

The #street wall# of the #building#, or portion thereof, shall be located within five feet of the #street line#. However, for #building# entrances providing direct access to the lowest #story# located above the #base flood elevation#, a recess shall be permitted to have a depth of up to 10 feet as measured

from the #street line#, provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;

(b) Maximum height

The #street wall# of a #building#, or portion thereof, shall rise to a minimum height of 20 feet and a maximum height of 40 feet before setback. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet.

West of West 12th Street, along the northern #street line# of Bowery, the maximum #building# height shall be 40 feet. If a tower is provided along the Surf Avenue portion of the #block#, 40 percent of the #aggregate width of street walls# may rise above the maximum #street wall# height of 40 feet, and such portion of the #aggregate width of street walls# shall be located within 150 feet of the intersection of two #street lines# and shall coincide with that portion of the #street wall# along Surf Avenue that rises to a height of between 60 to 65 feet, pursuant to the provisions of paragraph (b)(1) of Section 131-421. However, where the portion of the #block# that fronts on Surf Avenue is #developed# or #enlarged# pursuant to the special regulations for Use Group A in paragraph (c)(3) of Section 131-421 (Coney East Subdistrict, south side of Surf Avenue), the #street wall# may rise after a setback of 20 feet to a maximum height of 60 feet for the entire length of the Bowery #street line#, or may extend beyond the 40 percent of the #aggregate width of street wall# for the length of the #street wall# of such Use Group A #development# or #enlargement# which fronts along Surf Avenue, whichever is less.

(7/29/09)

131-43

Coney West Subdistrict

The regulations of this Section shall apply to all #buildings or other structures# in the Coney West Subdistrict. Map 4 (Street Wall Location), Map 5 (Minimum and Maximum Base Heights) and Map 6 (Coney West Subdistrict Transition Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and transition height provisions of this Section, inclusive. For the purposes of this Section, the "building line" shown on Parcel F shall be considered a #street line# of Ocean Way or Parachute Way, as indicated on such maps.

(2/2/11)

131-431

Coney West District, Surf Avenue

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# of a #building# base shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to #building# entrances, except that for #building# entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to 10 feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (2) to allow for corner articulation, the #street

wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and

- (3) to allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) #Building# base

A #street wall# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. For #buildings# that exceed a height of eight #stories# or 85 feet, at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall not exceed a height of six #stories# or 65 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least eight #stories# or 80 feet, whichever is less. However, on the #block# front bounded by West 21st Street and West 22nd Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(2) of this Section.

All portions of a #building or other structure# that exceed the maximum heights set forth in this paragraph, (b), shall be set back from the #street

line# at least 10 feet.

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Subdistrict towers).

(2/2/11)

131-432

Along all other streets, other than Riegelmann Boardwalk

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of Riegelmann Boardwalk.

(a) #Street wall# location

The #street wall# of a #building# base, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line# except that, to allow portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from the #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower. In addition, for #street walls# facing Ocean Way, #building# entrances providing direct access to the lowest #story# located above the #base flood elevation# may be recessed up to a depth of 10 feet as measured from the #street line#, provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base

flood elevation#.

The entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

(b) #Building# base

The #street wall# of a #building# base, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#. All portions of a #building or other structure# that exceed a height of 65 feet shall be set back from the #street wall# at least 10 feet, except such setback distance may include the depth of any permitted recesses.

(c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that:

- (1) above the maximum base height, up to 60 percent of the #aggregate width of street walls#, measured separately, facing Ocean Way and along all other #streets#, other than Riegelmann Boardwalk, shall be set back a minimum distance of 10 feet from the #street line#. The remaining

portion of such #aggregate width of street walls# facing Ocean Way, and along all other #streets# other than Riegelmann Boardwalk, shall be set back a minimum distance of 15 feet from the #street line#, except that for #blocks# north of the Ocean Way #street line#, along a minimum of one #street line# bounding the #block# (except for Surf Avenue), the remaining portion of such #aggregate width of street walls# shall remain open to the sky for a minimum depth of 100 feet from the #street line#;

- (2) for #blocks# bounding the southern #street line# of Ocean Way, any portion of a #building or other structure# that exceeds a height of six #stories# or 65 feet, whichever is less, shall be located within 80 or 100 feet of a #street line#, as indicated on Map 6 in the Appendix to this Chapter;
- (3) for portions of #buildings# higher than six #stories# or 65 feet that are within 100 feet of Riegelmann Boardwalk, each #story# within such portion shall provide a setback with a depth of at least ten feet, measured from the south facing wall of the #story# directly below.

A #building or other structure# may exceed such transition heights only in accordance with the tower provisions of Section 131-434.

(2/2/11)

131-433

Riegelmann Boardwalk and building line of Parcel F

A #street wall# shall be located on Riegelmann Boardwalk #street line# and extend along the entire Riegelmann Boardwalk frontage of the #zoning lot# to a minimum height of 20 feet, as shown on Map 5 (Minimum and Maximum Base Heights). Any #building or other structure# within 70 feet of Riegelmann Boardwalk shall not exceed a height of 40 feet above the level of Riegelmann Boardwalk.

In addition, on Parcel F, a #street wall# shall be located

on the Parachute Way building line and the portion of the Ocean Way building line that is within 100 feet of the Parachute Way building line, as shown on Map 4 (Street Wall Location). Such #street walls# shall extend along such entire frontages of Parcel F to a minimum height of 20 feet.

(2/2/11)

131-434

Coney West Subdistrict towers

All #stories# of a #building# or portions of other structures located partially or wholly above an applicable transition height shall be considered a "tower" and shall comply with the provisions of this Section.

(a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building or other structure# shall be 220 feet, and on #blocks# bounding the southerly #street line# of Ocean Way, the maximum height of a #building or other structure# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle, and no side of such rectangle shall exceed a length of 165 feet.

Where #affordable housing# is provided pursuant to Section 131-321 (Special floor area regulations for residential uses), the maximum height of a #building# shall be increased to 270 feet, provided that the tower complies with either paragraph (b) (1) or (b) (2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 100 feet; or
- (2) The outermost wall of all tower #stories# below a

height of 120 feet shall be inscribed within a rectangle where no side of such rectangle exceeds a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(c) Tower location

All towers shall be located entirely within 100 feet of Parachute Way, West 20th Street, West 21st Street or West 22nd Street and within 25 feet of the intersection of two #street lines#. When a #zoning lot# fronting upon Surf Avenue contains a tower, such tower shall be located within 25 feet of Surf Avenue. No more than one tower shall be permitted on any #zoning lot#, except that where #affordable housing# is provided pursuant to Sections 23-90 and 131-321, no more than two towers shall be permitted on any #zoning lot#, and the second tower shall be located within 25 feet of Ocean Way. However, Parcel E may include two towers and, where #affordable housing# is provided pursuant to Section 131-321, a third tower shall be permitted to be located anywhere on such parcel along Parachute Way.

(2/2/11)

131-44

Coney North Subdistrict

The regulations of this Section shall apply to all #buildings or other structures# in the Coney North Subdistrict. Maps 4 (Street Wall Location) and 5 (Minimum and Maximum Base Heights), in the Appendix to this Chapter, illustrate the #street wall# location provisions, minimum and maximum base height provisions and maximum #building# height provisions of this Section, inclusive.

(2/2/11)

131-441

Coney North Subdistrict, Surf Avenue

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

(a) #Street wall# location

The #street wall# of a #building# base shall be located on the Surf Avenue #street line# and extend along the entire Surf Avenue frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to #building# entrances. However, for #building# entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to 10 feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;

and

- (3) to allow for portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be set back 10 feet from a #street line#, provided the width of such setback area is not greater than 40 percent of the width of the #street wall# of the tower and provided such setback area complies with the provisions of Section 131-47 (Design Requirements for Ground Level Setbacks).

(b) #Building# base

The #street wall# of a #building# base fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required.

For #buildings# that exceed a height of eight #stories# or 85 feet, at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall not exceed a height of 65 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 80 feet, but not more than 85 feet. However, on the portion of the #block# bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided, as set forth in paragraph (a)(2) of this Section.

All portions of a #building or other structure# that exceed a height of 85 feet shall be set back from the #street line# at least 10 feet, and shall comply with the tower provisions of Section 131-444 (Coney North Towers).

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

(2/2/11)

131-442

Along all other streets, other than Stillwell Avenue

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

(a) #Street wall# location

The #street wall# of a #building# base, or portion thereof, beyond 50 feet of Surf Avenue, shall be located within eight feet of the #street line# except that, to allow portions of towers to rise without setback from grade, a portion of a #building# base below a tower may be recessed 10 feet from the #street line#, provided the width of such recess area is not greater than 40 percent of the width of the #street wall# of the tower.

The entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to, and exits from, the #building#, within driveways accessing off-

street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

(b) #Building# base

The #street wall# of a #building# base, or portion thereof, located beyond 100 feet of Surf Avenue, shall rise without setback to a minimum height of 40 feet, or the height of the #building#, whichever is less, and a maximum height of six #stories# or 65 feet, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed for #outer courts# or balconies, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, and provided the maximum depth of such recesses is 15 feet, as measured from the #street line#.

All portions of a #building or other structure# that exceed a height of 65 feet shall be set back from the #street wall# of the #building# at least 10 feet, except such setback distance may include the depth of any permitted recesses.

(c) Transition height

In all portions of #blocks# located beyond 100 feet of Surf Avenue, a #street wall# may rise above the maximum base height to a maximum transition height of eight #stories# or 85 feet, whichever is less, provided that up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet. All portions of #buildings or other structures# that exceed a transition height of 85 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

(2/2/11)

131-443

Mermaid and Stillwell Avenues

Within 100 feet of Mermaid Avenue and within 100 feet of Stillwell Avenue, except within 100 feet of Surf Avenue, all portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less, except that:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to #building# entrances. However, for #building# entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to 10 feet provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;
- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

(2/2/11)

131-444

Coney North Subdistrict towers

All #stories# of a #building# or portions of other structures located partially or wholly above a height of 85

feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a "tower" and shall comply with the provisions of this Section.

(a) Maximum floorplate

Each #story# of a tower shall not exceed a gross area of 8,500 square feet.

(b) Maximum length and height

On #blocks# bounding Surf Avenue, the maximum height of a #building or other structure# shall be 220 feet and beyond 175 feet of Surf Avenue the maximum height of a #building or other structure# shall be 170 feet. Furthermore, the outermost walls of all tower #stories# shall be inscribed within a rectangle and no side of such rectangle shall exceed a length of 165 feet.

Where #affordable housing# is provided pursuant to Section 131-321 (Special floor area regulations for residential uses), the maximum height of a #building# shall be increased to 270 feet, provided that the tower portion of such #building# complies with either paragraph (b)(1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 100 feet; or
- (2) The outermost wall of all tower #stories#, below a height of 120 feet, shall be inscribed within a rectangle, where no side of such rectangle shall exceed a length of 130 feet; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet.

Above a height of 120 feet, the maximum floorplate shall be 80 percent of the #story# immediately below such height or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth

of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with Section 131-46 (Tower Top Articulation).

(c) Tower location

Towers shall be located within 25 feet of Surf Avenue and entirely within 100 feet of an intersecting #street#. No more than one tower shall be permitted on any #zoning lot#, except that where #affordable housing# is provided pursuant to Sections 23-90 and 131-321, a second tower shall be permitted anywhere on the #zoning lot# where such tower is entirely beyond 175 feet of Surf Avenue and 10 feet from any other #street#. All towers shall be located at least 10 feet from a #side lot line#.

(2/2/11)

131-45

Mermaid Avenue Subdistrict

All portions of a #building or other structure# shall comply with the height and setback regulations of a C2 District mapped within an R7A District, except that on Mermaid Avenue, and on intersecting #streets# within 50 feet of Mermaid Avenue, the #street wall# of a #building# shall be located on the #street line# and rise without setback to a minimum base height of 40 feet or the height of the #building#, whichever is less, except that:

- (a) ground floor level recesses up to three feet deep shall be permitted for access to #building# entrances. However, for #building# entrances providing direct access to the lowest #story# located above the #base flood elevation#, such recesses shall be permitted to have a depth of up to 10 feet, provided the width of such recess does not exceed 20 feet and the height of such recessed area is not less than 15 feet at any point as measured from the #base flood elevation#;

- (b) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and
- (c) above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (b) of this Section.

(7/29/09)

131-46

Tower Top Articulation

All #buildings# that exceed a height of 170 feet shall provide articulation in accordance with at least one of following provisions:

- (a) Setbacks on each tower face

The highest three #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (a), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Three setbacks

Setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 170 feet, whichever is less. Such setbacks shall be located on either the north-facing or south-facing side of the #building#, but not both. Such setbacks shall have a minimum depth of 15 feet measured, as applicable, from the north or south-facing wall of the #story# immediately below. For towers with at least six #stories# located entirely above a height of 170 feet, the lowest level at which such setbacks may be provided is 170 feet, and the highest #story#, therefore, shall be located entirely within the northern or southern half of the tower, as applicable.

(c) Reverse setbacks

A minimum of 15 percent of the area of the plane surface of #street walls# enclosing #floor area# of the tower and a maximum of 50 percent of the area of the plane surface of the #street walls# enclosing #floor area# of the tower shall project at least eighteen inches but not more than five feet from the remaining plane surface of the #street walls# enclosing any #floor area# of the tower. No projections, including balconies, shall be permitted from the lowest two #stories# of the tower.

(2/2/11)

131-47

Design Requirements for Ground Level Setbacks

Wherever a #building# base below a tower is set back from the #street line#, and the #building# walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

(a) Minimum and maximum areas

No such setback area shall be less than 240 square feet nor greater than 1,000 square feet.

(b) Pavement

The setback area shall be paved with materials distinctive from the adjoining public sidewalk.

(c) Wall treatments

All ground floor level #building# walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-15, shall comply with the provisions of either paragraphs (c) (1) or (c) (2) of this Section.

(1) If such #building# wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-15.

(2) All other #building# walls shall comply with one of the following provisions:

(i) such #building# walls shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 50 percent of the area of each such ground floor level #building# wall, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher; or

(ii) such #building# walls shall be articulated with artwork or landscaping to a height of at least ten feet.

(d) #Building# entrances

A public entrance to a #building# shall front upon such setback area. No ramps shall be permitted within the setback area.

(e) Landscaping

A minimum of 20 percent of such setback area shall be planted with, at a minimum, evergreen ground cover or shrubs in planting beds, with a minimum of six inches in height and a maximum height of four feet. Such planting beds may not occupy more than 50 percent of the width of the setback area, as measured along the #street line#.

(f) Additional amenities

For setback areas of 500 square feet or more, there shall be the following additional amenities:

- (1) an additional public entrance to the #building# that fronts upon such setback area; and
- (2) a minimum of one linear feet of seating for every 20 square feet of setback area shall be provided. At least 40 percent of such seating shall be fixed, of which at least half shall have backs with a minimum height of 14 inches. All fixed seating shall have a minimum depth of 18 inches and a maximum depth of 24 inches, and a minimum seat height of 16 inches and a maximum seat height of 20 inches. At least 50 percent of required seating shall be moveable chairs.

(7/29/09)

131-48
Street Trees

The provisions of Section 33-03 (Street Tree Planting in Commercial Districts) shall not apply in the Coney East Subdistrict.

(7/29/09)

131-49
Authorization for Exterior Ramps

The City Planning Commission may authorize modifications of the #street wall# location provisions of this Chapter to

allow exterior ramps for access from the public sidewalk to the lowest #story# above the #base flood elevation# provided the Commission finds that the design of such ramps:

- (a) maximizes visibility of interior ground floor space within the #building# from the public sidewalk;
- (b) incorporates amenities such as seating and planting as the Commission may find appropriate; and
- (c) relates harmoniously with the design and materials of the adjacent #building# and the surrounding streetscape.

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

(7/29/09)

131-50

OFF-STREET PARKING AND LOADING REGULATIONS

The special provisions of this Section shall apply to all off-street parking spaces and loading facilities within the #Special Coney Island District#.

(2/2/11)

131-51

Amount of Required and Permitted Parking

- (a) #Residential# and #community facility# parking

The underlying regulations shall apply, except that the number of #accessory# off-street parking spaces required pursuant to Section 36-33 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require off-street parking spaces for at least 60 percent of #dwelling units# or #rooming units developed#, under single ownership or control, where group parking facilities are provided.

(b) #Commercial# parking

The underlying regulations shall apply, except that:

(1) For Use Group A #uses#

One off-street parking space shall be provided for every 2,000 square feet of #floor area# or #lot area# for open #uses#, except that for a water park, two off-street parking spaces per 1,000 square feet of #floor area# shall be provided.

(2) For #transient hotels#

One off-street parking space shall be provided for every six guest rooms or suites.

(c) Public parking facilities

In accordance with the provisions of Section 131-043 (Applicability of Article VII, Chapter 4), #public parking lots# shall not be permitted, and #public parking garages# of any size shall be permitted as-of-right, provided such garages comply with the provisions of Section 131-52 (Use and Location of Parking Facilities).

(2/2/11)

131-52

Use and Location of Parking Facilities

The following provisions shall apply to all parking facilities:

- (a) All #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupants of a #residence# to which it is #accessory# within 30 days after written request is made to the landlord. Furthermore, if #accessory# parking spaces and spaces within a #public parking garage# are provided on the same #zoning lot#, all such spaces may be provided

within the same parking facility.

- (b) The off-site parking space provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-street parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided that:

- (1) In the Coney East Subdistrict, such spaces are located anywhere within an area bounded on the east by Ocean Parkway, on the south by Riegelmann Boardwalk, on the west by West 27th Street and on the north by Coney Island Creek and the Belt Parkway, in accordance with all applicable underlying parking regulations.
- (2) In the Coney West Subdistrict, such parking spaces #accessory# to the following sets of parcels, as shown on Map 1 in the Appendix to this Chapter, shall be located anywhere on such sets of parcels:

Parcels A and B

Parcels C and D

Parcels E and F.

- (3) In the Coney North and Mermaid Avenue Subdistricts, such spaces shall be located anywhere on the same #block#.
- (c) All off-street parking facilities shall be located within facilities that, except for entrances and exits, are:
- (1) entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts; or
 - (2) located, at every level above-grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 15 feet as measured from the #street wall# of the #building#, so that no portion of such parking facility is visible from adjoining #streets# or

publicly accessible open spaces. All such parking facilities shall be exempt from the definition of #floor area#. However, in the Coney East Subdistrict, the provisions of this paragraph, (c)(2), need not apply on the north side of Surf Avenue above the level of the ground floor, on Parcel 2 beyond 70 feet of Riegelmann Boardwalk, or on the east side of that portion of West 16th Street beyond 50 feet of Surf Avenue and Wonder Wheel Way, provided that:

- (i) any non-horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;
 - (ii) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
 - (iii) a total of at least 50 percent of such exterior #building# wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.
- (d) Any roof of a facility containing off-street parking spaces not otherwise covered by a #building#, which is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

(2/2/11)

No curb cuts shall be permitted on Surf Avenue, Wonder Wheel Way or Bowery except on a #zoning lot# with no frontage on any other #street#. The curb cut provisions of paragraph (c) of Section 36-58 shall apply.

(12/19/13)

131-60

SPECIAL PERMIT FOR AUDITORIUMS

The special permit set forth in this Section is established to allow outdoor entertainment #uses# on a limited-term basis in a unique beachfront location within the #Special Coney Island District#. The development of such #uses# on a temporary basis pursuant to this special permit provides for the opportunity for a valuable public amenity to exist within an area that, while approved for future #residential development# pursuant to the #Special Coney Island District# plan, is currently underutilized and does not exhibit the characteristics of a well-developed #residential# neighborhood. Any special permit granted under this Section shall be subject to a term of years, in order to ensure that such #uses# are consistent with, and do not impede, the goal of long-term revitalization of the surrounding area, pursuant to the #Special Coney Island District# plan.

In the Coney West Subdistrict, for Parcels B and G, the City Planning Commission may approve, by special permit, open-air auditoriums with greater than 2,000 seats, for a term no greater than ten years from the date a certificate of occupancy, including a temporary certificate of occupancy, has been issued, provided that the proposed auditorium meets the conditions of paragraph (a) and the findings of paragraph (b) of this Section, in addition to the #sign# provisions of paragraph (c) and parking provisions of paragraph (d) of this Section.

For any application for such special permit, the applicant shall provide plans to the Commission including, but not limited to, a site plan, signage plan, parking and loading plan, lighting plan and an operations plan (the "Proposed Plans").

(a) The Commission may permit open-air auditoriums with a maximum of 5,100 seats, provided the Proposed Plans demonstrate that:

- (1) at all times when the Riegelmann Boardwalk is open to the public, all publically accessible space, as shown on the Proposed Plans, will remain accessible to the public, except that access may be restricted as necessary during scheduled events, for the setup and takedown for such events, and in connection with maintenance activities. Any barriers erected for the purpose of restricting access or visibility during such events shall be completely removed at all other times;
- (2) the height of all structures, temporary or fixed, does not exceed 70 feet in height, as measured from the level of the Riegelmann Boardwalk;
- (3) any roof or structural canopy above the open-air auditorium seating area will be removed prior to the month of November and shall remain removed during the entire off-season period between November through April, as well as in advance of severe weather events;
- (4) the signage plan and parking and loading plan comply with the provisions of paragraphs (c) and (d) of this Section, respectively; and
- (5) the City and applicant will enter into an agreement under which Parcel G will be returned to the City as of the expiration of the term of the special permit in a condition set forth in such agreement appropriate for #use# as a #public park#.

(b) In granting such permit, the Commission shall find that:

- (1) such open-air auditorium will not unduly impair the essential character or the future #use# or #development# of the surrounding area, pursuant to the goals and objectives of the #Special Coney Island District# plan;

- (2) the outdoor lighting for such open-air auditorium is located and arranged so as to minimize any negative effects on nearby #residences# and #community facilities#, and that the Proposed Plans include noise attenuation features and measures which serve to reduce the effect of noise from the open-air auditorium on the surrounding area, including nearby #residences# and #community facilities#;
- (3) the construction of a stage as part of any #building# on Parcel B, for the purpose of accommodating an open-air auditorium #use#, will:
 - (i) enable the stage area to be closed to the outdoor portion of the open-air auditorium during the off-season when the open-air auditorium is not in use, so as to be operated for indoor entertainment #uses# with an eating and drinking establishment or other #use# permitted on Parcel B; and
 - (ii) allow for such #building# to be operated, subsequent to the expiration of the special permit, for #uses# permitted on Parcel B, such as eating or drinking establishments with entertainment;
- (4) appropriate visual and pedestrian connections are maintained in the general area of the former street bed from the termination of West 22st Street to the Riegelmann Boardwalk;
- (5) the portions of the site not dedicated to the stage area or event seating are so designed to serve as a full time park-like resource for the public, and the portions of the site designed for open-air auditorium #use# serve as a high-quality open space resource when not in auditorium use;
- (6) any roof or structural canopy above the open-air auditorium seating area will be visually unobtrusive, and maximize openness and visibility between the site and the Riegelmann Boardwalk;
- (7) the operations plan, which shall include a protocol for queuing for concertgoers,

demonstrates that there would be no interference with the public use and enjoyment of adjacent public facilities; and

- (8) the site plan, signage plan and lighting plan incorporate good design, effectively integrate the site with surrounding streets and the Riegelmann Boardwalk, and are consistent with the purposes of the #Special Coney Island District#.
- (c) The Commission may, through approval of the Proposed Plans, permit #signs# notwithstanding the applicable #sign# regulations, except that #flashing signs# shall not be permitted and only #advertising signs# that are oriented toward the interior of the open-air amphitheater and not visible from the Riegelmann Boardwalk or other public area shall be permitted.

In order to permit such #signs#, the Commission shall find that proposed signage is appropriate in connection with the permitted open-air auditorium #use#, is not unduly concentrated within one portion of the site, and will not negatively affect the surrounding area.

- (d) The Commission may, through approval of the Proposed Plans, reduce or waive required parking or loading requirements, provided the Commission finds that the open-air auditorium will be adequately served by a combination of surrounding public parking facilities and mass transit. In addition, the Commission shall find that the proposed loading facilities on the site are located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# surrounding the auditorium.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include, but are not limited to, restrictions on signage or requirements for soundproofing of auditoriums, shielding of floodlights or screening of open #uses#.

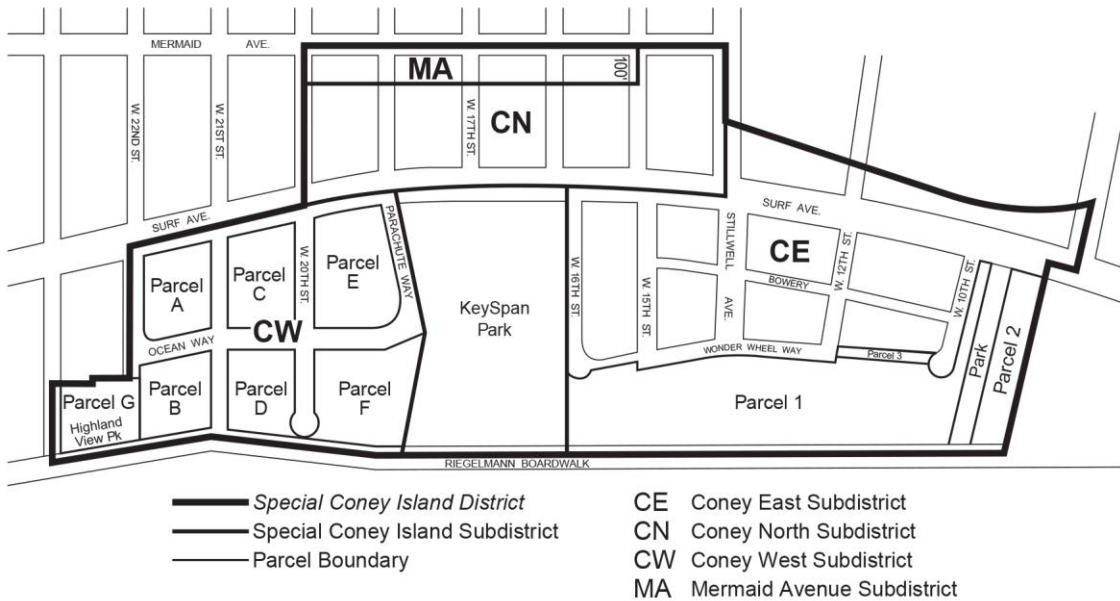
Upon the first issuance of this permit for an open-air auditorium, the effective period of the permit shall be ten years from the date a certificate of occupancy, including a

temporary certificate of occupancy, has been issued. To establish the term of years for subsequent applications for this special permit, the Commission shall, in determining whether the finding of paragraph (b)(1) of this Section is met, take into account the existing character of the surrounding area, as well as #residential# and #community facility development# proposed or under construction on surrounding #blocks#, and shall also consider whether continuation of such auditorium #use# within a proposed term of years would be compatible with or may hinder achievement of the goals and objectives of the #Special Coney Island District# plan. Subsequent applications for this special permit shall be filed no later than one year prior to expiration of the term of the permit then in effect.

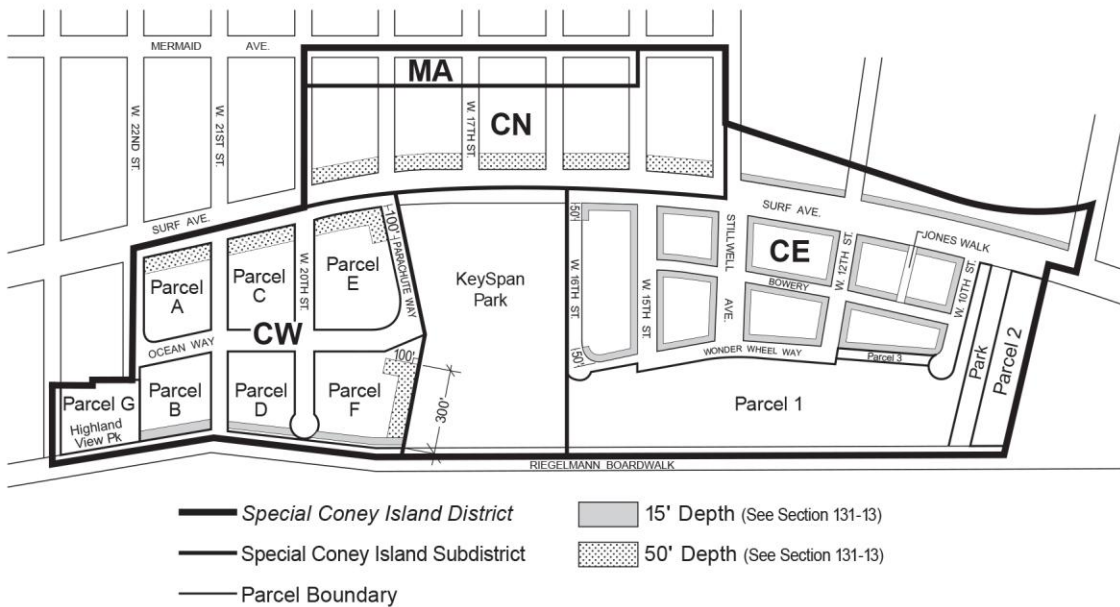
(12/19/13)

Appendix A Coney Island District Plan

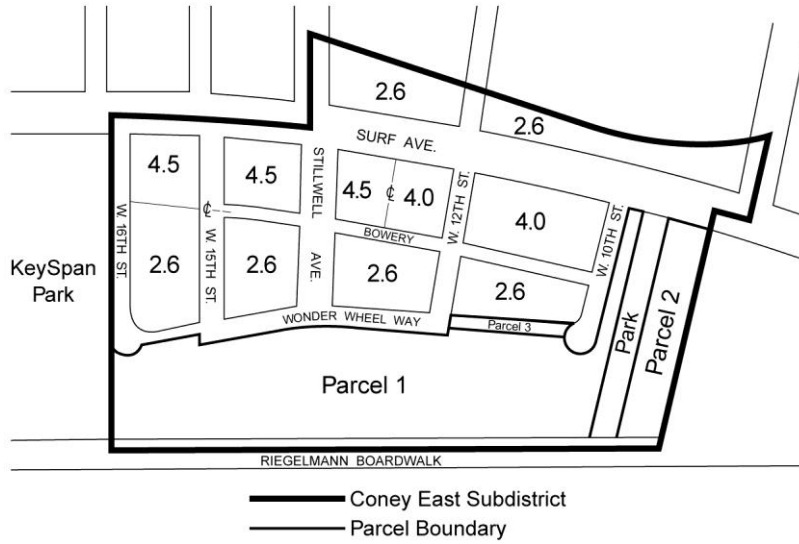
Map 1 - Special Coney Island District and Subdistricts



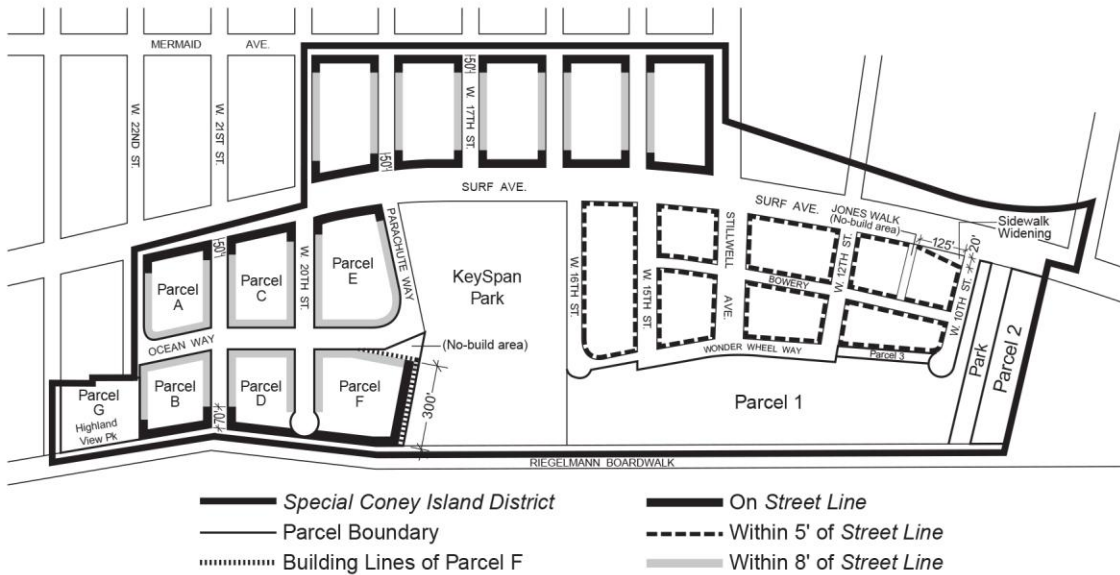
Map 2 - Mandatory Ground Floor Use Requirements



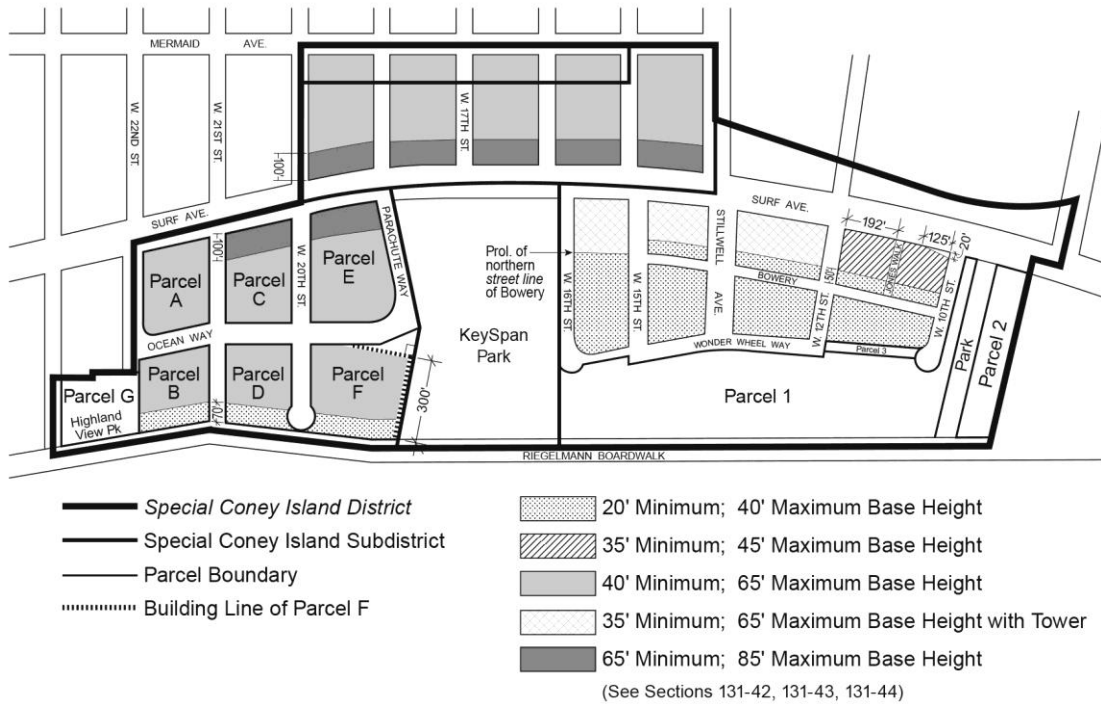
Map 3 - Coney East Subdistrict Floor Area Ratios



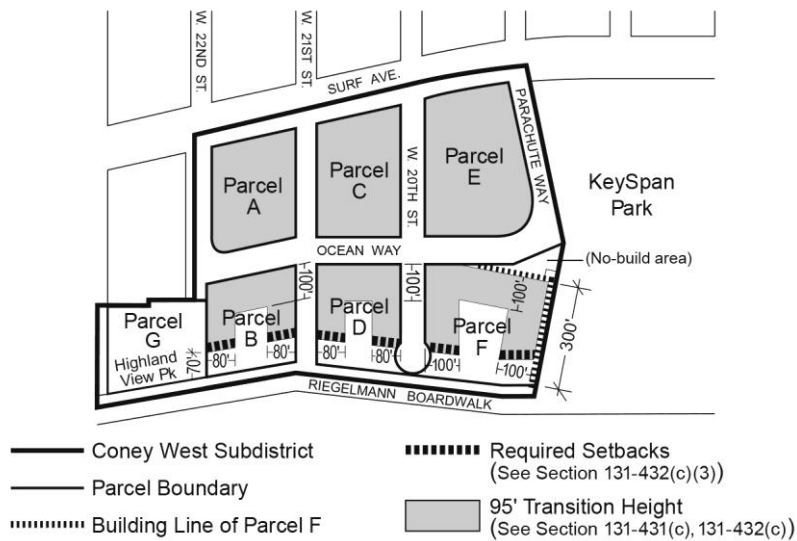
Map 4 - Street Wall Location



Map 5 - Minimum and Maximum Base Heights



Map 6 - Coney West Subdistrict Transition Heights



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XIII: Special Purpose Districts Chapter 2: Special Enhanced Commercial District

Effective date of most recently amended section of Article XIII Chapter 2: 10/11/12

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(6/28/12)

Article XIII - Special Purpose Districts

Chapter 2

Special Enhanced Commercial District

(10/11/12)

132-00

GENERAL PURPOSES

The "Special Enhanced Commercial District," established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

- (a) in "Special Enhanced Commercial District" 1, to enhance the vitality of emerging commercial districts ensuring that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian experience along the street;
- (b) in "Special Enhanced Commercial District" 2, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to reflect the multi-store character that defines such commercial blocks;
- (c) in "Special Enhanced Commercial District" 3, to enhance the vitality of well-established commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (d) in "Special Enhanced Commercial District" 4, to enhance the vitality of commercial districts by limiting the ground floor presence of inactive street wall frontages; and
- (e) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

(6/28/12)

132-10

GENERAL PROVISIONS

The provisions of this Chapter shall apply to all #buildings# with #street# frontage along a #designated commercial street#.

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

(10/11/12)

132-11

Special Enhanced Commercial Districts Specified

The #Special Enhanced Commercial District# is mapped in the following areas:

(a) #Special Enhanced Commercial District# 1 (11/29/11)

The #Special Enhanced Commercial District# 1 (EC-1) is established on the following #designated commercial streets# as indicated on #zoning maps# 16c and 16d:

- (1) Fourth Avenue, in the Borough of Brooklyn, generally between 24th Street and Atlantic Avenue.

(b) #Special Enhanced Commercial District# 2 (6/28/12)

The #Special Enhanced Commercial District# 2 (EC-2) is established on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

- (1) Amsterdam Avenue, in the Borough of Manhattan, generally between West 73rd and West 110th Streets; and
- (2) Columbus Avenue, in the Borough of Manhattan, generally between West 72nd and West 87th Streets.

(c) #Special Enhanced Commercial District# 3 (6/28/12)

The #Special Enhanced Commercial District# 3 (EC-3) is established on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

(1) Broadway, in the Borough of Manhattan, generally between West 72nd and West 110th Streets.

(d) #Special Enhanced Commercial District# 4 (10/11/12)

The #Special Enhanced Commercial District# 4 (EC-4) is established on the following #designated commercial streets# as indicated on #zoning maps# 13b and 17a:

(1) Broadway, in the Borough of Brooklyn, on the south side of the street generally between Sumner Place and Monroe Street.

(6/28/12)

132-12

Definitions

Ground floor level

For the purposes of this Chapter, "ground floor level" shall mean a #building's# lowest #story# located within 30 feet of the #building's street wall# along a #designated commercial street#.

Designated commercial street

For the purposes of this Chapter, a "designated commercial street" shall be the portion of those #streets# specified in Section 132-11.

(10/11/12)

132-13

Applicability of Special Use, Transparency and Parking Regulations

The special #use#, transparency and parking regulations of this

Chapter shall apply to #buildings# in #Special Enhanced Commercial Districts# as designated in the following table, except as otherwise provided in Sections 132-21, 132-31 and 132-41.

Table
Special Regulations for Enhanced Commercial Districts

Use Regulations

#Special Enhanced Commercial District#	Mandatory Ground Floor #Uses#			Minimum Number of Establishments (132-23)
	Minimum Percentage of #Commercial Uses# (132-22(a))	Mandatory Non- #Residential Uses# (132-22(b))	Other Permitted #Uses# (133-22c))	
EC - 1 (Fourth Avenue, Brooklyn)	X		X	
EC - 2 (Columbus & Amsterdam Avenues, Manhattan)				X
EC - 3 (Broadway, Manhattan)				
EC - 4 (Broadway, Brooklyn)		X	X	

#Special Enhanced Commercial District#	Maximum #Street Wall# Width		
	Banks and Loan Offices (132- 24(a))	Other Non- #Residential# Establishments (132-24(b))	#Residential# Lobbies (132-24(c))
EC - 1 (Fourth Avenue, Brooklyn)			X
EC - 2 (Columbus & Amsterdam Avenues, Manhattan)	X	X	X
EC - 3 (Broadway, Manhattan)	X		X
EC - 4 (Broadway, Brooklyn)			X

Transparency and Parking Regulations

#Special Enhanced Commercial District#	Ground Floor Transparency (132-32)	Location of Parking Spaces (132-42)	Curb Cuts (132-43)
EC - 1 (Fourth Avenue, Brooklyn)	X	X	X
EC - 2 (Columbus & Amsterdam Avenues, Manhattan)	X		
EC - 3 (Broadway, Manhattan)	X		
EC - 4 (Broadway, Brooklyn)	X	X	X

(6/28/12)

132-20

SPECIAL USE REGULATIONS

The special #use# regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# designated in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), except as otherwise provided in Section 132-21 (Applicability of Use Regulations).

In all #Special Enhanced Commercial Districts#:

- (a) the finished floor of the #ground floor level#, for #developments# or #ground floor level enlargements#, shall be located not higher than two feet above, nor lower than two feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#; and
- (b) where regulations apply to existing #buildings# in #Special Enhanced Commercial Districts# 2 and 3, constructed prior to June 28, 2012, the finished floor of the #ground floor level# shall be located not higher than five feet above, nor lower than five feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#.

(10/11/12)

132-21

Applicability of Use Regulations

In #Special Enhanced Commercial Districts#, the applicable special #use# provisions set forth in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations) shall apply as follows:

- (a) #Special Enhanced Commercial Districts# 1 and 4

In the #Commercial Districts# located within #Special Enhanced Commercial Districts# 1 and 4, the applicable special #use# provisions indicated in the table in Section 132-13 shall apply to #developments# and to #buildings

enlarged# on the #ground floor level#, where such #ground floor level# fronts upon a #designated commercial street#, except that such provisions shall not apply to #zoning lots# with a width of less than 20 feet, as measured along the #street line# of the #designated commercial street#, provided such #zoning lot# existed on:

- (1) November 29, 2011, in #Special Enhanced Commercial District# 1; and
- (2) October 11, 2012, in #Special Enhanced Commercial District# 4.

(b) #Special Enhanced Commercial Districts# 2 and 3

In #Special Enhanced Commercial Districts# 2 and 3, the applicable special #use# provisions indicated in the table in Section 132-13 shall apply to all #buildings# with frontage along a #designated commercial street#, except that such provisions shall not apply to:

- (1) the portion of a #ground floor level# of a #building# containing a #commercial use# continuously existing since June 28, 2012, where the average depth of such #commercial use# is less than 30 feet, as measured from the #street wall# of the #building# fronting upon the #designated commercial street#;
- (2) any establishment which has been lawfully issued a building permit on or before June 28, 2012, authorizing "other construction," as set forth in paragraph (c)(3) of Section 11-31 (General Provisions), that would create a #street wall# width exceeding the maximum #street wall# width set forth in Section 132-24, provided that such "other construction" is completed by December 28, 2012. However, where such establishment is located within a landmark #building# or within an Historic District designated by the Landmarks Preservation Commission, and a completed application has been filed at the Landmarks Preservation Commission on or before June 28, 2012, such "other construction" shall be completed within six months after a Certificate of Appropriateness or other permit approving the #building# design was obtained from the Landmarks Preservation Commission.

In the event that such "other construction" has been commenced but not completed before the applicable date set forth in this paragraph, (b)(2), the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew the building permit pursuant to the provisions set forth in paragraph (b) of Section 11-332 (Extension of period to complete construction); and

- (3) in #Special Enhanced Commercial District# 2, the portion of a #ground floor level# of a #building# containing a food store, as listed in Use Group 6A, where at least 6,000 square feet of #floor area#, or #cellar# space utilized for retailing, is utilized for the sale of a general line of food and non-food grocery products, such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation, consumption and utilization. Such retail space utilized for the sale of a general line of food and non food grocery products shall be distributed as follows:
 - (i) at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; and
 - (ii) at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be utilized for the sale of perishable goods that shall include dairy, fresh produce, frozen foods and fresh meats, of which at least 500 square feet of such retail space shall be designated for the sale of fresh produce.

In addition, in all #Special Enhanced Commercial Districts#, the applicable special #use# provisions indicated in the table in Section 132-13 shall not apply to any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4.

(6/28/12)

132-211

Non-conforming uses

In #Special Enhanced Commercial Districts# 2 and 3, the regulations of Article V, Chapter 2, shall be modified, as follows:

- (a) For the purposes of this Chapter, #non-conforming uses# shall include #ground floor level uses# exceeding the applicable maximum #street wall# widths set forth in Section 132-24.
- (b) Any #ground floor level use# with a #non-conforming street wall# width may be continued or changed to another #use# permitted by the applicable district regulations, provided that such change of #use# does not create a new #non-conformance# or increase the degree of #non-conformance# with regard to the permitted #street wall# width of such proposed #use#. The discontinuance provisions of Section 52-60 shall not apply to such change of #use# within establishments with #non-conforming street wall# widths.

(10/11/12)

132-22

Mandatory Ground Floor Uses

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to certain #uses#, as set forth in this Section, shall apply only to the portion of the #building's ground floor level# fronting upon a #designated commercial street#.

- (a) Minimum percentage of #commercial uses#

Mandatory #commercial use# regulations shall apply to an area of a #building's ground floor level# defined by an

aggregate width equal to at least 50 percent of a #building's street wall# along a #designated commercial street# and a depth equal to at least 30 feet, as measured from the #street wall# along the #designated commercial street#. Such an area on the #ground floor level# shall be occupied by #commercial uses# listed in Use Groups 5, 6A, 6C excluding banks and loan offices, 7B, 8A, 8B or 9A.

The remaining portion of the #ground floor level# shall be occupied by any non-#residential use# permitted by the underlying district regulations, or by other #uses# permitted pursuant to paragraph (c) of this Section.

(b) Mandatory non-#residential uses#

In the applicable #Special Enhanced Commercial Districts#, the #ground floor level# of a #building# fronting along a #designated commercial street# shall be occupied by any non-#residential use# permitted by the underlying district regulations or by other #uses# permitted pursuant to paragraph (c) of this Section.

(c) Other permitted #uses#

In the applicable #Special Enhanced Commercial Districts#, the following #uses# shall be permitted on the #ground floor level# of a #building# along a #designated commercial street#, only as follows:

- (1) #residential# lobbies, and an associated vertical circulation core, shall be permitted on the #ground floor level#, provided that such lobbies comply with the maximum width provisions of paragraph (c) of Section 132-24 (Maximum Width Restrictions). In addition, the 30 foot depth requirement for #commercial uses# set forth in paragraph (a) of this Section, where applicable, may be encroached upon where necessary to accommodate a vertical circulation core associated with such #residential# lobby; and
- (2) #accessory# off-street parking spaces and entrances and exits shall be permitted on the #ground floor level#, provided that such off-street parking spaces and associated entrances and exits comply with the provisions of Section 132-40 (SPECIAL PARKING REGULATIONS).

(6/28/12)

132-23

Minimum Number of Establishments

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with a #lot width# of 50 feet or more, as measured along the #street line# of the #designated commercial street#, a minimum of two non-#residential# establishments shall be required for every 50 feet of #street# frontage. In addition, each such #ground floor level# establishment shall have an average depth equal to at least 30 feet, as measured from the #street wall# along the #designated commercial street#. However, such depth requirement may be reduced where necessary in order to accommodate a vertical circulation core associated with a #residential# lobby.

(6/28/12)

132-24

Maximum Street Wall Width

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

(a) Banks and loan offices

In the applicable #Special Enhanced Commercial Districts#, within 30 feet of a #building's street wall# along a #designated street#, the maximum #street wall# width of a bank or loan office, as listed in Use Group 6C, on a #ground floor level# shall not exceed 25 feet.

(b) Other non-#residential# establishments

In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any non-#residential ground floor level# establishment, other than a bank or loan office, shall not exceed 40 feet, as measured along the #street line# of a #designated commercial street#.

(c) #Residential# lobbies

In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any #ground floor level residential# lobby shall not exceed 25 feet, as measured along the #street line# of a #designated commercial street#.

(6/28/12)

132-30

SPECIAL TRANSPARENCY REGULATIONS

The special transparency regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), except as otherwise provided in Section 132-31.

(10/11/12)

132-31

Applicability of Transparency Regulations

In #Special Enhanced Commercial Districts#, the special transparency provisions indicated in the table in Section 132-13 shall apply to #developments# and to #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts on a #designated commercial street#, except that such provisions shall not apply:

- (a) to #zoning lots# in #Commercial Districts# with a width of less than 20 feet, as measured along the #street line# of a #designated commercial street#, provided such #zoning lots# existed on:

- (1) November 29, 2011, for #Special Enhanced Commercial District# 1;
 - (2) June 28, 2012, for #Special Enhanced Commercial Districts# 2 and 3; and
 - (3) October 11, 2012, for #Special Enhanced Commercial District# 4;
- (b) to any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4; and
 - (c) in #Special Enhanced Commercial Districts# 1 and 4, to #buildings# in #Residence Districts# where the #ground floor level# contains #dwelling units# or #rooming units#.

(6/28/12)

132-32

Ground Floor Level Transparency Requirements

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the special transparency regulations of this Section shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to transparent materials, as set forth in this Section, shall apply only to the portion of the #building's ground floor level# fronting upon a #designated commercial street#.

The #ground floor level street wall# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent materials may be provided anywhere on such #ground floor level street wall#, except that:

- (a) transparent materials shall occupy at least 50 percent of the surface area of such #ground floor level street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured

from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall:

- (1) not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers; and
 - (2) have a minimum width of two feet; and
- (b) the maximum width of a portion of the #ground floor level street wall# without transparency shall not exceed ten feet.

However, where an entrance to an off-street parking facility is permitted on a #designated commercial street# in accordance with the provisions of Section 132-43 (Curb Cut Requirements), the transparency requirements of this Section shall not apply to the portion of the #ground floor level street wall# occupied by such entrance.

(6/28/12)

132-40

SPECIAL PARKING REGULATIONS

The special parking regulations of this Section, inclusive, shall apply to all #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations).

(6/28/12)

132-41

Applicability of Parking Regulations

In #Special Enhanced Commercial Districts#, the applicable special parking provisions indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations) shall apply to all #buildings# with frontage along a #designated commercial street#.

(6/28/12)

132-42

Locations of Parking Spaces

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

All off-street parking spaces shall be located within a #completely enclosed building#.

Enclosed, off-street parking spaces shall be permitted on the ground floor of a #building# only where they are located beyond 30 feet of such #building's street wall# along a #designated commercial street#. Entrances to such spaces along a #designated commercial street# shall be permitted only where a curb cut is allowed in accordance with the provisions of Section 132-43.

(10/11/12)

132-43

Curb Cut Requirements

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with frontage along a #designated commercial street# and another #street#, curb cuts accessing off-street parking spaces shall not be permitted along a #designated commercial street#.

Curb cuts accessing off-street parking spaces shall be permitted on a #designated commercial street# only where such curb cut is located on a #zoning lot# that:

- (a) is an #interior lot# fronting along a #designated commercial street#;
- (b) existed on:
 - (1) November 29, 2011, in #Special Enhanced Commercial District# 1; or
 - (2) October 11, 2012, in #Special Enhanced Commercial District# 4;
- (c) has a width of at least 60 feet, as measured along the #street line# of the #designated commercial street#; and
- (d) has a #lot area# of at least 5,700 square feet.

(6/28/12)

132-50

CERTIFICATIONS AND AUTHORIZATIONS

(6/28/12)

132-51

Certification to Allow a Limited Increase in Street Wall Width

In #Special Enhanced Commercial District# 2, an establishment may #extend#, thereby exceeding the maximum #street wall# width for non-#residential# establishments set forth in paragraph (b) of Section 132-24, and may reduce the number of establishments required pursuant to 132-23 upon certification by the Chairperson of the City Planning Commission to the Department of Buildings that:

- (a) the proposed establishment does not exceed a maximum #street wall# width of 60 feet; and
- (b) the applicant has submitted an affidavit attesting to and including information that:
 - (1) at the time of application for #extension#, the #use# has existed within such #building# for a period of one year; and

- (2) such existing establishment cannot #extend# without increasing the #street wall# width for such establishment because of:
 - (i) physical restrictions created by the #building# design, including, but not limited to, the location of existing structural walls and vertical circulation cores;
 - (ii) the presence of other #uses# with ongoing or expected occupancy within such #building#; or
 - (iii) regulatory limitations; and
- (c) the applicant has demonstrated that at the time of application not more than one non-#residential# establishment, either existing, or with an approved certification or authorization pursuant to Section 132-50 that has not lapsed, has a #street wall# width exceeding 40 feet on either the same #block# frontage containing the applicant's establishment, or on the #block# frontage directly across the #street# from the #block# containing such establishment, or on the #blocks# fronting on the #commercial street# immediately adjacent to the north and south of the #block# containing such applicant's establishment.

In order to demonstrate such conditions, the applicant shall:

- (1) submit photographs or dimensioned elevation drawings to verify compliance with the conditions specified in this paragraph, (c); and
- (2) provide at the time of application, pursuant to Section 132-50, evidence of any other approved applications for certifications or authorizations that have not lapsed in the geographic boundaries set forth in this paragraph, (c).

A copy of an application for certification pursuant to this Section shall be sent by the Department of City Planning to the affected Community Board, which may review such proposal and submit comments to the Chairperson of the City Planning Commission. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such

application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

A certification granted pursuant to this Section shall automatically lapse if substantial construction in accordance with the plans for which such certification was granted, has not been completed within one year from the effective date of such certification.

(6/28/12)

132-52

Authorization to Modify Maximum Street Wall Widths of Establishments

In #Special Enhanced Commercial Districts# 2 and 3, the City Planning Commission may authorize a modification of the maximum #street wall# width of non-#residential# establishments, as set forth in paragraphs (a) and (b) of Section 132-24, provided the Commission finds that:

- (a) such additional frontage space is required for the operation of such proposed #use#, and such #use# cannot be reasonably configured within the permitted #street wall# width; or
- (b) a high ground floor vacancy rate exists within a reasonable distance of the proposed #use#, and such high vacancy rate is a consequence of adverse market conditions.

The land use application for an authorization pursuant to this Section shall be sent to the applicable Community Board. If the Community Board elects to comment on such application, it must be done within 30 days of receipt of such application. The Chairperson will not act on such application until the Community Board's comments have been received, or the 30 day comment period has expired, whichever is earlier.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XIII: Special Purpose Districts

Chapter 3: Special Southern Roosevelt Island District

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(5/8/13)

Article XIII - Special Purpose Districts

Chapter 3

Special Southern Roosevelt Island District

(5/8/13)

133-00

GENERAL PURPOSES

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

- (a) providing opportunities for the development of an academic and research and development campus in a manner that benefits the surrounding community;
- (b) allowing for a mix of residential, retail and other commercial uses to support the academic and research and development facilities and complementing the urban fabric of Roosevelt Island;
- (c) establishing a network of publicly-accessible open areas that take advantage of the unique location of Roosevelt Island and that integrate the academic campus into the network of open spaces on Roosevelt Island and provide a community amenity;
- (d) strengthening visual and physical connections between the eastern and western shores of Roosevelt Island by establishing publicly-accessible connections through the Special District and above-grade view corridors;
- (e) encouraging alternative forms of transportation by eliminating required parking and placing a maximum cap on permitted parking;
- (f) providing flexibility of architectural design within limits established to assure adequate access of

light and air to the street and surrounding waterfront open areas, and thus to encourage more attractive and innovative building forms; and

- (g) promoting the most desirable use of land in this area and thus conserving the value of land and buildings, and thereby protecting the City's tax revenues.

(5/8/13)

133-01

Definitions

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Base plane

The definition of #base plane# is hereby modified to mean elevation 19.0, which elevation reflects the measurement in feet above Belmont Island Datum, which is 2.265 feet below the mean sea level at Sandy Hook, N.J.

Development parcel

The "development parcel" is all of the property located within the boundaries of the #Loop Road#, as shown in the Appendix to this Chapter. The #development parcel# shall be deemed a single #zoning lot# for the purpose of applying all regulations of this Resolution.

Loop Road - East Loop Road, North Loop Road, South Loop Road, West Loop Road

The "Loop Road" shall be comprised of the "East Loop Road", the "North Loop Road", the "South Loop Road", and the "West Loop Road", as shown on in the Appendix to this Chapter. All such roads shall be deemed separate #streets# for the purpose of applying all regulations of this Chapter and shall not generate #floor area#.

(5/8/13)

133-02

General Provisions

The provisions of this Chapter shall apply within the #Special Southern Roosevelt Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

(5/8/13)

133-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Southern Roosevelt Island District# Plan.

The District Plan includes the following maps:

Map 1 - Special Southern Roosevelt Island District,
Development Parcel and Loop Road

Map 2 - Public Access Areas.

The Maps are located in Appendix A of this Chapter and are hereby incorporated and made part of this Resolution. The Maps are incorporated for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

(5/8/13)

133-04

Applicability of Article III, Chapter 6

The provisions of Article III, Chapter 6 (Accessory Off-

Street Parking and Loading Regulations) shall not apply in the #Special Southern Roosevelt Island District#. In lieu thereof, a maximum of 500 #accessory# parking spaces shall be permitted, which may be made available for public use.

However, bicycle parking shall be provided in accordance with the provisions of Section 36-70.

(5/8/13)

133-05

Applicability of Special Regulations Applying in the Waterfront Area

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall not apply in the #Special Southern Roosevelt Island District#. In lieu thereof, the area between the #shoreline# and the western #street line# of the #West Loop Road# and the area between the #shoreline# and the eastern #street line# of the #East Loop Road# shall be used exclusively for open recreational uses, and shall be accessible to the public at all times.

(5/8/13)

133-10

SPECIAL USE REGULATIONS

(5/8/13)

133-11

Additional Uses

Within the #development parcel#, the provisions of Section 32-10 (USES PERMITTED AS-OF-RIGHT) are modified to permit Use Group 17B research, experimental or testing laboratories. Any Use Group 17B #uses# within the #development parcel# shall conform with the performance standards of Section 42-20, inclusive, applicable to such

#use# in an M1 District.

(5/8/13)

133-12

Location within Buildings

Within the #development parcel#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall not apply.

(5/8/13)

133-20

SPECIAL BULK REGULATIONS

Within the #development parcel#, the special #bulk# regulations of this Section, inclusive, shall apply.

(5/8/13)

133-21

Floor Area Ratio

The #floor area# provisions of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio), shall be modified to permit a maximum #residential floor area ratio# of 3.44 without regard to a #height factor#. In addition, the maximum permitted #floor area ratio# for a Use Group 17B research, experimental or testing laboratory shall be 3.40.

(5/8/13)

133-22

Lot Coverage

The #open space ratio# requirements of Section 23-14

(Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio), and the #lot coverage# requirements of Sections 23-14 and 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) shall not apply. In lieu thereof, the aggregate #lot coverage# for all #buildings# shall comply with the following requirements.

- (a) The maximum #lot coverage# from the #base plane# to a height that is 20 feet above the #base plane# shall be 70 percent.
- (b) The maximum #lot coverage# from a height that is more than 20 feet above the #base plane# to a height that is 60 feet above the #base plane# shall be 60 percent.
- (c) The maximum #lot coverage# from a height that is more than 60 feet above the #base plane# to a height that is 180 feet above the #base plane# shall be 45 percent.
- (d) The maximum #lot coverage# above a height of 180 feet above the #base plane# shall be 25 percent.

The City Planning Commission may authorize an increase in the maximum #lot coverage# as set forth in paragraph (c) of this Section to up to 55 percent, upon finding that such increase is necessary to achieve the programmatic requirements of the development, and will not unduly restrict access of light and air to publicly-accessible areas and #streets#.

(5/8/13)

133-23

Height and Setback

The height and setback regulations of Sections 23-60, 24-50 and 33-40 shall apply, except as modified by this Section. All heights shall be measured from the #base plane#.

(5/8/13)

133-231

Modification of height and setback controls

#Buildings or other structures# may exceed the underlying height and setback regulations for a percentage of the length of each #street line# of the #Loop Road#, as follows:

- (a) #North Loop Road# - 65 percent
- (b) #East Loop Road# - 35 percent
- (c) #West Loop Road# - 35 percent
- (d) #South Loop Road# - 65 percent.

Furthermore, the #street line# length percentages set forth in paragraphs (a) through (d) of this Section may be exceeded by one percentage point for every two percentage points that the #lot coverage# within 50 feet of a #street line# is less than the following percentage:

- (1) #North Loop Road# - 50 percent
- (2) #East Loop Road# - 30 percent
- (3) #South Loop Road# - 50 percent
- (4) #West Loop Road# - 30 percent.

All portions of #buildings or other structures# that exceed the underlying height and setback regulations in accordance with this Section shall comply with the height regulations of Section 133-232.

(5/8/13)

133-232

Height regulations

For the portion of any #building or other structure# exceeding the height and setback regulations set forth in

Section 133-231, the maximum height of such portion located within 500 feet of the #North Loop Road# shall be 320 feet, exclusive of permitted obstructions allowed by the underlying height and setback regulations, and the maximum height for any such portion on the remainder of the #development parcel# shall be 280 feet, exclusive of such permitted obstructions.

(5/8/13)

133-233

Maximum area of stories above a height of 180 feet

The gross area of any #story# located entirely above a height of 180 feet shall not exceed 15,000 square feet. Where a single #building# has two or more portions located above 180 feet that are entirely separate from one another above such height, each such portion shall not exceed a gross area of 15,000 square feet for any #story# located in whole or part above 180 feet.

(5/8/13)

133-234

Permitted obstructions

Sections 23-62, 24-51 and 33-42 (Permitted Obstructions) shall be modified to allow #accessory# energy generating systems on the roof of a #building#, or any other structures supporting such systems, as permitted obstructions, without limitations.

(5/8/13)

133-24

Distance between Buildings

The requirements of Sections 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) and 23-82 (Building Walls Regulated by Minimum Spacing Requirements) shall not apply, provided that if

two or more #buildings# or portions of #buildings# are detached from one another at any level, such #buildings#, or such detached portions of #buildings#, shall at no point be less than eight feet apart at or below a height of 180 feet, and shall at no point be less than 60 feet apart above a height of 180 feet.

(5/8/13)

133-25

Modification of Bulk Regulations

Within the #Special Southern Roosevelt Island District#, the City Planning Commission may, by special permit, allow a modification of the #bulk# regulations of this Chapter and the underlying #bulk# regulations, except #floor area# regulations, provided the Commission finds that:

- (a) such modifications are necessary to achieve the programmatic requirements of the academic and research and development campus;
- (b) such distribution of #bulk# will result in better site planning and will thus benefit both the residents, occupants or users of the #Special Southern Roosevelt Island District# and the surrounding neighborhood;
- (c) such distribution of #bulk# will permit adequate access of light and air to surrounding public access areas, #streets# and properties; and
- (d) such distribution of #bulk# will not unduly increase the #bulk# of #buildings# in the #Special Southern Roosevelt Island District# to the detriment of the occupants or users of #buildings# in the Special District or on nearby #blocks#.

(5/8/13)

133-30

PUBLIC ACCESS AREAS

At least 20 percent of the #lot area# of the #development parcel# shall be publicly accessible and shall include, but need not be limited to, a Central Open Area, a North-South Connection, and a Waterfront Connection Corridor, for which the size and location requirements are set forth in Section 133-31. Any supplemental public access areas provided in order to meet the minimum public access #lot area# requirements of this Section shall comply with the requirements of paragraph (d) of Section 133-31. Design and operational standards for such public access areas are set forth in Section 133-32.

(5/8/13)

133-31

Size and Location of Public Access Areas

(a) Central Open Area

A Central Open Area shall front upon the #West Loop Road# for a minimum linear distance of 150 feet and be located at least 300 feet south of the #North Loop Road#, and at least 300 feet north of the #South Loop Road#. The Central Open Area shall be at least 30,000 square feet in area, with no portion having a dimension less than 20 feet in all directions counting towards such minimum area.

(b) North-South Connection

A continuous pedestrian connection shall be provided through the #development parcel# from the #North Loop Road#, or from the #West Loop Road# or #East Loop Road# within 200 feet of the #North Loop Road#, to the #South Loop Road#, or to the #West Loop Road# or #East Loop Road# within 200 feet of the #South Loop Road#. Such North-South Connection shall have a minimum width of 50 feet throughout its required length. The North-South Connection shall include at least one segment with a minimum length of 300 feet located more than 100 feet from both the #West Loop Road# and #East Loop Road#.

The North-South Connection shall connect to the Central Open Area either directly, or through a

supplemental public access area having a minimum width of 30 feet. In the event that the North-South Connection traverses the Central Open Area, the area within the North-South Connection, as determined by its length and minimum required width shall not be included in the 30,000 square foot minimum area of the Central Open Area.

There shall be at least one publicly-accessible connection from the #East Loop Road# and from the #West Loop Road# to the North-South Connection. Such connections shall have a minimum width of 30 feet, and shall be located a minimum of 300 feet south of the #North Loop Road# and a minimum of 300 feet north of the #South Loop Road#. In addition, such connections may be coterminous with the Waterfront Connection Corridor required by paragraph (c) of this Section.

(c) Waterfront Connection Corridor

A Waterfront Connection Corridor shall be provided through the #development parcel# allowing for pedestrian access between the western boundary of the #East Loop Road# and either the eastern boundary of the #West Loop Road# or the eastern boundary of the Central Open Area. Such corridor shall be located in its entirety in the area located 300 feet south of the #North Loop Road# and 300 feet north of the #South Loop Road#. The Waterfront Connection Corridor shall have a minimum width of 30 feet.

(d) Supplemental Public Access

Supplemental public access areas may be located anywhere within the #development parcel#, provided such areas have a minimum dimension of 20 feet in all directions and connect directly to one or more of the #Loop Roads#, the North-South Connection, the Central Open Space and the Waterfront Connection Corridor.

(5/8/13)

(a) Level of public access areas and limits on coverage

At least 80 percent of publicly-accessible areas shall be located at grade level, or within five feet of grade level, as such grade level may change over the #development parcel#, and shall be open to the sky. The remainder of such publicly-accessible areas may be enclosed, covered by a structure, or located more than five feet above or below grade level, provided that such publicly-accessible areas are directly accessible from public access areas that are at grade level or within five feet of grade level, and in all cases have a minimum clear height of 15 feet.

At least 50 percent of the linear #street# frontage for the Central Open Area required under Section 133-31, paragraph (a), shall be located at the same elevation as the adjoining sidewalk of the #West Loop Road#. At least 80 percent of the area of the Central Open Area shall be open to the sky, and the remainder may be open to the sky or covered by a #building or other structure#. A minimum clear height of 30 feet shall be provided in any area of the Central Open Area covered by a #building or other structure#.

The northern and southern access points to the North-South Connection shall be located at the same elevation as the adjoining public sidewalk. The elevation of the North-South Connection may vary over the remainder of its length. At least 70 percent of the area of the North-South Connection shall be open to the sky, and the remainder may be open to the sky or covered by a #building or other structure#. A minimum clear height of 15 feet shall be provided in any area of the North-South Connection covered by a #building or other structure#.

Any portion of the Waterfront Connection Corridor that is covered by a #building# or located within a #building# shall have a minimum clear height of 30 feet, provided that overhead walkways, structures and lighting occupying in the aggregate no more than 10 percent of the area of the Waterfront Connection

Corridor, as determined by the minimum required width, shall be permitted within the required clear height.

(b) Clear paths

The North-South Connection and the Waterfront Connection Corridor shall each have a clear path of 12 feet throughout their entire required lengths, including those connections required between the North-South Connection and the #East# and #West Loop Roads#. All such clear paths shall be accessible to persons with disabilities.

(c) Permitted obstructions

Permitted obstructions allowed under paragraph (a) of Section 62-611 may be located within any required public access area, provided that no such permitted obstructions shall be located within a required clear path. Furthermore, kiosks may be up to 500 square feet in area, and open air cafes may occupy not more than five percent of any required public access area.

(d) Seating

A minimum of one linear foot of seating shall be provided for each 200 square feet of required public access areas. Required seating types may be moveable seating, fixed individual seats, fixed benches with or without backs, and design-feature seating such as seat walls, planter edges or steps. All required seating shall comply with the following standards:

- (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 or greater than 20 inches above the level of the adjacent walking surface. However, as described in paragraph (d)(5) of this Section, 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 and a maximum seat depth of 20 inches. 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) Moveable seating shall be credited as 24 inches of linear seating per chair. All moveable seats must have backs and a maximum seat depth of 20 inches. Moveable chairs shall not be chained, fixed, or otherwise secured while the public access area is open to the public.
- (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 all required seating. Seating steps shall not include any steps intended for circulation and must have a height not less than six 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; such seating walls, however, may have a height not to exceed 24 inches if they are located within 10 feet of an edge of a public access area.

Seating shall be provided in the Central Open Area in an amount equal to a minimum of one linear foot for every 100 square feet of the Central Open Area. Such seating shall include at least one moveable chair for every 500 square feet of the Central Open Area, and at least one other seating type. One table shall be provided for every four moveable chairs. At least 15 percent of the required seating shall be located within 20 feet of any #Loop Road#, and at least 10 percent of such required seating shall be located within 20 feet of the North-South Connection or any supplemental public access area that connects the Central Open Area to the North-South Connection.

Seating shall be provided in the North-South Connection in an amount equal to at least one linear foot for every 150 square feet of the North-South Connection. At least 20 linear feet of such seating shall be located within 20 feet of its northern entrance and an additional 20 linear feet of such seating shall be located within 20 feet of its southern entrance. There shall be at least two types of seating in the North-South Connection.

Seating for open air cafes may be used by members of the public regardless of whether such persons are patrons of a cafe when not being used for service.

(e) Planting

At least 20 percent of the required public access areas on the #development parcel# shall be comprised of planted areas, including planting beds and lawns.

At least 30 percent of the Central Open Area shall be planted with lawns, planting beds or a combination thereof.

(f) Hours

All required public access areas shall be open daily from 6:00 am to 10:00 pm. Signs stating that the North-South Connection is publicly-accessible shall be posted at its northern and southern entrances. Signs indicating that the Central Open Space is publicly-accessible shall be posted at its entrance from the #West Loop Road# and the North-South Connection.

(5/8/13)

133-40

BUILDING PERMITS

The Department of Buildings shall not approve any application for a building permit for a #development# or #enlargement# unless such application shows the location of the Central Open Area, the North-South Connection and the Waterfront Connection Corridor, and any supplemental

public access areas, for the purpose of demonstrating that the required amount of public access area, as set forth in Sections 133-30 and 133-31, is able to be accommodated on the #development parcel#.

(5/8/13)

133-50 PHASING

The public access areas required pursuant to Section 133-30, inclusive, may be built out in phases on the #development parcel# in accordance with this Section.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 300,000 square feet of #floor area developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that at least 25,000 square feet of public access area is substantially complete and open to the public.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 500,000 square feet of #floor area developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that at least 40,000 square feet of public access area is substantially complete and open to the public. The Central Open Area shall be part of the public access area required to be substantially completed and open to the public under this paragraph.

No temporary or permanent certificate of occupancy from the Department of Buildings may be issued for each additional 200,000 square feet of #floor area developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that an additional 12,000 square feet of public access area is substantially completed and open to the public. A portion of the North-South Connection connecting at least one of the #Loop Roads# and the Central Open Area shall be substantially completed and open to the public prior to obtaining a

temporary or permanent certificate of occupancy for more than 750,000 square feet of #floor area developed# or #enlarged# on the #development parcel#. The Waterfront Connection shall be substantially completed and open to the public prior to obtaining a temporary or permanent certificate of occupancy for more than 900,000 square feet of #floor area developed# or #enlarged# on the #development parcel#.

Except as set forth above, the open space provided pursuant to this Section may include interim open space areas, provided that no temporary or permanent certificate of occupancy from the Department of Buildings may be issued for more than 1,700,000 square feet of #floor area developed# or #enlarged# on the #development parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that all of the Central Open Area, the North-South Connection, and the Waterfront Connection are substantially complete and open to the public.

Not more than 20 percent of the #lot area# of the #development parcel# shall be required to be improved as public access areas, and the obligation to provide public access areas, in accordance with paragraphs (a), (b), (c) and (d) of this Section, shall terminate at such time as 20 percent of the #lot area# of the #development parcel# has been improved as public access areas and has been opened to the public.

(5/8/13)

133-60

MODIFICATION OF PUBLIC ACCESS AREAS

Any public access area may be modified, eliminated or reconfigured over time, provided that such modification, elimination or reconfiguration does not reduce the amount of public access area required under Section 133-40 (Phasing) for the amount of #floor area# located on the #development parcel# at the time of such activity. Any modified or reconfigured public access area shall comply with the applicable provisions of Section 133-30, inclusive.

(5/8/13)

133-70

NO-BUILD VOLUME

A volume shall be established on the #development parcel# between a line that is 300 feet south of the #North Loop Road# and a line that is 300 feet north of the #South Loop Road#. Such volume shall extend from the #East Loop Road# to the #West Loop Road# along a line that is within 30 degrees of the line connecting true east and true west. The minimum width of such volume shall be 50 feet, with its lowest level 60 feet above the #base plane#. Such volume shall be open to the sky. No obstructions of any kind shall be permitted within such volume.

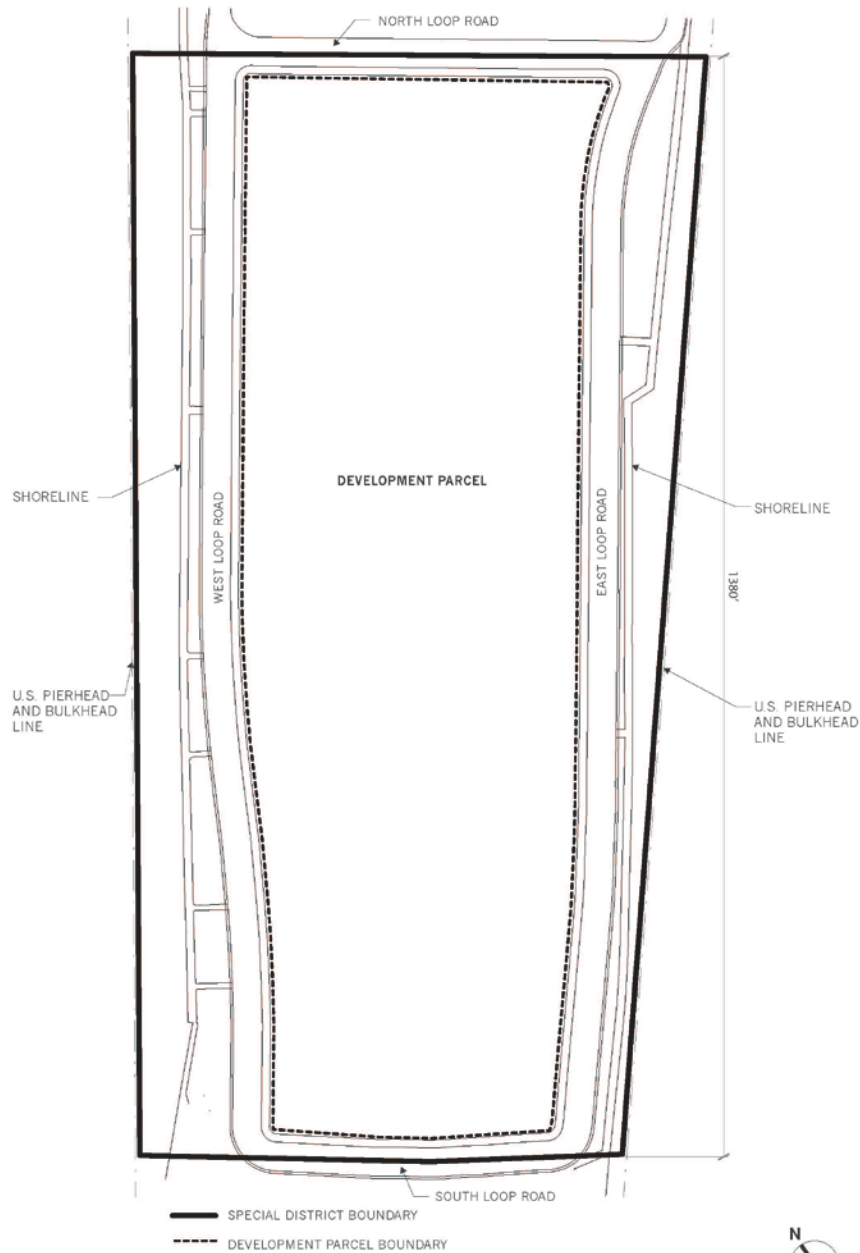
(5/8/13)

APPENDIX A

Special Southern Roosevelt Island District Plan

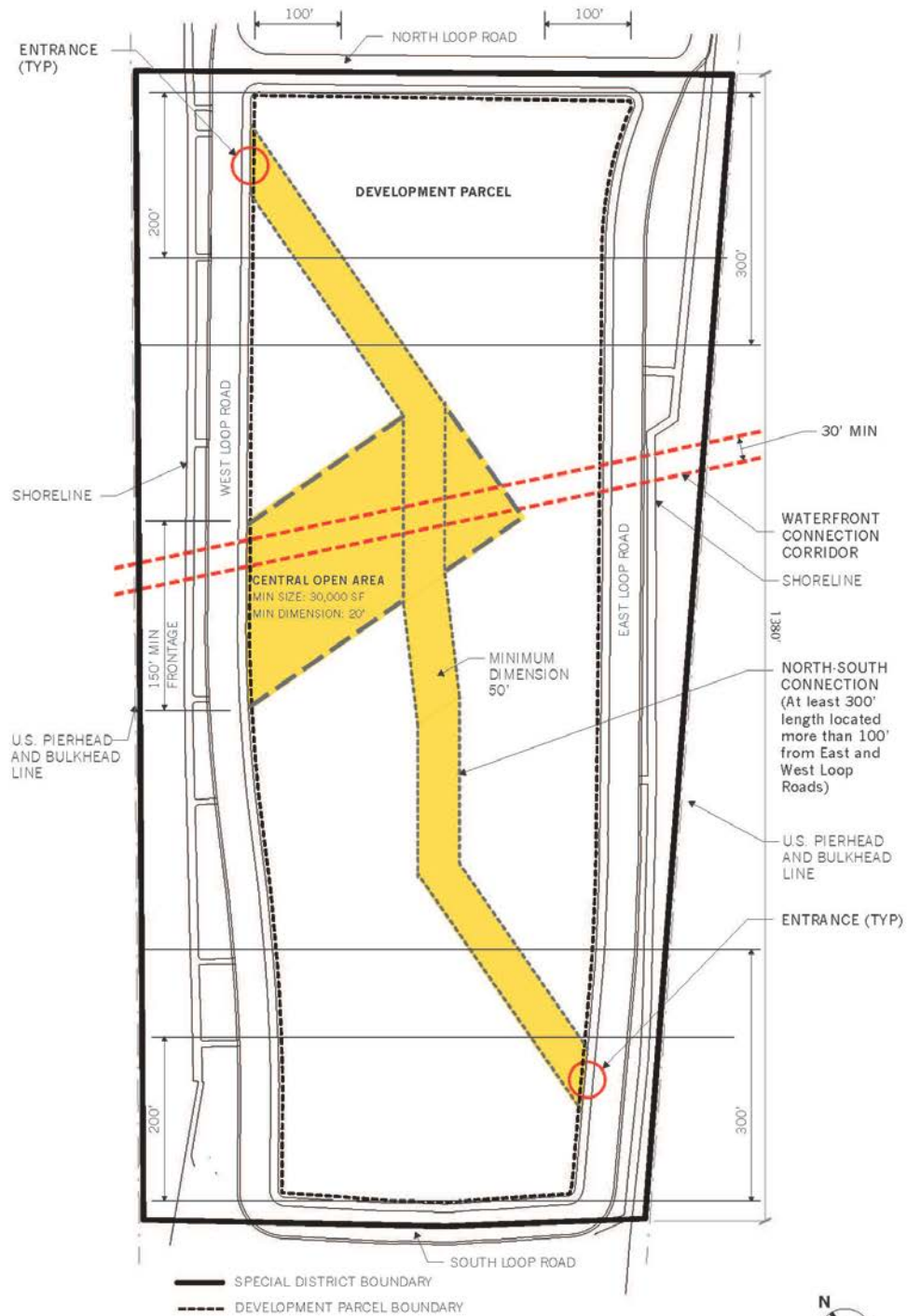
Map 1 - Special Southern Roosevelt Island District, Development Parcel and Loop Road

MAP 1 - SPECIAL SOUTHERN ROOSEVELT ISLAND DISTRICT,
DEVELOPMENT PARCEL AND LOOP ROAD



Map 2 - Public Access Areas

MAP 2 - PUBLIC ACCESS AREAS



NOTE:
FOR ILLUSTRATIVE PURPOSES ONLY. ACTUAL LOCATIONS OF PUBLIC ACCESS AREAS MAY VARY PURSUANT TO SECTION 133-30.



ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Article XIII: Special Purpose Districts Chapter 4: Special Governors Island District

Effective date of most recently amended section of Article XIII Chapter 4: 07/24/13

Date of file creation: Web version of Article XIII Chapter 4: 02/10/14

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(7/24/13)

Article XIII - Special Purpose Districts

Chapter 4

Special Governors Island District

(7/24/13)

134-00

GENERAL PURPOSES

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

- (a) promote public use and enjoyment of the Island as a recreational destination that draws upon its location in New York Harbor with singular views and natural beauty;
- (b) encourage educational and cultural uses such as the arts, music and dance which bring the public to the Island to enjoy cultural events in a unique setting of historic buildings and green spaces;
- (c) promote public use of the Island for water-related recreational and educational activities that benefit from the unique Island setting;
- (d) preserve historic buildings in the historic district and encourage their renovation and redevelopment for appropriate educational, cultural and commercial uses;
- (e) facilitate commercial uses including, but not limited to, hotels, restaurants, retail, arts and crafts galleries and related uses that are compatible with the educational, cultural and recreational uses of the Island and with the primary use of the Island by the public as a recreational resource; and
- (f) promote the most desirable use of land and thus

conserve the value of land and buildings, and
thereby protect the City's tax revenues.

(7/24/13)

134-01

General Provisions

For the purposes of this Chapter, the area within the boundaries of the #Special Governors Island District# shall be considered a single #zoning lot#.

Development rights may not be transferred across the boundary of the #Special Governors Island District#.

Except as modified by the express provisions of the #Special Governors Island District#, the regulations of the underlying zoning district shall remain in effect.

(7/24/13)

134-02

Applicability of Parking and Loading Regulations

The off-street parking and loading regulations of the underlying zoning district and Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core), shall not apply. In lieu thereof, off-street parking and loading berths #accessory# to any #use# permitted within the #Special Governors Island District# shall be allowed.

(7/24/13)

134-03

Applicability of Special Regulations Applying in the Waterfront Area

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply, except as set forth in Section 134-22 (Special

Height and Setback Regulations).

(7/24/13)

134-10

SPECIAL USE REGULATIONS

(7/24/13)

134-11

Commercial Uses

The following #commercial uses# shall be allowed:

From Use Group 5:

All #uses#.

From Use Groups 6A, 6B, 6D, 6E and 6F:

All #uses#.

From Use Group 6C:

All #uses#, except automobile supply stores, drive-in banks, carpet, rug, linoleum or other floor covering stores, furniture stores, loan offices, medical or orthopedic appliance stores, paint stores, sewing machine stores, or typewriter stores.

From Use Groups 7A and 7E:

All #uses#.

From Use Group 7B:

Bicycle rental or repair shops

Sailmaking establishments

Sign painting shops, limited to 2,500 square feet of #floor area# per establishment.

From Use Groups 8A and 8E:

All #uses#.

From Use Group 9A:

All #uses#, except for automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery, blueprinting or photostatting establishments, musical instrument repair shops, plumbing, heating or ventilating equipment showrooms, without repair facilities, typewriter or other small business machine sales, rental or repairs, or umbrella repair shops.

From Use Group 9C:

All #uses#.

From Use Group 10A:

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load

Eating or drinking places, without restrictions on entertainment or dancing, but limited to location in hotels

Photographic or motion picture production studios

Radio or television studios.

From Use Group 10C:

All #uses#.

From Use Group 11A and 11C:

All #uses#, except for medical, dental, drafting instruments, optical goods, or similar precision instruments, or orthopedic or medical appliances, or custom manufacturing.

From Use Group 12A:

All #uses#, except for eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, stadiums or trade expositions.

From Use Groups 12B, 12C and 12E:

All #uses#.

From Use Group 13:

All #uses#.

From Use Group 14:

All #uses#.

From Use Group 15:

Merry-go-rounds.

Any #commercial use# or #physical culture or health establishment# larger than 7,500 square feet in #floor area# shall be permitted provided that, prior to the establishment of such #use#, the applicant shall submit a written description of such #use# to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district.

The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

No building permit shall be issued with respect to a #commercial use# or #physical culture or health establishment# larger than 7,500 square feet unless the Chairperson of the City Planning Commission shall have

certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to #commercial uses# permitted pursuant to Section 134-12 (Authorization for Certain Commercial Uses).

(7/24/13)

134-12

Authorization for Certain Commercial Uses

The City Planning Commission may authorize any #commercial use# not allowed pursuant to Section 134-11 to locate within the #Special Governors Island District#, provided that such #commercial use#:

- (a) will promote the goals of the #Special Governors Island District#;
- (b) will complement existing #uses# within the special district; and
- (c) is compatible with the nature, scale and character of other #uses# within the special district.

(7/24/13)

134-13

Physical Culture or Health Establishments

#Physical culture or health establishments# shall be permitted in the #Special Governors Island District#, subject to the requirements of Section 134-11. The special permit provisions of Section 73-36 shall not apply.

(7/24/13)

134-14

Signs

For #commercial uses# and #physical culture or health establishments#, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.

(7/24/13)

134-20

SPECIAL BULK REGULATIONS

(7/24/13)

134-21

Special Regulations for Commercial Uses

For #commercial uses# and #physical culture or health establishments#, the #floor area# regulations of a C1 District mapped within an R3-2 District shall apply.

(7/24/13)

134-22

Special Height and Setback Regulations

The provisions of Section 62-341 (Developments on land and platforms) shall apply to all #buildings# in the #Special Governors Island District#.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Appendix A: Index of Uses

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(9/9/04)

APPENDIX A

Index of Uses

The following is a listing in alphabetical order of #uses# allowed in this Resolution either as #uses# permitted as-of-right, or as #uses# permitted by special permit, together with the Use Group in which each is listed, the parking requirement category of #commercial uses#, if applicable, and the district or districts in which it is permitted.

When a district associated with a given #use# is designated in the Index with an asterisk (*), the #use# is permitted in such district only by special permit of the Board of Standards and Appeals, as set forth in the applicable portions of this Resolution.

When a district associated with a given #use# is designated in the Index with a double asterisk (**), the #use# is permitted in such district only by special permit of the City Planning Commission, as set forth in the applicable portions of this Resolution.

#Uses# listed in Use Group 11A, 16, 17, or 18 as permitted #uses# in C8 or #Manufacturing Districts# must also meet the applicable performance standards for these districts.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts if they can comply with the applicable performance standards for those districts.

This Index is established as a reference guide to this Resolution but is not an integral part thereof. Whenever there is any difference in meaning or implication between the provisions of this Resolution as set forth in Articles I through VII and the text of this Index, the text of the Resolution shall prevail.

#Use# regulations governing the several classes of districts are set forth in the following Chapters of this Resolution:

- Residence Districts - Article II, Chapter 2
- Commercial Districts - Article III, Chapter 2
- Manufacturing Districts - Article IV, Chapter 2

Use	Use Group	Districts In Which Permitted

Adhesives manufacture, excluding manufacture of basic components	17	M1 M2 M3
#Adult establishments# ²⁸ (See Sections 32-01 and 42-01)		C6 ²⁹ C7 C8 M1 M2 M3
Advertising displays manufacture	17	M1 M2 M3
Agricultural machinery manufacture, including repairs	18	M3
Agriculture:		
With nuisance or sales limitations	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C7 C8 M1
Without nuisance or sales limitations	17	M1 M2 M3
Aircraft manufacture (including parts)	17	M1 M2 M3
Airports		M1** M2** M3**
Ambulatory diagnostic and treatment health care facilities:		
Limited to location within building	4	R3-R10 ¹⁸ C1 C2 C3 C4 C5 C6 C8
Unlimited [PRC-B1]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Amusement arcades [PRC-E]	15	C4 ² * C6** C7 M2* M3*
Amusement parks, children's (See Children's amusement parks)		
Amusement park activities [PRC-E]	15	C7
Animal exhibits [PRC-E]	15	C7
Animal hospitals [PRC-B1]	16	C8 M1 M2 M3
Animal pounds or crematoriums [PRC-C]	16	C8 M1 M2 M3
Antique stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

	12	C4 C6 C7 C8 M1 M2 M3
#Apartment hotels#	2	R3-R10 ¹ C1 C2 C3 C4 C5 C6
Apparel (See Clothing)		
Appliances:		
Electrical appliance manufacturing	17	M1 M2 M3
Household appliance repair shops [PRC-B]	8	C2 C4 C6 C8 M1 M2 M3
Television, radio, phonograph or household appliance stores [PRC-B]: Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1
Unlimited	10	C4 C5 C6 C8 M1**
Arenas, auditoriums or stadiums:		
Limited as to capacity [PRC-D]	12	C4 C6 C7 C8 M1 ³ M2 M3
Unlimited		C4** C6** C7** C8** M1** M2** M3**
Art galleries:		
Commercial [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Non-commercial	3	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 M1 ⁵
Art goods manufacture, religious or church, excluding foundry operations	17	M1 M2 M3
Art metal craft shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Art needlework [PRC-F]	11	C5 C6 ⁴ C8 M1 M2 M3
Artists' centers		C6 ²⁵ **
Artists' supply stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

Asphalt, asphalt products, manufacture	18								M3
Athletic equipment, manufacture	17							M1 M2 M3	
Athletic goods stores [PRC-B]	6	C1	C2	C4	C5	C6	C8	M1	
Auction rooms, public [PRC-D]	9	C2	C4	C5	C6	C8	M1	M2 M3	
	12	C4	C6	C7	C8	M1 ³	M2	M3	
Auditoriums [PRC-D]:									
Limited as to capacity	12	C4	C6	C7	C8	M1 ³	M2	M3	
Unlimited						C4**	C6**	C7**	C8**
						M1**	M2**	M3**	
Automobiles:									
Dead storage	16					C8	M1	M2 M3	
Driving schools [PRC-B]	8	C2	C4	C6	C8	M1	M2	M3	
Glass or mirror shops [PRC-B1]	7		C2	C6 ⁴	C8	M1	M2	M3	
Laundries	16					C8	M1	M2 M3	
Manufacture, including parts, or engine rebuilding	17							M1 M2 M3	
Open automobile rental establishments									C2**
Rental establishments	8	C2	C4	C6	C8	M1	M2	M3	
Repairs [PRC-C]	16					C8	M1	M2 M3	
Sales, with no repair services or preparation for delivery [PRC-C]	9		C2	C4	C5	C6	C8	M1	
Sales, open or enclosed [PRC-C]	16					C8	M1	M2 M3	
Seat cover or convertible top establishments, selling or installation [PRC-B1]	7		C2	C6 ⁴	C8	M1	M2	M3	
Showrooms, with no repair services or preparation for delivery [PRC-C]	9		C2	C4	C5	C6	C8	M1	
Supply stores, with no repair services [PRC-B]	6		C1	C2	C4	C5	C6	C8	
							M1	M2 M3	

Tire sales establishments [PRC-B1]	7	C2 C6 ⁴ C8 M1 M2 M3
Wrecking establishments	18	M3
#Automotive service stations#:		
Limited as to total area		C2* C4* C6* C7*
Unlimited	16	C8 M1 M2 M3
Awnings:		
Custom shops, limited as to #floor area# [PRC-B1]	7	C2 C6 ⁴ C8 M1 M2 M3
Manufacture, with no limitation on production or on #floor area#	17	M1 M2 M3
Bakeries:		
Limited as to #floor area# used for production [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Unlimited (See Food-Products processing)		
Banks, including drive-in banks [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Banquet halls [PRC-D]	9 13	C2 C4 C5 C6 C8 M1 ³ C7 C8 M1 ³ M2 M3
Barber shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2
M3		
Baths, steam (See #Physical culture or health establishments#)		
Beaches, commercial [PRC-E]	13	C3* C7 C8 M1 ³ M2 M3
Beauty parlor	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Beverages:		
Bottling works	17	M1 M2 M3
Manufacture:		
Alcoholic	18	M3
Non-alcoholic	17	M1 M2 M3
Bicycle:		
Manufacture	17	M1 M2 M3

Rental or repair shops [PRC-B1]	7	C2 C6 ⁴ C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
Sales [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
Billiard parlors [PRC-D]	8	C2 C4 C6 C8 M1 ³ M2 M3
	12	C4 C6 C7 C8 M1 ³ M2 M3
Blacksmith shops [PRC-C]	16	C8 M1 M2 M3
Blueprinting establishments [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Boarding houses	2	R6-R10 C1 C2 C3 C4 C5 C6
#Boatels# [PRC-H]	7	C2 C3* C6 ⁴ C8 M1
Boats or ships:		
Building or repair, for boats less than 200 feet in length	17	M1 M2 M3
Building or repair, for boats 200 feet or more in length	18	M3
Docks for:		
Ferries [PRC-H]: With operational passenger load limitation	6	R3 R10** C1 C2 C4 C5 C6 C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
With no limitations	10	C4 C5 C6 C8 M1 M2 M3
#Gambling vessels#		C2** C3** C4** C5** C6** C7** C8** M1** M2** M3**
Non-commercial pleasure boats [PRC-H]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
Passenger ocean vessels	17	C6** M1 M2 M3
Sightseeing, excursion or sport-fishing vessels [PRC-H]:		

With dock capacity limitations	9	C2	C4	C5	C6	C8	M1	M2	M3
	14		C2	C3	C7	C8	M1	M2	M3
With no limitations	17						M1	M2	M3
Vessels not otherwise listed	17						M1	M2	M3
Water taxis, with vessel capacity limitations	6								R3-R10*
				C1	C2	C4	C5	C6	C8
							M1	M2	M3
	14		C2	C3	C7	C8	M1	M2	M3
Fuel sales, open or enclosed [PRC-C]:									
Unrestricted as to location	13				C7	C8	M1 ³	M2	M3
Restricted as to location	14		C2	C3	C7	C8	M1	M2	M3
Launching facilities for non-commercial pleasure boats	14		C2	C3	C7	C8	M1	M2	M3
Rentals, open or enclosed [PRC-H]	14		C2	C3	C7	C8	M1	M2	M3
Sales, open or enclosed [PRC-C]	16					C8	M1	M2	M3
Showroom or sales, with no repair services or preparation for delivery [PRC-C]	9			C2	C4	C5	C6	C8	M1
Showrooms or sales, ⁶ restricted to boats less than 100 feet in length [PRC-C]	14		C2	C3	C7	C8	M1	M2	M3
Storage, repair, or painting, including the incidental sale of boats, boat parts, or accessories, with restrictions on boat size and setbacks [PRC-C]	14		C2	C3	C7	C8	M1	M2	M3
Bone distillation	18								M3
Books:									
Binding (See Printing)									
Hand binding or tooling [PRC-F]	11			C5	C6 ⁴	C8	M1	M2	M3
Stores [PRC-B]	6		C1	C2	C4	C5	C6	C8	M1
	12				C4	C6	C7	C8	M1

Bottling works, for all beverages	17		M1 M2 M3
Bowling alleys [PRC-D]:			
Limited as to number of lanes	8	C2 C4 C6 C8 M1 ³	M2 M3
Unlimited	12	C4 C6 C7 C8 M1 ³	M2 M3
Breweries	18		M3
Brick manufacture	18		M3
Brush or broom manufacture	17		M1 M2 M3
Building materials:			
Sales, open or enclosed, limited as to #lot area# [PRC-B1]	16		C8 M1 M2 M3
Yards, for sales, storage, or handling, open or enclosed, unlimited as to #lot area# except in the case of lumber yards	17		M1 M2 M3
Bus stations:			
With less than 10 berths		C1** C2** C4** C6** C7** C8** M1** M2** M3**	
With 10 or more berths		C4** C6** M1** M2** M3**	
Business machines:			
Manufacture	17		M1 M2 M3
Small shops, rentals, repairs, sales [PRC-B1]	9	C2 C4 C5 C6 C8	M1 M2 M3
Stores, sales, or rentals [PRC-B1]	10	C4 C5 C6 C8	M1 M2 M3
Business schools or colleges [PRC-B1]	9	C2 C4 C5 C6 C8	M1 M2 M3
Camera manufacture	17		M1 M2 M3
Camps, overnight or outdoor day [PRC-H]	13		R1-R2* R3-R10* C1* C2* C3* C7 C8 M1 ³ M2 M3
Candy stores [PRC-B]	6	C1 C2 C4 C5 C6 C8	M1 M2 M3
	12	C4 C6 C7 C8	M1 M2 M3

	14	C2 C3 C7 C8 M1 M2 M3
Canvas or canvas products manufacture	17	M1 M2 M3
Carnivals, temporary [PRC-E]	13	C7 C8 M1 ³ M2 M3
Carpentry shops [PRC-B1]	16	C8 M1 M2 M3
Carpet:		
Cleaning establishments [PRC-F]	16	C8 M1 M2 M3
Manufacture	17	M1 M2 M3
Carpet, rug, linoleum or other floor covering stores [PRC-B1]:		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1
Unlimited	10	C4 C5 C6 C8 M1**
Catering establishments [PRC-B1]	9	C2 C4 C5 C6 C8 M1 ³
	13	C7 C8 M1 ³ M2 M3
Cement manufacture	18	M3
Cemeteries	4	R3-R10 C1 C2 C3 C4 C5 C6 C8 M1
Ceramic products:		
Manufacture, custom [PRC-F]	11	C5 C6 ⁴ C8 M1 M2 M3
Manufacture	17	M1 M2 M3
Charcoal manufacture	18	M3
Chemicals:		
Compounding or packaging	17	M1 M2 M3
Manufacture	18	M3
Children's amusement parks [PRC-E]:		
Small	13	C7 C8 M1 ³ M2 M3
Medium	15	C7 C8* M1*
Large	15	C7 C8** M1**
Unlimited as to size	15	C7
Cigar stores [PRC-B]	6	C1 C2 C4 C5 C6 C8

		M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Circuses, temporary [PRC-E]	13	C7 C8 M1 ³ M2 M3
Clay manufacture	18	M3
Clay pits		R1-R2* R3-R10*
	C1*	C2* C3* C4* C5* C6*
		C7* C8* M1* M2* M3*
Cleaning or cleaning and dyeing establishments (See Dry cleaning)		
Clocks:		
Manufacture	17	M1 M2 M3
Stores or repair shops	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Clothing:		
Accessory stores (See Clothing stores)		
Custom manufacture or altering for retail [PRC-F]	11	C5 C6 ⁴ C8 M1 M2 M3
Manufacture	17	M1 M2 M3
Rental establishments [PRC-B]:		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1
Unlimited	9	C2 C4 C5 C6 C8 M1
Stores [PRC-B]:		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1
Unlimited	10	C4 C5 C6 C8 M1**
Clubs:		
Nightclubs (See Eating or drinking places)		
Non-commercial:		
All types with limitations	4	R1-R2* R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
All types, including outdoor swimming pool clubs or clubs with outdoor swimming pools [PRC-D]	6	R1-R2** R3-10** C1 C2 C4 C5 C6 C8

									M1 ³
	14		R1-R2**	R3-10**					
			C2	C3	C7	C8			
			M1 ³	M2	M3				
Coal:									
Products manufacture	18								M3
Sales, open or enclosed:									
Limited as to lot area [PRC-B1]	16				C8	M1	M2	M3	
Unlimited (See Coal storage)									
Storage, open or enclosed	18								M3
Coin stores [PRC-B]	6	C1	C2	C4	C5	C6	C8	M1	
Coke products, manufacture	18								M3
Colleges or universities, including professional schools, or college or school dormitories or fraternity or sorority houses, but excluding business colleges or trade schools	3				R1-R2*	R3-10			
			C1	C2	C3	C4	C5	C6	
Commercial parking garages or lots (See #Parking garages, public#; or #parking lots, public#)									
Community centers	4				R1-R2	R3-R10			
			C1	C2	C3	C4	C5	C6	C8
									M1**
Concrete batching (See Building materials-yards)									
Concrete products manufacture (See Stone processing or stone products)									
Construction machinery manufacture, including repairs	18								M3
Contractors' establishments-electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating:									
Limited as to #floor area# [PRC-B1]	7				C2	C6 ⁴	C8		
					M1	M2	M3		
Limited as to open storage [PRC-B1]	16						C8	M1-M3	

Unlimited (See Contractors' yards)									
Contractors' yards	17							M1 M2 M3	
Convalescent homes (See Nursing homes)									
Convents:									
Unlimited	3							R1-R2 R3-10	
								C1 C2 C3 C4 C5 C6	
Limited use and location	4							R1-R2 R3-10	
								C1 C2 C3 C4 C5 C6 C8	
								M1**	
Cork products manufacture	17							M1 M2 M3	
Cosmetics or toiletries manufacture	17							M1 M2 M3	
Costume rental establishments [PRC-B]	9							C2 C4 C5 C6 C8 M1	
Cotton ginning or cotton wadding or linter manufacture	17							M1 M2 M3	
Court houses [PRC-C]	6							C1 C2 C4 C5 C6 ⁴ C8	
								M1 M2 M3	
Crating establishments [PRC-G]	16							C8 M1 M2 M3	
Crematoriums [PRC-C]:									
Animal	16							C8 M1 M2 M3	
Human	16							C8 M1 M2 M3	
Dance studios (See Studios)									
Day camps, outdoor [PRC-H]	13							R1-R2* R3-R10*	
								C1* C2* C3* C7 C8	
								M1 ³ M2 M3	
Delicatessen stores (See also Food) [PRC-B]	12							C4 C6 C7 C8 M1 M2 M3	
Dental:									
Instruments manufacture [PRC-F]	11							C5 C6 ⁴ C8 M1 M2 M3	
Laboratories (See Laboratories-Medical or dental)									
Offices (See Medical offices)									
Department stores [PRC-B]	10							C4 C5 C6 C8 M1**	

Depositories for storage of office records, microfilm, or computer tapes, or for data processing [PRC-G]	10	C4 C5 C6 C8 M1 M2 M3
Diaper supply establishments [PRC-F]	16	C8 M1 M2 M3
Disinfectants manufacture	18	M3
Domiciliary care facilities for adults	3	R1-R2 ⁷ ** R3-R10** C1** C2** C3** C4** C5** C6**
Dormitories, college or school (See Colleges or universities)		
Drafting instruments manufacture [PRC-F]	11	C5 C6 ⁴ C8 M1 M2 M3
Dressmaking shops, custom [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Drinking places (See Eating or drinking establishments)		
Drive-in theaters		C7** C8** M1** M2** M3**
Drug stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1
Dry cleaning or clothes pressing establishments, limited as to #floor area#, solvents, and machine capacity [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Dry cleaning or cleaning and dyeing establishments, without restrictions [PRC-F]	16	C8 M1 M2 M3
Dry goods stores [PRC-B]:		
Limited as to #floor area#	6	C1 C2 C4 C5 C6 C8 M1
Unlimited	10	C4 C5 C6 C8 M1**
Dumps	18	M3
Eating or drinking establishments: Including those which provide outdoor table service or have music for which there is no cover charge and no		

specified showtime [PRC-B]	6	C1 C2 C3* C4 C5 C6 C8 M1 ⁹ M2 M3
With #accessory# drive-through facilities [PRC-B]	6	C1 ⁸ C2 C4 C6 C8 M1 ⁹ M2 M3
With musical entertainment but not dancing, with a capacity of 200 persons or less [PRC-B]	6	C1 C2 C3* C4 C5 C6 C8 M1 M2 M3
With entertainment but not dancing, with a capacity of 200 persons or less [PRC-B]	6	C1 ¹⁰ C2 ¹⁰ C3* C4 C5* C6 C8 M1 ⁹ M2 M3
With entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]	12	C2* C3* C4 ¹¹ * C6 ¹² C7 C8 M1 ¹³ M2 M3
Without restrictions on entertainment or dancing but limited to location in hotels [PRC-D]	10	C4 C5 C6 C8
Electric:		
Power or steam generating plants	18	M3
Substations:		
Public transit or railroad:		
Small or medium	17	R1-R2* R3-R10* C1-C8* M1 M2 M3
Large	17	R1-R2** R3-R10** C1-C8** M1 M2 M3
Utility:		
Small	6	R1-R2* R3-R10* C1 C2 C4 C5 C6 ⁴ C8 M1 M2 M3
Medium	17	R1-R2* R3-R10* C1-C8* M1 M2 M3
Large	17	R1-R2** R3-R10** C1-C8** M1 M2 M3
Electrical:		
Appliance:		

Manufacture	17	M1 M2 M3
Stores (See Appliances-Television, radio, phonograph or household appliance stores)		
Contractors (See Contractors' establishments)		
Equipment assembly, not including electrical machinery	17	M1 M2 M3
Supplies manufacturing	17	M1 M2 M3
Electrolysis studios [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
Electrotyping or stereotyping (See printing)		
Embalmers (See Trade embalmers)		
Engraving or photo-engraving (See Printing)		
Excelsior manufacture	18	M3
Excursion boats, docks for (See Boats or ships)		
Explosives, storage, when not prohibited by other ordinances	18	M3
Exterminators [PRC-B1]	7	C2 C6 ⁴ C8 M1 M2 M3
Fabric stores (See Dry goods stores)		
Fairs, temporary [PRC-E]	13	C7 C8 M1 ³ M2 M3
Feathers:		
Bulk processing, washing, curing or dyeing	18	M3
Products manufacture, except washing, curing or dyeing	17	M1 M2 M3
Felt:		
Bulk processing, washing, curing or dyeing	18	M3
Products manufacture, except washing, curing or dyeing	17	M1 M2 M3
Ferries, docks for (See Boats or ships)		
Fertilizer manufacture	18	M3

Filling stations (See #Automotive service stations#)

Film, photographic, manufacture	17		M1 M2 M3
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Fire stations [PRC-C]	6	R1-R2** R3-R10**	
		C1 C2 C4 C5 C6 ⁴ C8	
		M1 M2 M3	

Fish products, packing or processing	18		M3
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Fishing tackle or equipment, rental or sales [PRC-B1]	6	C1 C2 C4 C5 C6 C8	
		M1 M2 M3	
	14	C2 C3 C7 C8	
		M1 M2 M3	

Florist shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1	
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Food:

Products processing, except meat slaughtering or preparation of fish for packing	17		M1 M2 M3
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Stores, ¹⁴ including supermarkets, grocery stores, meat markets, or delicatessen stores [PRC-A/B] ¹⁵	6	C1 C2 C4 C5 C6 C8	
		M1** M2 M3	

Foundries, ferrous or non-ferrous	18		M3
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Fraternity houses (See Colleges or universities)

Frozen food lockers [PRC-B]	6	C1 C2 C4 C5 C6 C8	
		M1 M2 M3	

Fuel briquettes manufacture	18		M3
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Fuel sales, open or enclosed:

Limited as to #lot area# [PRC-B1]	16	C8 M1 M2 M3	
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Unlimited (See Coal storage; Petroleum storage; or Lumber yards)

Funeral establishments [PRC-H]	7	C1* C2 C4* C6 ⁴ C8	
		M1 M2 M3	

Fungicides manufacture	18		M3
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Fur:

Goods manufacture, not including

tanning or dyeing	17							M1	M2	M3
Tanning, curing, finishing or dyeing	18									M3
Furniture:										
Custom shops [PRC-B1]	16							C8	M1	M2 M3
Manufacture	17								M1	M2 M3
Stores [PRC-B1]:										
Limited as to #floor area#	6	C1	C2	C4	C5	C6	C8			M1
Unlimited	10			C4	C5	C6	C8			M1**
Furrier shops, custom [PRC-B]	6		C1	C2	C4	C5	C6	C8		M1 M2 M3
#Gambling vessels#								C2-C8**	M1**	M2** M3**
Garages (See #Parking garages, public#)										
Garbage incineration or reduction	18									M3
Garden supply stores [PRC-B]	6	C1	C2	C4	C5	C6	C8			M1
Gardens, truck (See Agriculture)										
Gas:										
Manufacture	18									M3
Public utility stations for metering or regulation	6							R1-R2*	R3-R10*	
		C1	C2	C4	C5	C6 ⁴	C8			M1 M2 M3
Storage	18									M3
Substations	6							R1-R2*	R3-R10*	
		C1	C2	C4	C5	C6 ⁴	C8			M1 M2 M3
Gasoline service stations (See #Automotive service stations#)										
Gelatin manufacture	18									M3
Generating plants, electric or steam	18									M3
Gift shops [PRC-B]	6	C1	C2	C4	C5	C6	C8			M1
	12				C4	C6	C7	C8		M1

Glass:			
Cutting shops [PRC-B1]	16	C8	M1 M2 M3
Manufacture	18		M3
Products manufactured from previously manufactured glass	17		M1 M2 M3
Glazing contractors (See Contractors' establishments)			
Glue manufacture	18		M3
Golf:			
Courses	4	C1 C2 C3 C4 C5 C6 C8	R1-R2 R3-R10 M1
Courses, miniature [PRC-E]	13	C7 C8	M1 ³ M2 M3
Driving ranges [PRC-E]	13	C7 C8	M1 ³ M2 M3
Indoor recreation centers [PRC-D]	12	C4 C6 C7 C8	M1 ³ M2 M3
Grain:			
Milling or processing	18		M3
Storage	18		M3
Graphite or graphite products Manufacture	18		M3
Gravel pits		C1-C8*	R1-R2* R3-R10* M1* M2* M3*
Greenhouses (See Agriculture)			
Grocery stores (See Food stores)			
Gun repairs [PRC-B1]	7	C2 C6 ⁴ C8	M1 M2 M3
Gymnasiums [PRC-B]:			
Limited	9	C2 C4 C5 C6 C8	M1
Unlimited (See #Physical culture or health establishments#)			
Gypsum manufacture	18		M3
Hair:			
Bulk processing, washing,			

curing or dyeing	18						M3
Products for headwear, wholesaling, including styling [PRC-B1]	9		C2	C4	C5	C6	C8 M1 M2 M3
Products manufacture (except washing, curing or dyeing)	17					M1	M2 M3
Products manufacture, custom [PRC-F]	11		C5	C6 ⁴	C8	M1	M2 M3
Hardware: Manufacture	17					M1	M2 M3
Stores [PRC-B]	6		C1	C2	C4	C5	C6 C8 M1 M2 M3
Hat: Bodies manufacture	17					M1	M2 M3
Repair shops [PRC-B]	6		C1	C2	C4	C5	C6 C8 M1 M2 M3
Health centers	4				R1-R2	R3-R10	C1 C2 C3 C4 C5 C6 C8 M1**
Health services (See #Physical culture or health establishments#)							
Heating contractors (See Contractors' establishments)							
Heating equipment showrooms, without repair facilities [PRC-B1]	9		C2	C4	C5	C6	C8 M1
Heliports			C3-C8**	M1**	M2**	M3**	
Hemp products manufacture	17					M1	M2 M3
Historical exhibits [PRC-D]	12		C4	C6	C7	C8	M1 ³ M2 M3
#Home occupations#					R1-R2	R3-R10	C1-C6
Hosiery manufacture	17					M1	M2 M3
Hospitals, except animal hospitals: Non-profit or voluntary, and related facilities	4				R1-R2	R3-R10	C1 C2 C3 C4 C5 C6 C8 M1**

Proprietary, and related facilities	4	R3-R10 C1 C2 C3 C4 C5 C6 C8
M1**		
#Hospital staff dwellings, Non-profit# Limited as to location	3	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6
Limited as to location	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Hospital staff dwellings, proprietary (See #Residences#)		
#Hotels#:		
#Transient# [PRC-H]	5	R10 ²⁷ ** C1 ¹⁶ C2 C4 C5 C6 C8 M1
#Apartment#	2	R3 ¹ -R10 C1-C6
Household:		
Appliance repair shops [PRC-B]	8	C2 C4 C6 C8 M1 M2 M3
Appliance stores (See Appliances-Television, radio, phonograph, or household appliance stores)		
Equipment or machinery repair shops [PRC-B1]	16	C8 M1 M2 M3
Houses of worship	4	R1-R10 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1
Ice cream stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
Ice:		
Manufacture, dry or natural	17	M1 M2 M3
Sales, open or enclosed:		
Limited as to #lot area# [PRC-B1]	16	C8 M1 M2 M3
Unlimited (See Refrigerating plants)		
Vending machines, coin-operated	8	C2 C4 C6 C8 M1 M2 M3

	14	C2 C3 C7 C8 M1 M2 M3
Ice skating rinks:		
Outdoor	4	R1-R2* R3-R10 C1 C2 C3 C4 C5 C6 C8 M1
Indoor (See Skating rinks, enclosed)		
Incineration or reduction of garbage, offal or dead animals	18	M3
Indoor interactive entertainment facilities with eating and drinking [PRC-D]		C4** C6** C7** C8** M1 ^{17**}
Ink or inked ribbon manufacture	17	M1 M2 M3
Insecticides manufacture	18	M3
Institutions, philanthropic or non-profit:		
With sleeping accommodations	3	R1-R2 R3-R10 C1-C6
Without sleeping accommodations	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Interior decorating establishments:		
Limited as to #floor area# for processing, servicing or repairs [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
Unlimited (See Furniture, textiles or upholstering)		
Jewelry:		
Manufacture:		
Costume	17	M1 M2 M3
From precious metals [PRC-F]	11	C5 C6 ⁴ C8 M1 M2 M3
Shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Junk yards	18	M3
Jute products manufacture	17	M1 M2 M3
Kennels [PRC-B1]	16	C8 M1 M2 M3
Laboratories:		

Medical or dental, for research or testing or custom manufacturing of artificial teeth, dentures, or plates, with limitations on objectionable effects [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Research, experimental or testing	17	M1 M2 M3
Lampblack manufacture	18	M3
Laundry: Hand or automatic self-service establishments [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
With no limitation on type of operation [PRC-F]	16	C8 M1 M2 M3
Leather: Tanning, curing, finishing or dyeing	18	M3
Goods stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
Products manufacture	17	M1 M2 M3
Libraries	3	R1-R2 R3-R10 C1-C6
Linen supply establishments [PRC-F]	16	C8 M1 M2 M3
Linoleum: Manufacture	18	M3
Stores (See Carpet stores)		
Liquor stores, package [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Loan offices [PRC-B1]	6	C1 C2 C4 C5 C6 C8 M1
Locksmith shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Lots (See #Parking lots, public#)		
Luggage: Manufacture	17	M1 M2 M3
Stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
Lumber:		

Processing or woodwork, bulk	18							M3
Sales:								
Limited as to #lot area# (See Building materials-Sales)								
Stores [PRC-B1]	8	C2	C4	C6	C8	M1	M2	M3
Yards:								
Limited as to #lot area#	17					M1	M2	M3
Unlimited as to #lot area#	18							M3
Machine:								
Shops including tool, die, or pattern making [PRC-B1]	16				C8	M1	M2	M3
Tools manufacture	17					M1	M2	M3
Machinery:								
Manufacture or repair:								
Heavy	18							M3
Miscellaneous or electrical equipment	17					M1	M2	M3
Rental or sales establishments [PRC-B1]	16				C8	M1	M2	M3
Repair shops [PRC-B1]	16				C8	M1	M2	M3
Machines, business (See Business machines)								
Manure storage	18							M3
Markets:								
Retail, including meat (See Food stores)								
Wholesale, produce or meat	17					M1	M2	M3
Masseurs [PRC-B]		C2*	C4*	C5*	C6*	C8*		
				M1* ³	M2*	M3*		
Matches manufacture	18							M3
Mattress manufacture, rebuilding or renovating	17					M1	M2	M3
Meat:								
Markets:								
Retail (See Food stores)								
Wholesale	17					M1	M2	M3

Slaughtering or preparation for packing	18						M3
Medical:							
Appliances:							
Custom manufacture [PRC-F]	11	C5	C6 ⁴	C8	M1	M2	M3
Manufacture	17				M1	M2	M3
Stores [PRC-B]	6	C1	C2	C4	C5	C6	C8
Instruments, manufacture [PRC-F]	11	C5	C6 ⁴	C8	M1	M2	M3
Laboratories (See Laboratories-Medical)							
Offices or group medical centers (See Ambulatory diagnostic and treatment health care facilities)							
Meeting halls [PRC-D]	6	C1	C2	C4	C5	C6	C8
					M1	M2	M3
Metals manufacture:							
Alloys or foil, miscellaneous	18						M3
Casting or foundry products, heavy	18						M3
Finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment or similar processes	17					M1	M2
						M3	
Ores reduction or refining	18						M3
Products treatment or processing	18						M3
Reduction, refining, smelting or alloying	18						M3
Stamping or extrusion	17				M1	M2	M3
Treatment or processing	18						M3
Millinery shop [PRC-B]	6	C1	C2	C4	C5	C6	C8
					M1	M2	M3
Mining machinery manufacture, including repairs	18						M3
Mirror silvering shops	16			C8	M1	M2	M3

[illegible]

Museums ¹⁹	3	R1-R2 R3-R10 C1-C6 M1 M2 M3
Music stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Music studios (See Studios)		
Musical instruments:		
Manufacture:		
Excluding pianos and organs [PRC-F]	11	C5 C6 ⁴ C8 M1 M2 M3
Including pianos or organs	17	M1 M2 M3
Repair shops [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Newspaper publishing	17	C6* M1 M2 M3
Newsstands, open or enclosed [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Novelty products manufacture	17	M1 M2 M3
Novitiates		
Limited	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Unlimited	3	R1-R2 R3-R10 C1-C6
Nurseries (See Agriculture)		
Nursing homes ²⁰ :		
Philanthropic or non-profit	3	R1-R2 R3-R10 C1-C6
Proprietary	3	R3-R10 C1-C6
Oakum products manufacture	17	M1 M2 M3
Ocean vessels, passenger, docks for (See Boats or ships)		
Ocean vessels, cargo, docks for (See Boats or ships)		
Office equipment or machinery repair shops [PRC-B1]	16	C8 M1 M2 M3

Office or business machine stores, sales or rental [PRC-B1]	10	C4 C5 C6 C8 M1 M2 M3
Offices:		
Business, professional or governmental [PRC-B1]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Dental, medical, or osteopathic (See Medical-Offices)		
Wholesale, with storage restricted to samples [PRC-B1]	10	C4 C5 C6 C8 M1 M2 M3
Oil cloth manufacture	18	M3
Oil, public utility stations for metering or regulating	6	R1-R2* R3-R10* C1 C2 C4 C5 C6 ⁴ C8 M1 M2 M3
Oil sales, open or enclosed:		
Limited as to #lot area# [PRC-B1]	16	C8 M1 M2 M3
Unlimited (See Petroleum or petroleum products-Storage)		
Optical:		
Equipment manufacture	17	M1 M2 M3
Goods manufacture [PRC-F]	11	C5 C6 ⁴ C8 M1 M2 M3
Optician or optometrist establishments [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
Orthopedic:		
Appliances:		
Custom manufacture [PRC-F]	11	C5 C6 ⁴ C8 M1 M2 M3
Manufacture	17	M1 M2 M3
Stores	6	C1 C2 C4 C5 C6 C8 M1
Instruments, manufacture (See Medical instruments manufacture)		
Osteopathic offices (See Medical offices)		
Packing or crating establishments [PRC-G]	16	C8 M1 M2 M3
Packing materials manufacture	18	M3

Paint:							
Manufacture	18						M3
Stores [PRC-B]	6	C1	C2	C4	C5	C6	C8
					M1	M2	M3

Painting contractors (See Contractors' establishments)

Paper:							
Mills (See Wood pulp or fiber)							
Products manufacture	17				M1	M2	M3
Stock companies (storage)	18						M3

Paper-hanging contractors (See Contractors' establishments)

Parish houses	4				R1-R2	R3-R10	
		C1	C2	C3	C4	C5	C6
							C8
							M1**

#Parks, public# or private	4				R1-R2	R3-R10	
		C1	C2	C3	C4	C5	C6
							C8
							M1

#Parking garages, public# ²¹ :							
Capacity of 100 spaces or less	8	C1**	C2 ²²	C4 ²²	C5**		
			C6**	C7**	C8 ²²		
			M1 ²²	M2 ²²	M3 ²²		

	12	C1**	C4 ²³	C5**	C6**		
				C7**	C8 ²³		
			M1 ²³	M2 ²³	M3 ²³		

Capacity of 101 to 150 spaces	8		C2 ²²	C4 ²²	C5**		
			C6**	C7**	C8 ²²		
			M1 ²²	M2 ²²	M3 ²²		

	12		C4 ²³	C5**	C6**		
				C7**	C8 ²³⁸		
			M1 ²³	M2 ²³	M3 ²³		

Capacity of more than 150 spaces			C2**	C4**	C5**		
			C6**	C7**	C8**		
			M1**	M2**	M3**		

#Parking lots, public# ²¹ :							
Capacity of 100 spaces or less	8	C1**	C2	C4	C5**		
			C6 ⁴	C7**	C8		

	12	M1 M2 M3 C1** C4 C5** C6 ⁴ C7** C8 M1 M2 M3
Capacity of 101 to 150 spaces	8	C2 C4 C5** C6 ⁴ C7** C8 M1 M2 M3
	12	C4 C5** C6 ⁴ C7** C8 M1 M2 M3
Capacity of more than 150 spaces		C2** C4** C5** C7** C8** M1** M2** M3**
Pawn shops [PRC-B1]	8	C2 C4 C6 C8 M1 M2 M3
Peat storage	18	M3
Perfume or perfumed soaps, compounding only, not including soap manufacture	17	M1 M2 M3
Pet shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
Petroleum or petroleum products: Refining	18	M3
Storage or handling	18	M3
Pharmaceutical products manufacture	17	M1 M2 M3
Phonograph: Repair shops [PRC-B]	8	C2 C4 C6 C8 M1 M2 M3
Stores (See Appliances)		
Photographic: Developing or printing establishments: Limited as to #floor area# [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Unlimited [PRC-C]	16	C8 M1 M2 M3
Equipment: Manufacture (except film)	17	M1 M2 M3
Stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1

Studios [PRC-B]	12 6	C4 C6 C7 C8 M1 C1 C2 C4 C5 C6 C8 M1
[PRC-D]	10	C4 C5 C6 C8 M1 M2 M3
Supply stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
Photostating establishments [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
#Physical culture or health establishments#[PRC-B]	C1 ^{30*}	C2* C4* C5* C6* C8* M1 ^{3*} M2* M3*
Picture framing stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Plastics: Products, manufacture	17	M1 M2 M3
Raw, manufacture	18	M3
Platemaking (See Printing)		
Playgrounds	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1
Plumbing: Contractors (See Contractors' establishments)		
Equipment manufacture (See Tool or hardware manufacture)		
Showrooms, without repair facilities [PRC-B1]	9	C2 C4 C5 C6 C8 M1
Police stations [PRC-C]	6	R1-R2** R3-R10** C1 C2 C4 C5 C6 ⁴ C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Pool halls [PRC-D]	8	C2 C4 C6 C8 M1 ³ M2 M3
	12	C4 C6 C7 C8 M1 ³ M2 M3
Porcelain products manufacture	18	M3

Post offices [PRC-H]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Poultry:		
Killing establishments, for retail sales on the same #zoning lot# only [PRC-B1]	16	C8 M1 M2 M3
Packing or slaughtering	18	M3
Precision instruments manufacture:		
Optical equipment, clocks, or similar products	17	M1 M2 M3
Medical, dental, or drafting instruments, optical goods, or similar products [PRC-F]	11	C5 C6 ⁴ C8 M1 M2 M3
Printing:		
Custom [PRC-F]	11	C5 C6 ⁴ C8 M1 M2 M3
Limited as to #floor area# [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Unlimited	17	M1 M2 M3
Prisons [PRC-H]	8	C2 C4 C6 C8 M1 M2 M3
Produce or meat markets, wholesale	17	M1 M2 M3
Public auction rooms [PRC-D]	9	C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 ³ M2 M3
Public transit yards [PRC-G]	16	C8 M1 M2 M3
Publishing	17	M1 M2 M3
Pumping stations:		
Water	6	R1-R2* R3-R10* C1 C2 C4 C5 C6 ⁴ C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Sewage	6	R1-R2** R3-10** C1 C2 C4 C5 C6 ⁴ C8

	12	M1 M2 M3 C4 C6 C7 C8 M1 M2 M3
Rabbit:		
Killing establishments, for retail sales on the same #zoning lot# only [PRC-B1]	16	C8 M1 M2 M3
Packing or slaughtering	18	M3
Racetracks		C8** M1** M2** M3**
Radio:		
Appliance repair shops [PRC-B]	8	C2 C4 C6 C8 M1 M2 M3
Stores (See Appliances)		
Studios [PRC-D]	10	C4 C5 C6 C8 M1 M2 M3
Towers, non-#accessory#		R1-R2* R3-R10* C1-C8* M1* M2* M3*
Radioactive waste disposal services	18	M3
Railroad:		
Equipment manufacture, including railroad cars or locomotives	18	M3
Passenger stations		R1-R2** R3-R10** C1-C8** M1** M2** M3**
Rights-of-way	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1
Substations:		
Small or medium	17	R1-R2* R3-R10* C1-C8* M1 M2 M3
Large	17	R1-R2** R3-R10** C1-C8** M1 M2 M3
Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations	17	M1 M2 M3

Record stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
	12	C4 C6 C7 C8 M1
Recreation centers, non-commercial	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Rectories	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Reducing salons (See #Physical culture or health establishments#)		
Refreshment stands, drive-in [PRC-H]	7	C2 C6 ⁴ C8 M1 M2 M3
	13	C7 C8 M1 ³ M2 M3
Refrigerating plants	18	M3
Religious or church art goods manufacture	17	M1 M2 M3
#Residences#:		
#Single-family detached#	1	R1-R2 R3-R10 C1-C6
Boarding or rooming houses	2	R6-10 C1-C6
All other ²⁶	2	R3-R10 C1-C6
Rest homes (See Nursing homes)		
Riding academies, open or enclosed [PRC-C]	16	R1-R2* R3-R10* C2* C6* C7* C8 M1 M2 M3
Roofing contractors (See Contractors' establishments)		
Rooming houses (See Boarding houses)		
Rubber:		
Processing or manufacture, natural or synthetic	18	M3
Products manufacture (excluding all natural or synthetic rubber processing)	17	M1 M2 M3

Rug stores (See Carpet stores)		
Sailmaking establishments [PRC-C]	7	C2 C6 ⁴ C8 M1 M2 M3
	14	C2 C3 C7 C8 M1 M2 M3
Salvage storage	18	M3
Sand pits		R1-R2* R3-R10* C1-C8* M1 M2 M3
Sanitariums:		
Philanthropic or non-profit	3	R1-R2 R3-R10 C1-C6
Proprietary	3	R3-R10 C1-C6
Sawmills	18	M3
Scenery construction	17	M1 M2 M3
#Schools#:		
Dormitories (See Colleges or universities)		
Nursery, kindergarten, elementary or secondary #schools#	3	R1-R2 R3-R10 C1-C6
With no living or sleeping accommodations	3	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8* M1*
Trade or other schools for adults, limited as to objectionable effects [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Trade schools for adults, unlimited [PRC-B1]	16	C8 M1 M2 M3
Scientific research and development facility		C6**
Scrap metal, paper or rag storage	18	M3
Seaplane bases		R1-R2** R3-R10** C1** C2** C3** C4** C5** C8** M1** M2** M3**
Seed stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
Seminaries	4	R1-R2 R3-R10

		C1 C2 C3 C4 C5 C6 C8 M1**
Settlement houses	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Sewage:		
Disposal plants	18	R1-R2** R3-R10** C1-C8** M1** M2** M3
Pumping stations	6	R1-R2** R3-R10** C1 C2 C4 C5 C6 ⁴ C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Sewing machine stores, selling household machines only	6	C1 C2 C4 C5 C6 C8 M1
Ship chandlers [PRC-F]	11	C5 C6 ⁴ C8 M1 M2 M3
Ships, docks for (See Boats or ships)		
Ship or boat building or repair yards, for ships 200 feet in length or over	18	M3
Shipping, waterfront (See Boats or ships)		
Shoddy manufacture	17	M1 M2 M3
Shoes:		
Manufacture	17	M1 M2 M3
Repair shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
Sign painting shops [PRC-B]:		
Limited as to #floor area#	7	C2 C6 ⁴ C8 M1 M2 M3
Unlimited	16	C8 M1 M2 M3
#Signs, advertising# (See Sections 32-63 and 42-52)		C6 ³¹ C7 C8 M1 M2 M3
Silver plating shops, custom [PRC-B1]	16	C8 M1 M2 M3
Silverware manufacture,		

plate or sterling	17							M1	M2	M3	
Sisal products manufacture	17							M1	M2	M3	
Size manufacture	18									M3	
Skating rinks:											
Indoor [PRC-D]	12	C4	C6	C7	C8	M1 ³		M2	M3		
Outdoor ice [PRC-E]	4						R1-R2*	R3-R10			
			C1	C2	C3	C4	C5	C6	C8	M1	
	13					C7	C8	M1 ³	M2	M3	
Outdoor roller [PRC-E]	13					C7	C8	M1 ³	M2	M3	
Outdoor skateboard parks [PRC-E]	13					C7	C8	M1 ³	M2	M3	
Slag piles	18									M3	
Slaughtering of animals or poultry	18									M3	
Soap or detergents:											
Manufacture, including fat rendering	18									M3	
Packaging only	17							M1	M2	M3	
Soldering shops [PRC-B1]	16						C8	M1	M2	M3	
Solvent extracting	18									M3	
Sorority houses (See Colleges or universities)											
Sporting equipment manufacture	17							M1	M2	M3	
Sporting goods stores [PRC-B]	6	C1	C2	C4	C5	C6	C8	M1			
	14		C2	C3	C7	C8	M1	M2	M3		
Stables for horses [PRC-C]	16						R1-R2*	R3-R10*			
							C2*	C6*	C7*	C8	
									M1	M2	M3
Stadiums [PRC-D]:											
Limited as to capacity	12	C4	C6	C7	C8	M1 ³		M2	M3		
Unlimited							C4**	C6**	C7**	C8**	
								M1**	M2**	M3**	

Stamp stores [PRC-B]		C1	C2	C4	C5	C6	C8	M1
Stationery stores [PRC-B]	6	C1	C2	C4	C5	C6	C8	M1 M2 M3
	12			C4	C6	C7	C8	M1
Statuary mannequins, figurines, religious or church art goods manufacture, excluding foundry operations	17							M1 M2 M3
Steel products:								
Miscellaneous fabrication or assembly	17							M1 M2 M3
Structural products manufacture	18							M3
Stock yards or slaughtering of animals or poultry	18							M3
Stone processing or stone products	18							M3
Storage:								
Wholesale [PRC-C]	16				C8	M1	M2	M3
Office records (See Depositories)								
Offices (See Moving or storage offices)								
Studios:								
Music, dancing or theatrical [PRC-B]	9		C2	C4	C5	C6	C8	M1 M2 M3
Radio or television [PRC-D]	10			C4	C5	C6	C8	M1 M2 M3
Sugar refining	18							M3
Swimming pools:								
Commercial [PRC-E]	13	C3*	C7	C8	M1 ³	M2	M3	
Non-commercial (See Clubs)								
Table tennis halls [PRC-D]	12	C4	C6	C5	C8	M1 ³	M2	M3
Tailor shops, custom [PRC-B]	6		C1	C2	C4	C5	C6	C8 M1 M2 M3
Tanning (See Leather or fur)								
Tapestries manufacture [PRC-F]	11		C5	C6 ⁴	C8	M1	M2	M3

Tar products manufacture	18						M3
Taxidermist shops [PRC-B1]	7		C2	C6 ⁴	C8	M1	M2 M3
Telegraph offices [PRC-B]	6		C1	C2	C4	C5	C6 C8 M1
Telephone exchanges or other communications equipment structures	6				R1-R2*	R3-R10*	
			C1	C2	C4	C5	C6 ⁴ C8 M1 M2 M3
Television: Repair shops	8		C2	C4	C6	C8	M1 M2 M3
Stores (See Appliances)							
Studios (See Studios)							
Towers, non-#accessory#					R1-R2*	R3-R10*	
					C1-C8*	M1*	M2* M3*
Tennis courts, outdoor	4				R1-R2*	R3-R10	
			C1	C2	C3	C4	C5 C6 C8 M1
Terminal facilities at river crossings for access to electric, gas or steam lines	6				R1-R2*	R3-R10*	
			C1	C2	C4	C5	C6 ⁴ C8 M1 M2 M3
Textiles: Bleaching	18						M3
Products manufacture	17						M1 M2 M3
Spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage	17						M1 M2 M3
Theaters [PRC-D]: Limited capacity	8				C1*		
Unlimited capacity	8				C2	C4	C6 C8 M1 ⁹ M2 M3
	13				C7	C8	M1 ⁹ M2 M3
Theaters, drive-in			C7**	C8**	M1**	M2**	M3**
Theatrical studios (See Studios)							
Tile manufacture	18						M3

Tire sales establishments including installation services [PRC-B1]	7	C2 C6 ⁴ C8 M1 M2 M3
Tobacco:		
Curing or manufacture or tobacco products manufacture	17	M1 M2 M3
Stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Toiletries manufacture, not including soap manufacture	17	M1 M2 M3
Tool or hardware manufacture	17	M1 M2 M3
Topsoil storage	18	M3
#Tourist cabins# [PRC-H]	7	C2 ²⁸ C6 ⁴ C8 M1
Towel supply establishments [PRC-F]	16	C8 M1 M2 M3
Toys:		
Manufacture	17	M1 M2 M3
Stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
	12	C4 C6 C7 C8 M1
Trade or other schools for adults [PRC-B1]:		
Limited as to objectionable effects	9	C2 C4 C5 C6 C8 M1 M2 M3
Unlimited	16	C8 M1 M2 M3
Trade embalmers [PRC-B1]	7	C2 C6 ⁴ C8 M1 M2 M3
Trade expositions [PRC-D]:		
Limited as to rated capacity	12	C4 C6 C7 C8 M1 ³ M2 M3
Unlimited		C4** C6** C7** C8** M1** M2** M3**
#Trailer#:		
Manufacture, including parts	17	M1 M2 M3
Repairs [PRC-C]	16	C8 M1 M2 M3

Sales, with no repair services or preparation for delivery [PRC-C]	9	C2 C4 C5 C6 C8 M1
Sales, open or enclosed [PRC-C]	16	C8 M1 M2 M3
Showrooms, with no repair services or preparation for delivery [PRC-C]	9	C2 C4 C5 C6 C8 M1
Transit substations:		
Small or medium	17	R1-R2* R3-R10* C1-C8* M1 M2 M3
Large	17	R1-R2** R3-R10** C1-C8** M1 M2 M3
Travel bureaus [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
Truck gardens (See Agriculture)		
Truck:		
Manufacture (including parts) or engine rebuilding	17	M1 M2 M3
Repairs [PRC-C]	16	C8 M1 M2 M3
Trucking terminals or motor freight stations [PRC-G]:		
Limited as to #lot area#	16	C8 M1 M2 M3
Unlimited	17	C8** M1 M2 M3
Truck weighing scales, open or enclosed	17	M1 M2 M3
Turpentine manufacture	18	M3
Typewriter stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1
Typewriter or other small business machine repair shops [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
Typography (See Printing)		
Umbrellas:		
Manufacture	17	M1 M2 M3
Repair shops [PRC-B]	9	C2 C4 C5 C6 C8 M1 M2 M3

Undertakers (See Funeral establishments)

Upholstering:

Bulk, excluding shops dealing directly with consumers	17							M1	M2	M3
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Shops dealing directly with consumers [PRC-B1]	8	C2	C4	C6	C8	M1	M2	M3		
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Variety stores [PRC-B]:

Limited as to #floor area#	6		C1	C2	C4	C5	C6	C8	M1	M2	M3
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Unlimited	10		C4	C5	C6	C8	M1	M1**			
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Varnish manufacture	18									M3	
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Vehicles:

Dead storage, motor	16					C8	M1	M2	M3		
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Manufacture, children's	17							M1	M2	M3	
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Storage, commercial or public utility, open or enclosed [PRC-G]	16					C8	M1	M2	M3		
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Venetian blind, window shade or awning:

Custom shops, limited as to #floor area# [PRC-B1]	7		C2	C6 ⁴	C8	M1	M2	M3			
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Manufacture, with no limitation on production or on #floor area#	17							M1	M2	M3	
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Ventilating contractors (See contractors' establishments)

Ventilating equipment showrooms, without repair facilities [PRC-B1]	9		C2	C4	C5	C6	C8	M1			
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Vessels not otherwise listed (See Boats or ships)

Veterinary medicine, limited to small animals [PRC-B1]	6		C1	C2	C4	C5	C6	C8	M1	M2	M3
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Wallpaper stores [PRC-B]	6	C1	C2	C4	C5	C6	C8	M1			
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Warehouses [PRC-G]	16					C8	M1	M2	M3		
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Watch or clock stores or

repair shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Watch making [PRC-F]	11	C5 C6 ⁴ C8 M1 M2 M3
Water taxis, (See Boats or ships)		
Waterfront shipping (See Boats or ships)		
Water pumping stations	6	R1-R2* R3-R10* C1 C2 C4 C5 C6 ⁴ C8 M1 M2 M3
	12	C4 C6 C7 C8 M1 M2 M3
Wax products manufacture	17	M1 M2 M3
Weaving, hand [PRC-F]	11	C5 C6 ⁴ C8 M1 M2 M3
Wedding chapels [PRC-D]	9	C2 C4 C5 C6 C8 M1 ³
Welding shops [PRC-B1]	16	C8 M1 M2 M3
Welfare centers	4	R1-R2* R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Wholesale establishments:		
#Accessory# storage limited to 1,500 sq. ft. [PRC-B1]	7	C2 C6 ⁴ C8 M1 M2 M3
#Accessory# storage limited to 2,500 sq. ft. [PRC-B1]	11	C5 C6 ⁴ C8 M1 M2 M3
Unlimited accessory storage [PRC-C]	16	C8 M1 M2 M3
Wholesale offices or showrooms, with storage restricted to samples [PRC-B1]	10	C4 C5 C6 C8 M1 M2 M3
Window cleaning contractors' establishments, including floor waxing and other similar building maintenance services [PRC-B1]	7	C2 C6 ⁴ C8 M1 M2 M3
Window shades:		
Custom shops, limited as to #floor area# [PRC-B1]	7	C2 C6 ⁴ C8 M1 M2 M3
Manufacture, without limitation		

on production or on #floor area#	17	M1 M2 M3
Wood:		
Bulk processing or woodworking	18	M3
Distillation	18	M3
Products manufacture	17	M1 M2 M3
Pulp or fiber, reduction or processing, including paper mill operations	18	M3
Sales, open or enclosed:		
Limited as to #lot area# [PRC-B1]	16	C8 M1 M2 M3
Unlimited (See Lumber yards)		
Woodworking shops, custom [PRC-B1]	16	C8 M1 M2 M3
Wool scouring or pulling	18	M3

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- 1 Not permitted in R3-1, R3A, R3X, R4-1, R4A or R4B Districts.
 - 2 Permitted only in C4-1 Districts.
 - 3 Not permitted in M1-5A or M1-5B Districts.
 - 4 Not permitted in C6-1A Districts.
 - 5 Permitted in M1-5A and M1-5B Districts only as provided by Section 42-14 paragraph D.(5), and in M1-5 by special permit (Section 74-921).
 - 6 Outdoor use subject to locational conditions.
 - 7 Proprietary facilities not permitted in R1 and R2 Districts.
 - 8 #Accessory# drive-through facilities permitted in C1-1, C1-2 and C1-3 Districts only as provided by special permit (Section 73-243).
 - 9 Permitted in M1-5A and M1-5B Districts only as provided by Section 42-14 paragraph D.(3).
 - 10 Permitted in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3 and C2-4 Districts only as provided by special permit (Section 73-241).

- 11 Permitted as-of-right or by special permit in C4 Districts, depending upon location.
- 12 Permitted as-of-right in C6 Districts with conditions.
- 13 Permitted in M1-5A, M1-5B, M1-5M and M1-6M Districts only as provided by special permit (Section 73-244).
- 14 Limited to 10,000 square feet of #floor area# per establishment in M1, M2 and M3 Districts. Unlimited #floor area# permitted in M1 Districts as provided by special permit (Section 74-922).
- 15 Parking requirement category A applies to food stores with 2,000 sq. ft. or more of #floor area#; category B applies to food stores with less than 2,000 sq. ft. of #floor area#.
- 16 Not permitted in C1-1, C1-2, C1-3 or C1-4 Districts.
- 17 Not permitted in M1-1, M1-5A, M1-5B Districts and M1 Districts with a suffix "D."
- 18 Permitted with limitations in R3-1, R3A, R3X, R4-1, R4A and R4B Districts as provided by special permit (Section 73-125).
- 19 In #Manufacturing Districts#, limited to museums that are ancillary to existing motion picture production, radio or television studios; permitted in M1-5A and M1-5B Districts as provided by Section 42-14 paragraph D.(5).
- 20 Not permitted in Community Districts designated in Section 74-903 except by special permit.
- 21 Subject to the provisions of Article I, Chapter 3 in Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8.
- 22 Not permitted in C2-5, C2-6, C2-7, C2-8, C4-5, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts except as provided by special permit.
- 23 Not permitted in C4-5, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts except by special permit.
- 24 Permitted in C4-1 District only by special permit.
- 25 Permitted in C6-1, C6-2, C6-3 and C6-4 Districts only.
- 26 #Residential uses# in R3A, R3X and R4A Districts are limited to #single-# or #two-family detached residences# and, in R3-

1 and R4-1 Districts, are limited to #single-# or #two-family detached# or #semi-detached residences#, except that in R3A or R4-1 Districts, single- or two-family #zero lot line buildings# are also permitted.

27 Permitted only on R10-H Districts by special permit.

28 Permitted with locational conditions.

29 Not permitted in C6-1, C6-2 and C6-3 Districts.

30 Permitted only in C1-9 Districts.

31 Permitted only in C6-5 and C6-7 Districts.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Appendix B: Index of Special Purpose Districts

Effective date of most recently amended section of Appendix B: 07/24/13

Date of file creation: Web version of Appendix B: 08/08/14

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Appendix B (7/24/13)
Index of Special Purpose Districts

SPECIAL DISTRICT (SYMBOL)	SECTION NUMBER	ZONING MAP (S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/COUNCIL ADOPTION
125 th Street District (125)	97-00	5c 6a 6b	080100(A)ZRM	3/10/08	4/30/08
Battery Park City Dis- trict (BPC) Substantially modified	84-00	12a 12b	22479 810412(A)ZRM	11/14/73 10/19/81	12/28/73 11/13/81
Bay Ridge District (BR) Substantially modified	114-00	22a 22b	780285 ZRK 050133 ZRK	9/25/78 3/2/05	11/2/78 3/23/05
City Island District (CD)	112-00	4c 4d	23258	12/13/76	1/20/77
Clinton District (CL)	96-00	8a 8c 8d	22758	10/21/74	11/21/74
College Point District(CP)	126-00	7b 10a	090318 ZRQ	6/3/09	7/29/09
Coney Island District(CI)	131-00	28d	090273(A)ZRK	6/17/09	7/29/09
Coney Island Mixed Use District (CO)	106-00	28d	22785	12/23/74	1/9/75
Downtown Brooklyn District (DB)	101-00	12d 16c	000244(B1)ZRY	6/13/01	7/26/01
Downtown Jamaica District (DJ)	115-00	14d	070315(A)ZRQ	7/11/07	9/10/07
Enhanced Commercial District-1 (EC-1)	132-00	16c 16d	110387 ZRK	10/19/11	11/29/11
Enhanced Commercial District-2 (EC-2)	132-00	5d 8c	120144 ZRM	5/9/12	6/28/12
Enhanced Commercial District-3 (EC-3)	132-00	5d 8c	120144 ZRM	5/9/12	6/28/12
Enhanced Commercial District-4 (EC-4)	132-00	12d 13b 16c 17a	120295 ZRK	9/5/12	10/11/12
Forest Hills District (FH)	86-00	14a	090103 ZRQ	1/21/09	3/24/09
Garment Center District (GC)	121-00	8d	870241(A)ZRM	2/23/87	3/26/87
Governors Island District (GI)	134-00	16a	130189(A)ZRM	6/5/13	7/24/13
Grand Concourse District (C)	122-00	1d 3b 3c 3d 6a	890229 ZRX	9/6/89	9/28/89
Harlem River Waterfront District (HRW)	87-00	6a	090302 ZRX	5/20/09	6/30/09
Hillside Preservation District (HS)	119-00	21a 21b 21c 21d	870002 ZRR	6/3/87	6/30/87
Hudson Square District	88-00	12a	120381(A) ZRM	1/23/13	3/20/13
Hudson Yards District (HY)	93-00	8b 8d	040500(A) ZRM	11/22/04	1/19/05
Hunts Point Special District(HP)	108-00	6c	080248 ZRX	5/21/08	7/23/08
Limited Commercial District (LC)	83-00	12c	20779	8/14/69	10/9/69

SPECIAL DISTRICT (SYMBOL)	SECTION NUMBER	ZONING MAP(S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/COUNCIL ADOPTION
Lincoln Square District (L)	82-00	8c	20365(A)	3/19/69	4/24/69
Little Italy District (LI)	109-00	12c	760061 ZRM	1/3/77	2/3/77
Long Island City Mixed Use District (LIC)	117-00	8d 9b	000407(A) ZRQ	5/23/01	7/26/01
Lower Manhattan District (LM)	91-00	12a 12b 12d	980314 ZRM	7/20/98	8/27/98
Madison Avenue Preser- vation District (MP)	99-00	5d 6b 8c	22350	11/7/73	12/20/73
Manhattanville Mixed Use District (MMU)	104-00	5c 6a	070496 ZRM	11/26/07	12/19/07
Midtown District (MID)	81-00	8c 8d	820253 ZRM	3/16/82	5/13/82
Mixed Use District-1 (MX-1) Port Morris, the Bronx	123-00	6a 6b	970751 ZRX	11/5/97	12/10/97
Mixed Use District-2 (MX-2) DUMBO, Brooklyn	123-00	12d	090310 ZRK	7/1/09	7/29/09
Mixed Use District-4 (MX-4) Flushing/Bedford, Brooklyn	123-00	12d 13b	000110 ZRK	3/26/01	5/9/01
Mixed Use District-5 (MX-5) Red Hook, Brooklyn	123-00	16a	020046 ZRK	12/19/01	1/30/02
Mixed Use District-6 (MX-6) Hudson Square, Manhattan	123-00	12a	030236 ZRM 070575 ZMM	6/18/03 6/4/08	8/19/03 7/23/08
Mixed Use District-7 (MX-7) Morrisania, the Bronx	123-00	3d 6c	030334 ZRX	7/23/03	8/19/03
Mixed Use District-8 (MX-8) Greenpoint- Williamsburg, Brooklyn	123-00	12c 12d 13a 13b	040137 ZRK	8/25/04	9/28/04
Mixed Use District-9 (MX-9) Northern Hunters Point Waterfront, Queens	123-00	9b	060324 ZRQ	7/12/06	8/16/06
Mixed Use District-10 (MX-10) Atlantic and Howard Avenues, Brooklyn	123-00	17a	070448 ZRY	9/5/07	10/29/07
Mixed Use District-11 (MX-11) Gowanus, Brooklyn	123-00	16a	090049 ZRK	2/17/09	3/11/09
Mixed Use District-12 (MX-12) Borough Park, Brooklyn	123-00	22c	100346 ZRK	8/25/2010	10/27/10
Mixed Use District-13 (MX-13) Lower Concourse, the Bronx	123-00	6a	090302 ZRX	5/20/09	6/30/09
Mixed Use District-14 (MX-14) Third Avenue /Tremont Avenue, the Bronx	123-00	3c 3d	100408 ZRX	9/15/20	10/13/10

SPECIAL DISTRICT (SYMBOL)	SECTION NUMBER	ZONING MAP (S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/COUNCIL ADOPTION
Natural Area District-1 (NA-1)	105-00	21b 26a 26b 26c 26d 27a 27b	22748(A)	11/18/74	12/19/74
Natural Area District-2 (NA-2)	105-00	1a 1b 1c 1d	22890(A)	5/14/75	5/21/75
Natural Area District-3 (NA-3)	105-00	21d	770272 ZRY	11/9/77	12/1/77
Natural Area District-4 (NA-4)	105-00	7d 11c	821255 ZRQ	3/23/83	4/28/83
Ocean Parkway District (OP)	113-00	16d 22c 22d 28c 28d	23284	12/22/76	1/20/77
Park Improvement District (PI)	92-00	5d 6b 8c 9a	22240	2/28/73	4/23/73
Planned Community Preservation District (PC)	103-00	3b 4b 6a 9b 9d 10d 11b 14c 15a	22501	6/12/74	7/18/74
Scenic View District (SV-1)	102-00	12b 12d	22750	9/23/74	10/24/74
Sheepshead Bay District (SB)	94-00	29a	22171	9/5/73	10/4/73
South Richmond Devel- opment District (SRD)	107-00	26b 26d 27b 32c 32d 33a 33b 33c 33d 34a 35a 35c	22972	7/23/75	9/11/75
Southern Hunters Point District (SHP)	125-00	8d	080363 ZRQ	9/24/08	11/13/08
Southern Roosevelt Island District (SRI)	133-00	8d 9b	130077 ZRM	3/20/13	5/8/13
St. George District (SG)	128-00	21c	080425 ZRR	9/10/08	10/23/08
Stapleton Waterfront District(SW)	116-00	21c 21d	060468 ZRR	9/27/06	10/25/06
Transit Land Use Dis- trict (TA)	95-00	6b 8c 8d 9a 12c 12d	22441	11/7/73	12/28/73
Tribeca Mixed Use District (TMU) Was Lower Manhattan Mixed Use District; renamed 8/27/98, 980314ZRM	111-00	12a 12b	23198	6/1/76	6/11/76
Union Square District (US)	118-00	12c	841006 ZRM	11/26/84	1/10/85
United Nations Devel- opment District (U)	85-00	8d	21014	1/21/70	3/20/70
West Chelsea District (WCh)	98-00	8b	050161(A) ZRM	5/25/05	6/23/05
Willeys Point District (WP)	124-00	10a 10b	080382 ZRQ	9/24/08	11/13/08

Index of Special Purpose Districts - Eliminated or Replaced

SPECIAL DISTRICT (SYMBOL)	SECTION NUMBER	ZONING MAP (S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/COUNCIL ADOPTION
Atlantic Avenue District (AA) Eliminated & replaced by Downtown Brooklyn District	104-00	16c	22670	7/10/74	8/15/74
Brooklyn Center Devel- opment District (BC) Eliminated 10/9/86, 860210 ZRK	89-00	16c	22008	5/31/72	7/20/72
Fifth Avenue District (F) Eliminated & replaced by Midtown District	87-00	8c 8d	21498	3/3/71	3/25/71
Franklin Street Mixed Use District (FR) Eliminated 5/11/05, 050110(A) ZRK	108-00	12c	23028	9/3/75	9/11/75
Fulton Mall District (FM) Eliminated & replaced by Downtown Brooklyn District	115-00	16c	770236 ZRK	2/8/78	3/16/78
Greenwich Street Devel- opment District (G) Eliminated & replaced by Lower Manhattan District	86-00	12b	21418	1/6/71	1/14/71
Hunters Point Mixed Use District (HP) Eliminated & replaced by Long Island City Mixed Use District	117-00	8d 9b	810538 ZRQ	10/26/81	12/3/81
Jacob K. Javits Convention Center District(CC) Eliminated & replaced by Hudson Yards District	93-00	8b 8d	900053 ZRM	12/27/89	2/22/90
Lower Manhattan Mixed Use District (LMM) Renamed Tribeca Mixed Use District 8/27/98	111-00	12a 12b	23198	6/1/76	6/11/76
Manhattan Bridge District (MB) Terminated 9/1/91	116-00	12d	801024 ZRM	6/22/81	8/20/81
Manhattan Landing District (MLD) Eliminated & replaced by Lower Manhattan District	98-00	12b 12d	22498	11/7/73	12/28/73
Mixed Use District-2 Fulton Ferry (MX-2) Eliminated & replaced by DUMBO (MX-2)	123-00	8b 8d 12c	990452 ZRK	7/21/99	9/9/99
Mixed Use District-3 (MX-3) Eliminated & replaced by West Chelsea District	123-00	12c	990001 ZRK	2/17/99	3/30/99

SPECIAL DISTRICT (SYMBOL)	SECTION NUMBER	ZONING MAP (S)	CP/ULURP NUMBER*	CPC ADOPTION	BOE/COUNCIL ADOPTION
New York City Convention and Exhibition Center Development District (CC) Eliminated 2/22/90, 900053 ZRM	93-00	8a 8c	22264	3/29/73	5/24/73
Northside Mixed Use District (N) Eliminated 5/11/05, 050110(A) ZRK	97-00	12c 12d 13a 13b	22424 23158	9/5/73 3/10/76	9/13/73 3/18/76
Park District (P) Deleted by court order, 4/24/78	91-00	8d	22128(A)	11/8/72	12/7/72
South Street Seaport District (S) Eliminated & replaced by Lower Manhattan District	88-00	12b	21975	5/31/72	7/20/72
Theater District (T) Eliminated & replaced by Midtown District	81-00	8c 8d	20000	11/1/67	12/7/67
Yorkville - East 86th Street District (Y) Eliminated 6/29/89, 880799 ZRM	101-00	9a	22529	4/3/74	5/29/74

* CPC reports may be obtained at www.nyc.gov/html/dcp/html/cpc

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THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Appendix C: City Environmental Quality Review (CEQR) Table 1 - Environmental Requirements

Effective date of most recently amended section of Appendix C – Table 1: 9/14/15

Date of file creation: Web version of Appendix C – Table 1: 9/23/15

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

Tax Lot changes that may have occurred since the establishment of a particular (E) designation may not be reflected in this table. If the property in question is located on the same **Tax Block** as an (E) designation, review of the related CEQR documentation is recommended. For convenience, for (E) designations applied to a condominium, the condominium billing tax lot number is displayed instead of the individual condominium unit tax lot numbers.

Application No. - refers to a ULURP or non-ULURP application (containing six numbers followed by a three or four letter suffix) for a zoning map or text amendment, special permit, authorization or certification or to a Board of Standards and Appeals application (containing the letters "BZ") for a special permit or variance.

Lot Remediation Date - refers to the date of the duly issued notice from the NYC Office of Environmental Remediation indicating that no investigative/remedial work is required for any current or future development of the lot.

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-1 4/28/1983	82-252K 830178 ZMK 16a, 16c	Double Glazed Windows	319	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 42, 49, 50, 55, 62, 7501, 7503	
E-2 4/28/1983	82-214X 830468 ZMX 3d	N2 Ambient Noise Zone Levels	2953	1, 6, 9, 11, 12, 13, 17, 21, 33, 35, 37, 39, 48	
E-3 3/15/1984	83-080X 840300 ZMX 3d	N2 Ambient Noise Zone Levels	2977	126, 128, 129, 131, 133, 134, 137, 138, 139, 142, 143, 163	
E-4 6/14/1984	82-070M 840260 ZMM 8b, 12a	Double Glazed Windows & Alternate Ventilation	641	17, 36, 39, 75	
			642	1, 2, 3, 4, 12, 7501, 7502	
			643	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 27	
E-5 12/6/1984	82-270Q 830193 ZMQ 13d	Double Glazed Windows	3637	7501	
E-6 1/24/1985	85-020Q 840344 ZMQ 9d	Double Glazed Windows	1536	33, 38, 45	
E-7 9/11/1986	83-244M 850370 ZMM 8d	Double Glazed Windows & Alternate Ventilation	969	5, 22, 23, 7501	

* Underground gasoline storage tanks included in category of hazardous materials contamination as of 6/16/94.

** Indicates that a tax lot with multiple development sites is partially remediated.

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-7A 6/17/1986	85-271K 850811 ZMK 12c, 12d	Window Wall Attenuation & Alternate Ventilation	2359	20, 21, 22, 23, 24, 28, 29, 30, 31	
			2365	1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 15, 19, 34, 35, 36, 37	
			2380	1, 4, 8, 9, 10, 11, 12, 14, 15, 17, 20, 23, 25, 26, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41	
			2392	4, 7, 8, 13, 14, 15, 18, 20, 22, 23, 24, 25, 29	
E-8 3/10/1988	85-243M 870362 ZMM 8d, 12c	Multiple Layer Window Glazing & Use of Gas as a Fuel Instead of Oil	903	31, 32, 33, 35, 36	
E-9 3/24/1988	87-306Q 870887 ZMQ 9d	Double Glazed Windows	1536	201, 210	
E-10 6/9/1988	87-047Q 870163 ZMQ 7b	Double Glazed Windows & Alternate Ventilation	4060	19, 20, 21, 22, 23, 27, 29, 34	
E-12 11/17/1988	87-269Q 870746 ZMQ 30c	Window Wall Attenuation & Alternate Ventilation	16153	1, 7, 8, 11, 12, 13, 14, 15, 18, 21, 23, 25, 28, 69, 71, 72, 80, 81, 82, 83, 84, 89, 91, 95, 108, 185, 208, 285	
			16154	2, 4, 6, 8, 10, 12, 14, 15, 16, 18, 20, 22, 24, 26, 28, 30, 32, 74, 75, 76, 101	
			16170	8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 27, 28, 29, 30, 31, 32, 33, 35, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84	
			16171	11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 27, 28, 29, 30, 31, 32, 34, 35, 39, 46, 47, 48, 50, 51, 52, 53, 58, 59, 60, 62, 64, 65, 68, 69, 70, 71, 72, 73	

* Underground gasoline storage tanks included in category of hazardous materials contamination as of 6/16/94.

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-13 2/9/1989	87-046K 870160 ZMK 13b	Window Wall Attenuation & Alternate Ventilation	3155	5,26,108,109,110,111,112,113	
E-15 3/30/1989	88-037Q 880142 ZMQ 10c	Window Wall Attenuation & Alternate Ventilation	5006 5007 5008 5017 5018 5032	21,22,24,26 1 1,5,29,30,31,32,33,34,35,36,37,38 11,22,28 1,4,7,9,12 16,18	
E-16 8/17/1989	88-214Q 880682 ZMQ 30b	Window Wall Attenuation & Alternate Ventilation	16166	72,73,74,75,76,77,78,79	
E-17 5/4/1989	88-117K 880406 ZMK 22c	Window Wall Attenuation & Alternate Ventilation	6499	58,75	
E-19 9/28/1989	88-120Q 880429 ZMQ 14d	Window Wall Attenuation & Alternate Ventilation	9648	11	
E-20 9/14/1989	89-217K 890658 ZMK 22c	Window Wall Attenuation & Alternate Ventilation	6499	22,58,75	
E-21 9/14/1989	89-271Q 890609 ZMQ 11a,11b	Underground Gasoline Storage Tanks* Testing Protocol.	6320	18	
E-22 9/14/1989	89-271Q 890609 ZMQ 11a,11b	Underground Gasoline Storage Tanks* Testing Protocol.	6321	21	
E-23 9/14/1989	89-271Q 890609 ZMQ 11a,11b	Underground Gasoline Storage Tanks* Testing Protocol.	6322	24	

* Underground gasoline storage tanks included in category of hazardous materials contamination as of 6/16/94.

** Indicates that a tax lot with multiple development sites is partially remediated.

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-24 9/14/1989	89-271Q 890609 ZMQ 11a, 11b	Underground Gasoline Storage Tanks* Testing Protocol.	6323	22	
E-25 9/14/1989	89-271Q 890609 ZMQ 11a, 11b	Underground Gasoline Storage Tanks* Testing Protocol.	7313	5, 19	
E-27 11/16/1989	89-289Q 890853 ZMQ 30b	Window Wall Attenuation & Alternate Ventilation	16229	46, 48	
E-28 11/16/1989	89-289Q 890853 ZMQ 30b	Window Wall Attenuation & Alternate Ventilation	16228	47	
E-29 11/16/1989	89-289Q 890853 ZMQ 30b	Window Wall Attenuation & Alternate Ventilation	16226	7501	
E-31 10/25/1993	89-083Q 890234 ZMQ 18d	Window Wall Attenuation & Alternate Ventilation	12130	14	
			12132	22, 23, 24, 25	
			12133	1	
E-32 8/16/1990	88-113M 890162 ZMM 8d	Window Wall Attenuation & Alternate Ventilation	757	17, 20, 22, 31, 54, 66	
			758	7, 14, 16, 25, 28, 37	
E-33 10/10/1990	88-032K 870955 ZMK 16c	Window Wall Attenuation & Alternate Ventilation	395	35, 36, 37, 44, 45, 46	
E-34 8/16/1990	86-101M 861028 ZMM 9a	Mitigation of Significant Adverse Stationary Source Air Quality Impacts from NY Hospital	1483	1	

* Underground gasoline storage tanks included in category of hazardous materials contamination as of 6/16/94.

** Indicates that a tax lot with multiple development sites is partially remediated.

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-35 7/30/1991	86-165Q 870154 ZMQ 9d, 13c	Underground Gasoline Storage Tanks* Testing Protocol.	2453	1, 3, 17, 18, 40, 42, 44	
E-36 8/15/1991	87-094K 900075 ZMK 16a, 16c	Underground Gasoline Storage Tanks* Testing Protocol.	304	1, 3, 4, 5, 6, 7, 8, 9, 10, 20, 21, 22, 23, 24, 25	
		Window Wall Attenuation & Alternate Ventilation	304	1, 3, 4, 5, 6, 7, 8, 9, 10, 20, 21, 22, 23, 24, 25	
		Underground Gasoline Storage Tanks* Testing Protocol.	309	3, 6, 9, 10, 11, 12	
		Window Wall Attenuation & Alternate Ventilation	309	3, 6, 9, 10, 11, 12	
E-37 12/19/1991	91-088K 910360 ZMK 17b	Underground Gasoline Storage Tanks* Testing Protocol.	1473	25	
E-38 9/23/1993	88-270K 910238 ZMK 17d	Window Wall Attenuation & Alternate Ventilation	3605	105, 106, 119, 120	
E-39 10/8/1992	90-087Q 910098 ZMQ 14d	Underground Gasoline Storage Tanks* Testing Protocol.	10164	46, 53, 60, 61, 66, 68, 72, 74, 76, 79, 80, 84, 89, 90, 95, 97, 103	
			10170	23, 50, 60, 62, 64, 65, 66, 67, 74, 140, 141, 142	
E-40 10/8/1992	91-095Q 910105 ZMQ 13c	Underground Gasoline Storage Tanks* Testing Protocol.	2675	105, 108	
E-41 12/17/1992	92HPD008K 920693 ZMK 17b	Window Wall Attenuation & Alternate Ventilation	1468	1, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 38, 39, 40, 41, 42, 43, 45, 46, 47, 49, 52, 53, 55, 56, 58, 60, 61, 62, 63, 64, 65, 66, 72, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83	
		Underground Gasoline Storage Tanks* Testing Protocol.	1471	65	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	1471	1, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 33, 46, 47, 48, 49, 52, 53, 55, 57, 59, 61, 65, 69, 71, 72, 73, 74, 75, 76, 79, 80, 81, 178, 179	
			1472	1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 20, 25, 29	
		Underground Gasoline Storage Tanks* Testing Protocol.	1474	1	
		Window Wall Attenuation & Alternate Ventilation	1474	1, 3, 5, 6, 7, 9, 12, 14, 15, 16, 18, 19, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 41, 45, 48, 49, 50, 51, 52, 56, 63, 64, 65, 66, 67, 68, 69	
			1476	1, 6, 9, 12, 23, 27, 28, 29, 30, 32, 34, 36	
E-42	90-254K	Underground Gasoline Storage Tanks* Testing Protocol.	198	47, 48	
4/1/1993	900580 ZMK		389	10	
			407	26	
	16c		934	6	
E-43	89-116K	Underground Gasoline Storage Tanks* Testing Protocol.	2240	46, 7512	
4/21/1993	890356 ZMK	Window Wall Attenuation & Alternate Ventilation	2240	11, 12, 13, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 32, 33, 39, 40, 41, 42, 43, 44, 45, 46, 71, 153, 155, 159, 162, 7501, 7502, 7503, 7504, 7505, 7506, 7507, 7508, 7509, 7510, 7512, 7513, 7514, 7515	
	13b				
E-44	93DCP013K	Underground Gasoline Storage Tanks* Testing Protocol.	5409	30	
8/3/1993	930183 ZMK		5420	64	
	22c				
E-45	93DCP013K		6637	1	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	Effective Date	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
	8/3/1993		930183 ZMK	22d	Underground Gasoline Storage Tanks* Testing Protocol.	6662	7501	
E-46	8/3/1993		93DCP013K	28c	Underground Gasoline Storage Tanks* Testing Protocol.	7129	1	
E-47	12/21/1993		93DCP041Q	13c	Underground Gasoline Storage Tanks* Testing Protocol.	2797	124	
E-48	12/21/1993		91-155X	4b	Underground Gasoline Storage Tanks* Testing Protocol.	3859	30	
E-49	2/28/1994		91-203X	6c	Underground Gasoline Storage Tanks* Testing Protocol.	2766	145,165,167	
E-50	12/21/1993	900607 (A) ZMM	8d		Window Wall Attenuation & Alternate Ventilation	733	25,28,30,31	
						734	37	
						735	30,31	
						736	30,33,34,35,36,37,38	
						737	30,31,32,33	
						762	1	
					Underground Gasoline Storage Tanks* Testing Protocol.	763	72,73	
E-51	2/9/1994	93DCP037K	16c, 16d		Underground Gasoline Storage Tanks* Testing Protocol.	1127	1	
						1129	46,50	
						1131	7501	
						1139	15,16,17	
						1140	48	
						1146	127	
E-52	6/9/1994	940227 ZMX	6a,6c		Window Wall Attenuation & Alternate Ventilation	2364	2,7,9,13,15,17,19,21,25,45,49,51,52,55,56,60,61,70	
					Underground Gasoline Storage Tanks* Testing Protocol.	2365	23	
					Window Wall Attenuation & Alternate Ventilation	2365	9,12,14,23,25,26	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	2366	27	
		Window Wall Attenuation & Alternate Ventilation	2366	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	2367	6, 8, 26	
		Window Wall Attenuation & Alternate Ventilation	2367	1, 3, 6, 7, 8, 10, 11, 12, 14, 16, 20, 21, 22, 24, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 50, 60	
		Underground Gasoline Storage Tanks* Testing Protocol.	2383	3	
		Window Wall Attenuation & Alternate Ventilation	2383	8, 11, 19, 21, 22, 23, 24, 25, 27, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 48, 61	
		Underground Gasoline Storage Tanks* Testing Protocol.	2384	1, 14	
		Window Wall Attenuation & Alternate Ventilation	2384	1, 5, 7, 9, 10, 12, 13, 14, 16, 20, 25, 28, 32, 34, 38, 43, 48, 51, 53, 54, 58, 59, 60	
E-53 6/9/1994	88-087X 940227 ZMX 6a, 6c	Underground Gasoline Storage Tanks* Testing Protocol.	2378	1	
		Window Wall Attenuation & Alternate Ventilation	2378	1, 17, 21, 23, 25, 28, 31, 34, 36, 37, 38, 49, 62, 128, 129, 130, 149, 150, 151, 153, 154, 155, 156	
			2379	7, 15, 16, 20, 21, 23, 25, 30, 40, 51, 125, 126, 140, 141, 142, 143	
		Underground Gasoline Storage Tanks* Testing Protocol.	2380	101, 102, 103, 104, 105, 109, 110, 128, 129	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	Effective Date	Satisfaction Date	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
						Window Wall Attenuation & Alternate Ventilation	2380	35, 36, 40, 43, 51, 64, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 140, 141, 142, 143, 144, 145, 146, 147	
						Underground Gasoline Storage Tanks* Testing Protocol.	2381	1	
						Window Wall Attenuation & Alternate Ventilation	2381	1, 7, 9, 10, 11, 12, 13, 14, 15, 16, 19, 34, 35, 36, 37, 38, 39, 40, 43, 47, 56, 70	
						Underground Gasoline Storage Tanks* Testing Protocol.	2382	7501	
						Window Wall Attenuation & Alternate Ventilation	2382	7, 34, 35, 134, 135, 7501	
						Underground Gasoline Storage Tanks* Testing Protocol.	2403	31	
						Window Wall Attenuation & Alternate Ventilation	2403	25, 26, 27, 29, 31, 37	
							2404	1, 2, 9, 10, 17, 18, 113, 114, 115, 116, 125, 126, 127, 128, 129, 130, 131, 132, 134, 135, 136, 137	
						Underground Gasoline Storage Tanks* Testing Protocol.	2405	118, 119	
						Window Wall Attenuation & Alternate Ventilation	2405	17, 19, 25, 100, 101, 102, 103, 104, 105, 106, 107, 108, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131	
						Underground Gasoline Storage Tanks* Testing Protocol.	2406	34	
						Window Wall Attenuation & Alternate Ventilation	2406	11, 12, 16, 21, 24, 28, 29, 31, 104, 105, 106, 107, 108, 109, 136, 137	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	2407	18	
		Window Wall Attenuation & Alternate Ventilation	2407	5, 8, 10, 11, 18, 27, 28, 31, 32	
		Underground Gasoline Storage Tanks* Testing Protocol.	2408	35, 46	
		Window Wall Attenuation & Alternate Ventilation	2408	1, 6, 7, 8, 9, 10, 12, 13, 14, 16, 20, 25, 27, 28, 29, 31, 33, 35, 41, 45, 46, 49, 51, 52, 53	
			2409	73	
			2418	6, 33	
			2419	4, 5, 12, 13, 17, 23, 24, 25, 26, 110, 111, 114, 115, 118, 119, 120	
E-54 6/29/1994	86-082M 860183 ZMM 8d	Use of Natural Gas or Steam	772	47, 52	
		Window Wall Attenuation & Alternate Ventilation	772	47, 52	
			773	38, 40, 41, 42, 43, 44, 45, 46, 134, 7501, 7502	
			774	7501	
			798	7502	
			799	1, 3, 6, 7	
			800	5, 7, 74, 76, 77, 78, 79, 7501	
E-55 9/22/1994	91-194Q 910513 ZMQ 19a	Underground Gasoline Storage Tanks* Testing Protocol.	12406	320	
E-56 11/26/1996	94HPD030X 940469 ZMX 6c	Underground Gasoline Storage Tanks* Testing Protocol.	2572	56	
E-57 2/15/1996	94DCP031X 940644 ZMX 1c, 2a	Underground Gasoline Storage Tanks* Testing Protocol.	3395	54, 60, 63, 80	
		Window Wall Attenuation & Alternate Ventilation	3395	54, 60, 63, 80	
E-58 1/19/1995	84-138M 840903 ZMM 9a	Double Glazed Windows	1557	21, 25	
		Window Wall Attenuation & Alternate Ventilation	1557	21, 25	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-59 2/15/1995	94DCP035Q 930399 ZMQ 10c	Underground Gasoline Storage Tanks* Testing Protocol.	6077	43	
E-60 6/28/1995	95DCP010M 940309 ZMM 12a, 12b	Underground Gasoline Storage Tanks* Testing Protocol.	140	5	
E-61 6/28/1995	95DCP010M 940309 ZMM 12a, 12b	Window Wall Attenuation & Alternate Ventilation	136 137 140 179 187	16 10 5 1 16	
E-62 9/19/1995	95DCP027M 940304 ZMM 8d, 12c	Window Wall Attenuation & Alternate Ventilation	914 915 928 939 940	36 22, 23, 7501 31, 7503 28, 29, 30, 31, 33 31	
E-63 9/6/1995	92DCP618X 920585 ZMX 2a	Window Wall Attenuation & Alternate Ventilation	5086	82	
E-64 9/6/1995	95DCP037Q 950297 ZMQ 14d	Window Wall Attenuation & Alternate Ventilation	9644	21	
E-65 10/25/1995	95DCP045Q 950403 ZMQ 8d, 9b, 13a	Window Wall Attenuation & Alternate Ventilation	32 34 42 52 56 78	1 1, 12 20 28, 44, 45 51 41, 48, 50, 54	
E-66 10/25/1995	93DCP033M 950318 ZMM 8d	Window Wall Attenuation & Alternate Ventilation	801 802 825	34 36 82	
		Underground Gasoline Storage Tanks* Testing Protocol.	826	1	
		Window Wall Attenuation & Alternate Ventilation	826 827 828 829	1 1 1, 75 1, 2, 3, 5, 6, 72, 74	

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Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-67 12/7/1995	94DCP032Q 950080 ZMQ 9c	Window Wall Attenuation & Alternate Ventilation	1632	9,20	
E-68 12/7/1995	95DCP053M 950443 ZMM 12c	Window Wall Attenuation & Alternate Ventilation	559 896 921	22,32,35 1,4,5 36	
E-69 12/20/1995	95DCP051X 950439 ZMX 4a	Underground Gasoline Storage Tanks* Testing Protocol.	4494	1	
E-70 1/18/1996	89-229Q 890689 ZMQ 9d	Underground Gasoline Storage Tanks* Testing Protocol.	1330	1,34	
		Window Wall Attenuation & Alternate Ventilation	1330	1,34	
		Underground Gasoline Storage Tanks* Testing Protocol.	1334	1,6	
		Window Wall Attenuation & Alternate Ventilation	1334	1,6,13	
E-71 3/21/1996	95DCP049K 950540 (A) ZMK 23b	Underground Gasoline Storage Tanks* Testing Protocol.	8463	1,73,76	
		Window Wall Attenuation & Alternate Ventilation	8463	1,73,76	
		Underground Gasoline Storage Tanks* Testing Protocol.	8470	1018,1028,1051,1052,1060,1064,1070,1076,1080,1085,1090,1091,1095,1096,1100,1140,1150,2001,2002,2004,2006,2008,2010,2012,2014,2016,2017,2018,2019,2020,2021,2022,2023,2024,2025,2026,2027,2029,2031,2033,2035,2037,2039,2042,2044,2045,2047,2048,2050,2051,2052,7501	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	8470	1018,1028,1051,1052,1060,1064,1070,1076,1080,1085,1090,1091,1095,1096,1100,1140,1150,2001,2002,2004,2006,2008,2010,2012,2014,2016,2017,2018,2019,2020,2021,2022,2023,2024,2025,2026,2027,2029,2031,2033,2035,2037,2039,2042,2044,2045,2047,2048,2050,2051,2052,7501	
E-72 6/5/1996	95DCP004Q 950097 ZMQ 14a	Window Wall Attenuation & Alternate Ventilation	3104	14,86	
E-73 6/5/1996	95DCP009Q 950137 ZMQ 14a	Window Wall Attenuation & Alternate Ventilation	3104	14,90,92,97,101,108	
			3155	19	
E-74 9/17/1998	95DCP052Q 960566 ZMQ 10a 10b	Underground Gasoline Storage Tanks* Testing Protocol.	4963	7,65,75,85	
		Window Wall Attenuation & Alternate Ventilation	4963	7,65,75,85	
			4972	65	
		Underground Gasoline Storage Tanks* Testing Protocol.	4973	1,6,24	
		Window Wall Attenuation & Alternate Ventilation	4973	1,6,24	
		Underground Gasoline Storage Tanks* Testing Protocol.	4976	7501	
		Window Wall Attenuation & Alternate Ventilation	4976	7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	5063	19,120	
		Window Wall Attenuation & Alternate Ventilation	5063	19,120	

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Table 1 - (E) Designations

E-No.	Effective Date	Satisfaction Date	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
						Underground Gasoline Storage Tanks* Testing Protocol.	5066	1,100,9001,9002,9100	
						Window Wall Attenuation & Alternate Ventilation	5066	1,100,9001,9002,9100	
E-75			96DCP010M			Double Glazed Windows	1557	27,30	
10/30/1996			960060 ZMM			Underground Gasoline Storage Tanks* Testing Protocol.	1557	30	
			6b, 9a			Window Wall Attenuation & Alternate Ventilation	1557	27,30	
E-76			96DCP063Q			Window Wall Attenuation & Alternate Ventilation	4222	5	
11/26/1996			960619 ZMQ				4223	21	
			10a						
E-77			97HPD002M			Underground Gasoline Storage Tanks* Testing Protocol.	1959	7501	
4/16/1997			970155 ZMM			Window Wall Attenuation & Alternate Ventilation	1959	54,7501	
			6a						
E-78			96DCP006M			Window Wall Attenuation & Alternate Ventilation	510	7501	
4/16/1997			960074 ZMM						
			12c						
E-79			94DCP036M			Underground Gasoline Storage Tanks* Testing Protocol.	1090	23,90,7501	
7/15/1997			970219 ZMM			Window Wall Attenuation & Alternate Ventilation	1090	23,90,7501	
			8c						
E-80			95DCP062M			Window Wall Attenuation & Alternate Ventilation	1624	15,49,50,51,52,53,60	
8/5/1997			960576 ZMM				1625	13,14,15,16,57,60	
			6b						
E-81			97DCP045X			Underground Gasoline Storage Tanks* Testing Protocol.	2347	24	
10/14/1997			970463 ZMX			Window Wall Attenuation & Alternate Ventilation	2443	40,41,43	
			6a						
E-82			98DCP012K			Window Wall Attenuation & Alternate Ventilation	2128	1	
3/18/1998			980077 ZMK				2129	7502,7507	
			12d			Underground Gasoline Storage Tanks* Testing Protocol.	2131	7,8,10	
						Window Wall Attenuation & Alternate Ventilation	2131	7,8,10,11,14,15	
							2133	7501,7502	

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Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Satisfaction Date	Zoning Map No.				
			2456	40, 41	
			2469	9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21	
			2470	1	
			2471	1, 26	
E-83	98DCP007K	Underground Gasoline Storage Tanks* Testing Protocol.	34	8	
2/26/1998	980067 ZMK	Window Wall Attenuation & Alternate Ventilation	55	20, 25, 32, 33, 40, 41, 42, 43, 44, 45	
	12d				
E-84	97DCP071K	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	27	20, 40, 7501	
2/26/1998	970753 ZMK	Window Wall Attenuation & Alternate Ventilation	27	20, 40, 7501	
	12d		28	7502	
E-85	97DCP067M	Window Wall Attenuation & Alternate Ventilation	1436	122	
4/28/1998	970708 ZMM				
	8c				
E-86	98DCP021K	Window Wall Attenuation & Alternate Ventilation	4108	1, 2, 3, 4, 24	
4/28/1998	980131 ZMK		4109	91	
	17c				
E-87	97DCP068M	Underground Gasoline Storage Tanks* Testing Protocol.	190	7506	
8/6/1998	980480 ZMM	Window Wall Attenuation & Alternate Ventilation	190	7506	
	12a				
E-88	95DCP044M	Window Wall Attenuation & Alternate Ventilation	824	11	
11/24/1998	980562 ZMM				
	8d				
E-89	98DCP052K	Window Wall Attenuation & Alternate Ventilation	45	115, 7501	
3/30/1999	980584 ZMK	Air Quality - Natural Gas Heat & Hot Water	51	1, 12	
	12d	Underground Gasoline Storage Tanks* Testing Protocol.	51	7501	
		Window Wall Attenuation & Alternate Ventilation	51	1, 12, 7501	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-90 3/16/1999	96DCP005M 970086 ZMM 8c	Window Wall Attenuation & Alternate Ventilation	1087	1, 5	
E-91 2/10/1999	99DCP009K 990092 ZMK 12d	Window Wall Attenuation & Alternate Ventilation	2159 2160 2165	1 17, 7502 7501, 7502, 7503	
E-92 9/9/1999	99DCP030M 990453 ZMM 8b, 8d, 12c	Underground Gasoline Storage Tanks* Testing Protocol.	694 694 695 738	65 39, 42, 47, 58, 60, 61 1, 3, 4, 15, 44, 47, 67, 68, 69, 70, 7503 7502	6/11/2003
		Window Wall Attenuation & Alternate Ventilation	738	7502	
		Underground Gasoline Storage Tanks* Testing Protocol.	775	44, 46, 58, 60, 69	
		Window Wall Attenuation & Alternate Ventilation	775	44, 46	
		Underground Gasoline Storage Tanks* Testing Protocol.	776 793	59 7505	
		Window Wall Attenuation & Alternate Ventilation	793	7505	7/8/2002
		Underground Gasoline Storage Tanks* Testing Protocol.	794	7501, 9055	
		Window Wall Attenuation & Alternate Ventilation	794	7501, 9055	
		Underground Gasoline Storage Tanks* Testing Protocol.	795 796 797	1, 56 48, 63 9, 74, 7501	
E-93 6/30/1999	91-152Q 910332 ZMQ 18a, 18b	Underground Gasoline Storage Tanks* Testing Protocol.	11376	23, 37, 39, 41, 43	
E-94 12/7/1999	98DCP009M 980224 ZMM 9a	Air Quality - Heating and Hot Water	1487	5, 8	

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Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Satisfaction Date	Zoning Map No.				
E-95	98DCP038K	Underground Gasoline Storage Tanks* Testing Protocol.	6947	260	
10/27/1999	980319 ZMK				
	28c, 28d				
E-96	00DCP004X	Window Wall Attenuation & Alternate Ventilation	2732	42, 47	
1/19/2000	990102 ZMX		2733	4, 17, 23	
	6c		2735	28, 35, 40, 42, 44	
E-97	00DCP034Y	Underground Gasoline Storage Tanks* Testing Protocol.	2095	10, 26	
7/26/2001	010199 ZMY				
	12d, 16c				
E-98	00DCP020K	Underground Gasoline Storage Tanks* Testing Protocol.	1127	22, 29, 30, 7502	
2/7/2001	000024 ZMK	Window Wall Attenuation & Alternate Ventilation	1127	22, 29, 30, 7502	
	16c	Underground Gasoline Storage Tanks* Testing Protocol.	1128	4, 9, 11, 13	
		Window Wall Attenuation & Alternate Ventilation	1128	4, 9, 11, 13, 17, 7501	
E-101	01HPD001K	Underground Gasoline Storage Tanks* Testing Protocol.	3154	13, 18, 23	
4/17/2001	010123 ZMK		3157	1	
	13b		3164	6	
E-102	00DCP015K	Underground Gasoline Storage Tanks* Testing Protocol.	1715	1, 12, 13, 14, 15, 16, 17, 18, 19, 24, 30, 7501, 7502, 7503	
5/9/2001	000109 ZMK		1734	5, 7, 21, 24, 33, 47, 56, 59, 61, 62, 70, 7503, 7504, 7505, 7511, 7513, 7514, 7516	
	12d, 13b		1886	40, 71, 72, 80	
			1899	47, 48, 49, 51, 52	5/15/2003
			1899	46, 50, 53, 54, 55, 56, 59, 7504	
			1900	21, 22, 42, 7509	2/11/2004
			1900	9, 10, 11, 14, 15, 16, 17, 18, 23, 24, 31, 43, 44, 7505, 7507, 7508, 7510	
			2223	15, 23	
		Window Wall Attenuation & Alternate Ventilation	2223	15, 23, 7502, 7503	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	2235	1, 4, 65, 68, 70, 7504, 7505, 7506, 7507	
		Window Wall Attenuation & Alternate Ventilation	2235	1, 4, 65, 68, 70, 7504, 7505, 7506, 7507	
		Underground Gasoline Storage Tanks* Testing Protocol.	2239	8	
		Window Wall Attenuation & Alternate Ventilation	2239	8	
		Underground Gasoline Storage Tanks* Testing Protocol.	2240	1	8/4/2003
		Window Wall Attenuation & Alternate Ventilation	2240	1, 6, 9	
		Underground Gasoline Storage Tanks* Testing Protocol.	2248	7501	
			2262	1, 7, 44, 7505, 7508	
		Window Wall Attenuation & Alternate Ventilation	2262	1, 7, 30, 44, 7503, 7504, 7505, 7507, 7508	
		Underground Gasoline Storage Tanks* Testing Protocol.	2263	8, 7502, 7503, 7504	
		Window Wall Attenuation & Alternate Ventilation	2263	8, 7502, 7503, 7504	
		Underground Gasoline Storage Tanks* Testing Protocol.	2264	46, 47	8/4/2003
			2264	29, 33	8/6/2003
			2264	48, 49, 50	12/23/2004
			2264	7, 8, 9, 42, 59, 7507, 7508, 7510, 7511, 7512	
		Window Wall Attenuation & Alternate Ventilation	2264	1, 4, 42, 48, 49, 50, 55, 57, 59, 61, 63, 7506, 7507, 7508, 7510, 7511, 7512, 7520	
E-103 4/25/2001	00DCP041M 010148 ZMM 8c	Window Wall Attenuation & Alternate Ventilation	1105	1, 5, 14, 19, 23, 29, 36, 43	
E-104 7/26/2001	00DCP055Q 000406 (A) ZMQ 8d, 9b	Underground Gasoline Storage Tanks* Testing Protocol.	72	80	
		Window Wall Attenuation & Alternate Ventilation	72	80	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
				Underground Gasoline Storage Tanks* Testing Protocol.	86	1, 6, 7, 8, 22	
				Window Wall Attenuation & Alternate Ventilation	86	1, 6, 7, 8, 22	
				Underground Gasoline Storage Tanks* Testing Protocol.	263	1, 9	
				Window Wall Attenuation & Alternate Ventilation	263	1, 9	
				Air Quality - Operable Window Limitations	264	1, 4, 15, 17	
				Underground Gasoline Storage Tanks* Testing Protocol.	264	1, 14, 17	
				Window Wall Attenuation & Alternate Ventilation	264	1, 4, 15, 17	
				Underground Gasoline Storage Tanks* Testing Protocol.	413	16, 22, 27, 32, 37	
					414	17, 23, 35	
					415	24, 26, 28	
					416	10, 21, 28, 7501	
					417	14, 20	
					420	1, 7501	
				Window Wall Attenuation & Alternate Ventilation	420	1, 7501	
				Underground Gasoline Storage Tanks* Testing Protocol.	422	1, 4, 6, 7, 9, 21, 30, 31	
				Window Wall Attenuation & Alternate Ventilation	422	1, 5, 6	6/17/2008
					422	3, 4, 7, 9, 21, 30, 31	
				Underground Gasoline Storage Tanks* Testing Protocol.	428	1	
				Window Wall Attenuation & Alternate Ventilation	428	1	
				Underground Gasoline Storage Tanks* Testing Protocol.	431	7, 8, 17, 27	
					432	8, 38, 7501	
				Window Wall Attenuation & Alternate Ventilation	432	8	
				Underground Gasoline Storage Tanks* Testing Protocol.	433	1, 2, 3, 4, 5, 6, 8, 12, 31, 35, 36, 37, 38, 39, 41	
				Window Wall Attenuation & Alternate Ventilation	433	1, 2, 3, 4, 5, 6, 8, 12, 31, 35, 36, 37, 38, 39, 41	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	435	13,28,29	
		Window Wall Attenuation & Alternate Ventilation	435	13,28,29	
E-105	01DCP050M	Window Wall Attenuation & Alternate Ventilation	1462	5	
12/19/2001	010547 ZMM		1463	5,11,21,31,7501	
	8c, 9a				
E-106	01DCP024M	Window Wall Attenuation & Alternate Ventilation	1084	25	
11/20/2001	010689 ZMM				
	8c				
E-107	01DCP078R	Underground Gasoline Storage Tanks* Testing Protocol.	1249	75,130,141	
12/19/2001	010601 ZMR				
	20c, 20d				
E-108	01DCP015Q	Underground Gasoline Storage Tanks* Testing Protocol.	12047	32,34,40	
2/27/2002	010116 ZMQ		12048	77	
	18c				
E-109	01DCP065K	Underground Gasoline Storage Tanks* Testing Protocol.	52	7501	
1/30/2002	010725 ZMK	Window Wall Attenuation & Alternate Ventilation	52	7501	
	12d	Underground Gasoline Storage Tanks* Testing Protocol.	53	9	
		Window Wall Attenuation & Alternate Ventilation	53	9,7501	
E-110	00DME013K	Underground Gasoline Storage Tanks* Testing Protocol.	597	27,28,29	
1/30/2002	020047 ZMK		603	23,24,26	
	16a				
E-111	02DCP041K	Window Wall Attenuation & Alternate Ventilation	271	1	
7/24/2002	020097 ZMK				
	16c				

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Satisfaction Date	Zoning Map No.				
E-112	00DCP008K	Window Wall Attenuation & Alternate Ventilation	2135	1, 35	
12/18/2002	000087 ZMK				
	12d				
E-113	03DCP030K	Underground Gasoline Storage Tanks* Testing Protocol.	958	1, 2, 4, 5, 7	
4/30/2003	030194 (A) ZMK		961	1, 2, 3, 7, 67, 69	
	16b, 16c		964	1, 6, 7, 14, 70	
			969	1	
			974	73, 7502, 7504	
			981	7501	
			987	1	
			992	38	
			993	6, 7, 10	6/20/2013
			1003	29, 32, 33, 34, 35, 36, 38	
			1027	35, 40, 41, 42, 43, 44, 45	
			1040	29, 53, 55, 58, 59	
			1041	1	
E-114	03DCP025Y	Underground Gasoline Storage Tanks* Testing Protocol.	1627	38, 39	
6/24/2003	030234 (A) ZMM		1628	37, 39	
	6b		1645	46, 47, 48, 49	
			1660	1, 3, 4, 45	
			1666	31, 33, 36, 39	
			1675	22, 23	
			1677	29, 45, 46, 47	
			1680	21, 27, 32, 38	
			1681	17, 18, 19, 31, 32, 35, 130	
			1689	51	
			1711	1, 4, 46, 47, 48, 148	
			1767	27, 28, 45, 46	
			1785	15, 17, 30, 31, 32, 33, 34, 36, 37, 38, 39, 42, 43	
			1807	1, 5, 48	
E-115	02DME017X	Underground Gasoline Storage Tanks* Testing Protocol.	2385	15, 17, 18, 23, 38, 49	
8/19/2003	030213 ZMX				
	6c				
E-116	03DCP014M		594	44	4/8/2015

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Satisfaction Date	Zoning Map No.				
8/19/2003	030237 ZMM 12a	Underground Gasoline Storage Tanks* Testing Protocol.	594	8, 32, 33, 34, 36, 41, 65, 69, 71, 72, 81, 82, 83, 87, 94, 99, 104, 105, 108, 111, 112, 113, 114, 115, 7501, 7502, 7505	
		Window Wall Attenuation & Alternate Ventilation	594	8, 108, 111, 112, 113, 114, 115, 7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	595	52, 59, 61, 62, 71, 72, 73, 74, 75, 76, 82, 83, 84, 7504	
		Window Wall Attenuation & Alternate Ventilation	595	52, 59	
E-117 8/19/2003	03DCP035K 020263 ZMK 12d	Underground Gasoline Storage Tanks* Testing Protocol.	107	1, 48, 50	
		Window Wall Attenuation & Alternate Ventilation	107	1, 48, 50	
		Underground Gasoline Storage Tanks* Testing Protocol.	108	9, 12, 24, 7501	
		Window Wall Attenuation & Alternate Ventilation	108	9, 12, 24, 7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	109	25	
		Window Wall Attenuation & Alternate Ventilation	109	25	
		Underground Gasoline Storage Tanks* Testing Protocol.	118	6	
		Window Wall Attenuation & Alternate Ventilation	118	6	
		Underground Gasoline Storage Tanks* Testing Protocol.	120	13, 34, 45	
		Window Wall Attenuation & Alternate Ventilation	120	13, 34, 45	
		Underground Gasoline Storage Tanks* Testing Protocol.	121	3, 12, 18, 19, 28, 32, 33, 35, 36, 37	
		Window Wall Attenuation & Alternate Ventilation	121	3, 12, 18, 19, 28, 32, 33, 35, 36, 37	
		Underground Gasoline Storage Tanks* Testing Protocol.	122	5, 9, 10, 13, 32	
		Window Wall Attenuation & Alternate Ventilation	122	5, 9, 10, 13, 32	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	Effective Date	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-118	8/19/2003	03DCP046X 030333 ZMX 3d, 6c			Underground Gasoline Storage Tanks* Testing Protocol.	2369	1, 2, 12, 13, 14, 16, 32, 34, 36, 37, 53, 54, 90, 153	
						2370	25, 26, 34, 35, 36, 47, 49, 52	
						2371	9, 10, 11, 19, 39, 41, 42, 43, 45, 46, 61, 64	
						2372	27, 30, 31, 32, 41, 47	
						2386	43	
						2387	32, 34, 35, 36, 51	
						2388	16, 17, 18, 19, 20, 57, 58, 59, 61, 64, 67, 87	
						2609	1, 2, 4, 24, 26, 115, 120	
E-119	8/19/2003	NA 030325 ZMX 3c			Window Wall Attenuation & Alternate Ventilation	3273	203	
E-120	11/6/2003	03DCP026M 030436 ZMM 5c, 5d, 6a, 6b			Underground Gasoline Storage Tanks* Testing Protocol.	1826	1	
						1929	4, 6, 59, 61, 62	
						1944	40, 41, 42, 43	
						1948	30, 35	
E-121	9/17/2003	03DCP058Q 030403 ZMQ 9d, 10a, 10b			Underground Gasoline Storage Tanks* Testing Protocol.	1424	33	
					Window Wall Attenuation & Alternate Ventilation	1424	33	
					Underground Gasoline Storage Tanks* Testing Protocol.	1425	39	
					Window Wall Attenuation & Alternate Ventilation	1425	39	
					Underground Gasoline Storage Tanks* Testing Protocol.	1426	33	
					Window Wall Attenuation & Alternate Ventilation	1426	33	
					Underground Gasoline Storage Tanks* Testing Protocol.	1427	33, 38	
					Window Wall Attenuation & Alternate Ventilation	1427	33, 38	
					Underground Gasoline Storage Tanks* Testing Protocol.	1700	36	
					Underground Gasoline Storage Tanks* Testing Protocol.	1701	73	
					Underground Gasoline Storage Tanks* Testing Protocol.	1703	44, 86, 87, 93, 94, 97, 98, 99	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
			1704	140	
			1705	1, 5, 10, 61	
			1706	1, 5, 9, 11	
			1707	1, 3, 6, 7, 8, 13, 15, 17, 19, 33, 34, 35, 36, 43, 46	
			1713	1	
		Window Wall Attenuation & Alternate Ventilation	1723	1	
E-124 6/28/2004	03DME016K 040171 ZMK 12d, 16c	Underground Gasoline Storage Tanks* Testing Protocol.	128	1, 26	
		Window Wall Attenuation & Alternate Ventilation	128	1, 26	
		Underground Gasoline Storage Tanks* Testing Protocol.	131	1	
		Window Wall Attenuation & Alternate Ventilation	131	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	133	1, 5, 13, 15	
		Window Wall Attenuation & Alternate Ventilation	133	1, 5, 13, 15	
		Underground Gasoline Storage Tanks* Testing Protocol.	134	1, 5, 30, 38, 41	
		Window Wall Attenuation & Alternate Ventilation	134	1, 5, 30, 38, 41	
		Underground Gasoline Storage Tanks* Testing Protocol.	142	1, 50	
		Window Wall Attenuation & Alternate Ventilation	142	1, 50	
			144	1	
			145	8, 10, 13, 14, 15, 16, 18, 19, 20, 21, 22, 26, 32	
			146	2, 7, 11, 12, 13, 14, 15, 16, 17, 18, 23, 29, 34, 35, 36, 37, 41, 42, 43, 46, 47, 48, 50, 51, 52	
		Hazardous Materials* Phase I and Phase II Testing Protocol	149	21, 101, 102, 103	
		Underground Gasoline Storage Tanks* Testing Protocol.	149	1	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	149	1, 14, 15, 17, 19, 22, 26, 28, 30, 31, 32, 33, 34, 50, 101, 102, 103	
			150	1, 6, 10, 11, 19	
		Underground Gasoline Storage Tanks* Testing Protocol.	152	37	
		Window Wall Attenuation & Alternate Ventilation	152	37	
		Hazardous Materials* Phase I and Phase II Testing Protocol	153	3, 14, 15	
		Window Wall Attenuation & Alternate Ventilation	153	3, 14, 15	
		Hazardous Materials* Phase I and Phase II Testing Protocol	154	1, 5, 11, 12, 36, 37, 38, 39, 40	
		Window Wall Attenuation & Alternate Ventilation	154	1, 5, 11, 12, 36, 37, 38, 39, 40	
		Underground Gasoline Storage Tanks* Testing Protocol.	160	18, 29	
		Window Wall Attenuation & Alternate Ventilation	160	18, 29	
		Underground Gasoline Storage Tanks* Testing Protocol.	161	18	
		Window Wall Attenuation & Alternate Ventilation	161	27, 30, 33	
		Underground Gasoline Storage Tanks* Testing Protocol.	164	1, 13, 29, 31, 42, 43, 44	
		Window Wall Attenuation & Alternate Ventilation	164	1, 13, 29, 31, 42, 43, 44	
		Exhaust stack location limitations	165	29	
		Underground Gasoline Storage Tanks* Testing Protocol.	165	17, 18, 19, 29, 58	
		Window Wall Attenuation & Alternate Ventilation	165	17, 18, 19, 29, 58	
		Hazardous Materials* Phase I and Phase II Testing Protocol	167	42	
		Window Wall Attenuation & Alternate Ventilation	167	15, 16, 26, 28, 36, 42	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	174	9,13,18,23,24	
		Window Wall Attenuation & Alternate Ventilation	174	9,13,18,23,24	
		Underground Gasoline Storage Tanks* Testing Protocol.	2049	2,8	
		Window Wall Attenuation & Alternate Ventilation	2049	2,8	
			2060	15,22	
		Underground Gasoline Storage Tanks* Testing Protocol.	2061	1,50,101,110	
		Window Wall Attenuation & Alternate Ventilation	2061	1,50,101,110	
			2062	1,5,6,17,18,19,21,23,24,103	
		Underground Gasoline Storage Tanks* Testing Protocol.	2093	1	
E-125 3/10/2004	03DCP037M 030214 ZMM 8c	Underground Gasoline Storage Tanks* Testing Protocol.	1151	5,12	
		Window Wall Attenuation & Alternate Ventilation	1151	5,12,7502	
E-126 5/5/2004	03DCP040K 030289 ZMK 12d	Window Wall Attenuation & Alternate Ventilation	56	3	
E-127 6/21/2004	03DME017K 040124 ZMK, 040125 PPK 17a	Underground Gasoline Storage Tanks* Testing Protocol.	1432	1	
E-128 7/21/2004	03DCP036K 030294 ZMK 17a	Window Wall Attenuation & Alternate Ventilation	1142	44,48	
E-129 8/12/2004	04DCP011Q 040272 ZRQ, 040273 ZMQ 8d, 9b	Underground Gasoline Storage Tanks* Testing Protocol.	15	44	
		Air Quality - HVAC fuel limited to natural gas	16	8,38	
			16	1,8,38	

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Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	29	21, 22, 23	
		Air Quality - HVAC fuel limited to natural gas	30	9	
		Underground Gasoline Storage Tanks* Testing Protocol.	30	5, 9, 29, 7501	
			31	7501	
			32	20, 28, 29, 31, 34, 7501	
			33	9, 21, 24	
			34	1, 12, 14	
			42	28	
			45	28	
		Air Quality - Operable Window Limitations	47	25, 28	
		Underground Gasoline Storage Tanks* Testing Protocol.	47	10, 25, 28, 7501	
			52	7, 8, 12	
		Air Quality - Operable Window Limitations	54	20	
		Underground Gasoline Storage Tanks* Testing Protocol.	54	20	
			56	1, 51	
		Air Quality - Operable Window Limitations	57	18	
		Underground Gasoline Storage Tanks* Testing Protocol.	57	18	
			62	46	
			76	11	
		Air Quality - Operable Window Limitations	438	6	
		Underground Gasoline Storage Tanks* Testing Protocol.	438	6	
			447	40	
E-130 7/21/2004	03DCP068M 040021 ZMM 12c	Window Wall Attenuation & Alternate Ventilation	482	7501	
E-131 8/12/2004	04DCP038M 040331 ZMM, 040332 ZRM, 040333 ZSM, 040334 ZSM 8d, 12c	Underground Gasoline Storage Tanks* Testing Protocol.	818	56	
		Window Wall Attenuation & Alternate Ventilation	818	56	
		Air Quality - HVAC fuel limited to natural gas	819	14, 15, 66	
		Underground Gasoline Storage Tanks* Testing Protocol.	819	6, 14, 15, 20, 26, 32, 59, 66	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	819	6, 14, 15, 20, 26, 32, 59, 66	
		Underground Gasoline Storage Tanks* Testing Protocol.	821	24, 58	
		Window Wall Attenuation & Alternate Ventilation	821	24, 58	
		Air Quality - HVAC fuel limited to natural gas	822	45	
		Underground Gasoline Storage Tanks* Testing Protocol.	822	19, 45, 51	
		Window Wall Attenuation & Alternate Ventilation	822	19, 45, 51	
		Air Quality - HVAC fuel limited to natural gas	823	31	
		Underground Gasoline Storage Tanks* Testing Protocol.	823	16, 17, 64	
		Window Wall Attenuation & Alternate Ventilation	823	16, 17, 31, 64	
E-132 9/16/2004	01DCP004K 010645 ZMK 12d	Air Quality - HVAC fuel limited to natural gas	36	49, 52, 53	
		Underground Gasoline Storage Tanks* Testing Protocol.	36	49, 52, 53	
E-133 11/10/2004	04DCP053M 040443 ZMM, 040444 ZSM, 040445 ZSM 6b	Window Wall Attenuation & Alternate Ventilation	1749	31, 33, 35, 40, 43	
E-134 12/15/2004	04DCP018K 040215 ZMK, 040216 ZSK, 040217 ZSK 12d	Underground Gasoline Storage Tanks* Testing Protocol.	66	18	
E-135 11/10/2004	04DCP014M 040249 ZMM 8c	Window Wall Attenuation & Alternate Ventilation	1090	36, 42	

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Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Satisfaction Date	Zoning Map No.				
E-136	04DCP029M	Underground Gasoline Storage Tanks* Testing Protocol.	1095	24	
11/10/2004	040250 ZMM				
	8c				
E-137	03DCP031M	Underground Gasoline Storage Tanks* Testing Protocol.	702	4,10,125,150	
1/19/2005	040499 ZMM,	Window Wall Attenuation & Alternate Ventilation	702	4,10,125,150	
	040507 MMM,	Underground Gasoline Storage Tanks* Testing Protocol.	705	1,5,29,30,32,39,41,42,45,46,53,54	
	040508 MMM,	Window Wall Attenuation & Alternate Ventilation	705	1,5,29,30,32,39,41,42,45,46,53,54	
	040499A ZMM	Underground Gasoline Storage Tanks* Testing Protocol.	706	1,10,17,20,29,35,36,55	
	8b,8c,8d	Window Wall Attenuation & Alternate Ventilation	706	1,10,17,20,29,35,36,55	
		Air Quality - HVAC fuel limited to natural gas	707	1,13,20,26,31,39,41,45,51,56	
		Exhaust stack location limitations	707	1,13,20,26,31,39,41,45,51,56	
		Underground Gasoline Storage Tanks* Testing Protocol.	707	1,13,20,26,31,39,41,45,51,56	
		Window Wall Attenuation & Alternate Ventilation	707	1,13,20,26,31,39,41,45,51,56	
		Underground Gasoline Storage Tanks* Testing Protocol.	708	1,20,22,24,37,41,42,43,46,62,65	
		Window Wall Attenuation & Alternate Ventilation	708	1,20,22,24,37,41,42,43,46,62,65	
		Underground Gasoline Storage Tanks* Testing Protocol.	709	1,2,3,7,13,14,15,17,25,30,31,33,36,37,41,43,45,46,60,61,63,66,67,68,70,71	
		Window Wall Attenuation & Alternate Ventilation	709	1,2,3,7,13,14,15,17,25,30,31,33,36,37,41,43,45,46,60,61,63,66,67,68,70,71	
		Underground Gasoline Storage Tanks* Testing Protocol.	710	1,6,11,20,22,27,29,42,58	
		Window Wall Attenuation & Alternate Ventilation	710	1,6,11,20,22,27,29,42,58	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Underground Gasoline Storage Tanks* Testing Protocol.	711	1	
		Window Wall Attenuation & Alternate Ventilation	711	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	728	34, 60, 69	
		Window Wall Attenuation & Alternate Ventilation	728	34, 42, 60, 69	
		Air Quality - HVAC fuel limited to natural gas	729	50, 60, 163, 9001, 9050	
		Exhaust stack location limitations	729	50, 60, 163	
		Underground Gasoline Storage Tanks* Testing Protocol.	729	1, 50, 60, 163, 9001, 9050, 9060	
		Window Wall Attenuation & Alternate Ventilation	729	1, 50, 60, 163, 9001, 9050, 9060	
		Underground Gasoline Storage Tanks* Testing Protocol.	731	22, 43, 44, 48	
		Window Wall Attenuation & Alternate Ventilation	731	22, 39, 40, 41, 43, 44, 48	
		Underground Gasoline Storage Tanks* Testing Protocol.	732	1, 50, 70	
		Window Wall Attenuation & Alternate Ventilation	732	1, 50, 70, 72, 73	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	733	8, 9, 25, 28, 30, 31, 58, 59, 60, 61, 62, 63, 64, 65, 66	
		Air Quality - HVAC fuel limited to natural gas	733	8, 9, 23, 24, 25, 28, 30, 31, 43, 44, 45, 46, 47, 58, 59, 60, 61, 62, 63, 64, 65, 66	
		Exhaust stack location limitations	733	8, 9, 23, 24, 25, 28, 30, 31, 43, 44, 45, 46, 47, 58, 59, 60, 61, 62, 63, 64, 65, 66	
		Underground Gasoline Storage Tanks* Testing Protocol.	733	8, 9, 23, 24, 25, 28, 30, 31, 47, 58, 60, 61, 62, 63, 64, 67, 68, 70	
		Window Wall Attenuation & Alternate Ventilation	733	1, 8, 9, 23, 24, 25, 28, 30, 31, 43, 44, 45, 46, 47, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - HVAC fuel limited to natural gas	734	6, 7, 8, 9, 10, 13, 7502	
		Exhaust stack location limitations	734	6, 7, 8, 9, 10, 13, 7502	
		Underground Gasoline Storage Tanks* Testing Protocol.	734	1, 5, 6, 7, 8, 10, 16, 18, 52, 55	
		Window Wall Attenuation & Alternate Ventilation	734	1, 5, 6, 7, 8, 9, 10, 13, 16, 18, 52, 55, 66, 7502	
		Air Quality - HVAC fuel limited to natural gas	735	1, 6, 7, 8, 9, 11, 12, 13, 17, 55, 57, 58, 59, 60, 61, 65	
		Exhaust stack location limitations	735	1, 6, 7, 8, 9, 11, 12, 13, 17, 55, 57, 58, 59, 60, 61, 65	
		Underground Gasoline Storage Tanks* Testing Protocol.	735	1, 6, 7, 11, 13, 17, 22, 60, 65	
		Window Wall Attenuation & Alternate Ventilation	735	1, 6, 7, 8, 9, 11, 12, 13, 17, 22, 30, 55, 57, 58, 59, 60, 65	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	736	1, 73	
		Exhaust stack location limitations	736	1, 73	
		Underground Gasoline Storage Tanks* Testing Protocol.	736	1, 30, 33, 34, 35, 36, 37, 38, 73	
		Window Wall Attenuation & Alternate Ventilation	736	1, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 73	
		Underground Gasoline Storage Tanks* Testing Protocol.	737	30, 31, 32, 33	
		Window Wall Attenuation & Alternate Ventilation	737	30, 31, 32, 33	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	754	44, 51, 63	
		Air Quality - HVAC fuel limited to natural gas	754	44, 51, 63	
		Exhaust stack location limitations	754	44, 51, 63	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Underground Gasoline Storage Tanks* Testing Protocol.	754	44, 51, 63	
		Window Wall Attenuation & Alternate Ventilation	754	44, 51, 63	
		Underground Gasoline Storage Tanks* Testing Protocol.	758	1, 5, 7	
		Window Wall Attenuation & Alternate Ventilation	758	1, 5, 7, 14	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	759	14	
		Air Quality - HVAC fuel limited to natural gas	759	14	
		Exhaust stack location limitations	759	14	
		Underground Gasoline Storage Tanks* Testing Protocol.	759	14, 23, 26, 27, 49, 55, 61	
		Window Wall Attenuation & Alternate Ventilation	759	14, 23, 24, 25, 26, 27, 29, 49, 52, 53, 54, 55, 61	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	760	12, 16, 18, 20, 21, 55, 58, 59, 60, 61, 62, 63	
		Air Quality - HVAC fuel limited to natural gas	760	7, 12, 16, 18, 20, 21, 55, 58, 59, 60, 61, 62, 63	
		Exhaust stack location limitations	760	7, 12, 16, 18, 20, 21, 55, 58, 59, 60, 61, 62, 63	
		Underground Gasoline Storage Tanks* Testing Protocol.	760	7, 12, 16, 18, 20, 21, 51, 55, 58, 59, 60, 63, 67, 68	
		Window Wall Attenuation & Alternate Ventilation	760	7, 12, 16, 18, 20, 21, 51, 55, 58, 59, 60, 61, 62, 63, 67, 68	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	761	5, 7, 9, 10, 13, 20, 41, 43, 62	
		Air Quality - HVAC fuel limited to natural gas	761	5, 7, 9, 10, 13, 20, 41, 43, 62	
		Exhaust stack location limitations	761	5, 7, 9, 10, 13, 20, 41, 43, 62	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Underground Gasoline Storage Tanks* Testing Protocol.	761	5, 7, 10, 13, 28, 41, 43, 62	
		Window Wall Attenuation & Alternate Ventilation	761	5, 7, 9, 10, 13, 20, 28, 41, 43, 62	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	762	61	
		Air Quality - HVAC fuel limited to natural gas	762	13, 14, 16, 17, 60, 61	
		Exhaust stack location limitations	762	13, 14, 16, 17, 60, 61	
		Underground Gasoline Storage Tanks* Testing Protocol.	762	1, 6, 11, 13, 16, 19, 46, 60, 61	
		Window Wall Attenuation & Alternate Ventilation	762	1, 6, 11, 13, 14, 16, 17, 19, 46, 48, 49, 60, 61	
		Air Quality - HVAC fuel limited to natural gas	763	28, 45, 46, 47, 54	
		Exhaust stack location limitations	763	28, 45, 46, 47	
		Underground Gasoline Storage Tanks* Testing Protocol.	763	12, 13, 14, 17, 28, 32, 34, 38, 42, 45, 46, 47, 49, 54, 56, 60, 65, 67, 72, 73	
		Window Wall Attenuation & Alternate Ventilation	763	8, 12, 13, 14, 17, 28, 31, 32, 34, 38, 42, 43, 44, 45, 46, 47, 49, 54, 56, 60, 65, 67, 72, 73, 7502, 9008	
		Hazardous Materials* Phase I and Phase II Testing Protocol	778	7, 13, 16, 18, 33, 57, 66, 70	
		Window Wall Attenuation & Alternate Ventilation	778	7, 28, 32, 33, 52, 57, 70	
		Hazardous Materials* Phase I and Phase II Testing Protocol	780	19	
		Window Wall Attenuation & Alternate Ventilation	780	15, 17, 19, 26, 45, 60	
		Underground Gasoline Storage Tanks* Testing Protocol.	781	1, 9001	
		Window Wall Attenuation & Alternate Ventilation	781	1, 9001	
			1032	1, 4, 7, 54, 61, 63, 64, 101, 103, 162, 7501	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	1033	25,41	
		Window Wall Attenuation & Alternate Ventilation	1033	25,41	
		Underground Gasoline Storage Tanks* Testing Protocol.	1050	1,6,61,158	
		Window Wall Attenuation & Alternate Ventilation	1050	1,6,61,158	
		Underground Gasoline Storage Tanks* Testing Protocol.	1051	1,31,32,33,35,36,49,50,51,53,57,135,138	
		Window Wall Attenuation & Alternate Ventilation	1051	1,31,32,33,35,36,49,50,51,53,57,135,138	
		Air Quality - HVAC fuel limited to natural gas	1069	1	
		Exhaust stack location limitations	1069	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	1069	1,29,34	
		Window Wall Attenuation & Alternate Ventilation	1069	1,24,29,34,136	
		Underground Gasoline Storage Tanks* Testing Protocol.	1070	1,49,50,54	
		Window Wall Attenuation & Alternate Ventilation	1070	1,49,50,54	
		Underground Gasoline Storage Tanks* Testing Protocol.	1071	23,29,7503	
		Window Wall Attenuation & Alternate Ventilation	1071	23,29,7503	
		Underground Gasoline Storage Tanks* Testing Protocol.	1090	10,23,29,7501	
		Window Wall Attenuation & Alternate Ventilation	1090	10,23,29,36,42,7501	
E-138 5/11/2005	04DCP003K	Underground Gasoline Storage Tanks* Testing Protocol.	2277	1	
	050110 ZRK, 050111 ZMK, 050415 MMK, 040416 MMK, 040417 MMK, 040418 MMK,		2287	1,16,30	
			2289	14	
			2290	5,10	
			2291	1,17	
			2292	11,12,13,14,29,33	
			2294	1,5	
			2296	14	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
	050110 (A) ZRK, 050111 (A) ZMK 12c, 12d, 13a, 13b		2297	1, 7501	
			2298	13, 21, 29, 31	
			2299	1, 9, 21	
			2300	1, 5, 20, 26	
			2301	1, 50, 60, 70	
			2304	10, 12, 13, 14, 15, 36, 37	
		Window Wall Attenuation & Alternate Ventilation	2304	10, 12, 13, 14	
		Underground Gasoline Storage Tanks* Testing Protocol.	2305	15, 16, 17, 18	
			2306	1, 9, 11, 15, 18, 27, 28, 30	
			2307	1, 14, 16, 19, 25, 27, 31, 33, 36, 38	
			2309	5, 13, 15, 17, 7501	
			2310	9, 10, 11	
			2312	22, 23	
			2313	1, 5, 7, 11, 13, 22, 24, 26, 27, 28, 29, 7501	
			2314	1, 5	
			2315	14, 21	
			2317	1, 3, 5, 6, 7, 8, 12, 13, 16, 17, 18, 36	
			2319	31	
			2320	15	
			2321	13, 14, 25, 36, 37, 38, 7501	
			2322	1, 6, 10, 11, 28, 30	
			2323	9, 10	
			2324	20, 30, 40, 60, 7501	
		Window Wall Attenuation & Alternate Ventilation	2324	20, 30, 40, 60, 7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	2325	4, 5, 11, 12, 24, 25, 26, 27, 28, 29, 31, 32, 103	
			2326	17, 19, 32, 33, 34, 35	
			2327	2, 4, 5, 16, 17, 18, 19, 31, 34	
			2331	7, 8, 42	
		Exhaust stack location limitations	2332	20, 30, 40, 7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	2332	20, 30, 40, 7501	
		Window Wall Attenuation & Alternate Ventilation	2332	20, 30, 40, 7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	2333	1	
			2334	1, 3, 22, 23, 28, 30, 40, 45, 50	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	Effective Date	Satisfaction Date	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
							2335	6, 10, 12, 13, 14, 15	
							2337	20	
							2338	1	
							2339	7	
							2340	1, 3, 4, 9, 10, 7501	
						Window Wall Attenuation & Alternate Ventilation	2340	1, 3, 4, 9, 10, 7501	
						Underground Gasoline Storage Tanks* Testing Protocol.	2341	9	
							2342	1, 16, 23, 26	
							2343	5, 18, 19	
						No operable window or air intakes limitations	2344	26	3/18/2009
						Underground Gasoline Storage Tanks* Testing Protocol.	2344	5, 16, 26, 7501	
							2346	26, 30	
						Window Wall Attenuation & Alternate Ventilation	2346	26, 30	
						Underground Gasoline Storage Tanks* Testing Protocol.	2349	1, 15, 18, 21	
							2350	2, 4, 24, 26, 7501	
							2351	1, 28, 40	
							2352	20	
							2353	6, 8, 13, 26, 28	
							2357	1, 4, 18, 20, 21, 22, 24, 25	
							2358	36	9/12/2013
							2358	1, 4, 6, 11, 14, 15, 22, 24, 25, 28, 29, 31, 38	
							2363	2, 3, 9, 20, 26, 28, 36, 38	
							2364	15, 16, 17	
							2366	1, 16, 21, 32	
							2367	7, 15, 27, 28	
							2368	1, 12, 18, 19, 21, 22, 26, 27, 28, 31, 32, 33, 34	
							2369	4, 6, 7, 14, 19, 27, 37, 38, 40	
							2371	1, 3, 5, 10, 33, 40, 42, 48	
							2372	1, 5, 9	
							2374	1, 7, 27, 28, 31	
							2375	1, 5, 10, 12, 16	
							2378	1, 2, 3, 11, 14, 21, 26, 29, 32, 35, 36, 40	
							2379	8, 9, 12, 13, 16, 19, 24, 27, 40, 43, 44	
						Window Wall Attenuation & Alternate Ventilation	2379	24, 27, 40, 43, 44	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
				Underground Gasoline Storage Tanks* Testing Protocol.	2381	14	8/1/2013
					2381	1	
				Window Wall Attenuation & Alternate Ventilation	2381	1, 14	
				Underground Gasoline Storage Tanks* Testing Protocol.	2382	28	
				Window Wall Attenuation & Alternate Ventilation	2382	28	
				Underground Gasoline Storage Tanks* Testing Protocol.	2384	8, 22, 23, 24, 25	
				Window Wall Attenuation & Alternate Ventilation	2384	22, 23, 24, 25	
				Underground Gasoline Storage Tanks* Testing Protocol.	2386	7, 12, 14	
					2387	2, 6, 7, 10, 12	
					2390	15, 16, 17	
					2393	14, 23, 24	
				Window Wall Attenuation & Alternate Ventilation	2393	14, 23, 24	
				Underground Gasoline Storage Tanks* Testing Protocol.	2399	1, 8	
					2404	1, 5	
				Window Wall Attenuation & Alternate Ventilation	2404	1, 5	
				Underground Gasoline Storage Tanks* Testing Protocol.	2411	1, 12	
					2416	7, 8, 27	
				Window Wall Attenuation & Alternate Ventilation	2416	8, 27	
				Underground Gasoline Storage Tanks* Testing Protocol.	2428	28, 29, 30	
					2441	12, 24, 38, 41, 47, 107	
					2442	11, 21, 25	
					2443	6, 13, 23, 29, 30, 37, 41	
					2444	2, 3, 4, 5, 11, 28	
					2446	68	
					2472	2, 100, 410	
				Window Wall Attenuation & Alternate Ventilation	2472	2, 100, 410	
				Underground Gasoline Storage Tanks* Testing Protocol.	2482	1, 4, 6, 7, 8, 21, 26, 39, 53	
					2483	11, 12, 14, 15, 17, 19, 20, 25, 45, 48, 59, 60, 61, 62	
				Window Wall Attenuation & Alternate Ventilation	2483	11, 12, 25	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Underground Gasoline Storage Tanks* Testing Protocol.	2487	10, 12, 17, 18, 20, 21, 72	
			2494	1, 6	
		Window Wall Attenuation & Alternate Ventilation	2494	1, 6	
		Underground Gasoline Storage Tanks* Testing Protocol.	2502	1	
		Window Wall Attenuation & Alternate Ventilation	2502	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	2503	1	
			2510	1	
		Window Wall Attenuation & Alternate Ventilation	2510	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	2511	11, 12, 14, 31, 7501	
		Window Wall Attenuation & Alternate Ventilation	2511	11, 14, 31, 7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	2512	52, 54, 60	
		Window Wall Attenuation & Alternate Ventilation	2512	60	
		Underground Gasoline Storage Tanks* Testing Protocol.	2520	1, 57	
		Window Wall Attenuation & Alternate Ventilation	2520	1, 57	
		Underground Gasoline Storage Tanks* Testing Protocol.	2521	1, 5, 6, 7, 11, 12, 13, 19, 32	
		Window Wall Attenuation & Alternate Ventilation	2521	11	10/23/2008
			2521	5, 6, 7, 12, 13	
		Underground Gasoline Storage Tanks* Testing Protocol.	2522	10, 16, 18, 24, 31	
			2530	1, 55, 56	
		Window Wall Attenuation & Alternate Ventilation	2530	1, 55, 56	
		Underground Gasoline Storage Tanks* Testing Protocol.	2531	1, 2, 3, 9, 10, 12, 20, 35, 36, 110	
		Window Wall Attenuation & Alternate Ventilation	2531	9, 10, 12, 35, 36, 110	
		Underground Gasoline Storage Tanks* Testing Protocol.	2532	1	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	2532	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	2538	1	
		Window Wall Attenuation & Alternate Ventilation	2538	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	2539	1, 8, 27, 29	
		Window Wall Attenuation & Alternate Ventilation	2539	1, 8, 27, 29	
		Underground Gasoline Storage Tanks* Testing Protocol.	2543	1	
		Window Wall Attenuation & Alternate Ventilation	2543	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	2549	1, 5, 10, 14, 25, 28, 36	
		No operable window or air intakes limitations	2556	55, 57, 58	
		Underground Gasoline Storage Tanks* Testing Protocol.	2556	1, 45, 46, 55, 57, 58	
		Window Wall Attenuation & Alternate Ventilation	2556	1, 45, 46, 55, 57, 58	
		No operable window or air intakes limitations	2557	7	
		Underground Gasoline Storage Tanks* Testing Protocol.	2557	1, 3, 7, 24	
			2562	1, 10, 29, 37, 39	
			2564	1	
		Window Wall Attenuation & Alternate Ventilation	2564	1	
		Air Quality - HVAC fuel limited to natural gas	2565	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	2565	1	
			2567	1	
		Window Wall Attenuation & Alternate Ventilation	2567	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	2568	1	
		Exhaust stack location limitations	2570	36	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	2570	1, 36	
		Window Wall Attenuation & Alternate Ventilation	2570	1, 36	
		No operable window or air intakes limitations	2571	18	
		Underground Gasoline Storage Tanks* Testing Protocol.	2571	1, 9, 18	
			2589	5, 13	
			2590	1, 25, 100, 210, 215, 222	
		Window Wall Attenuation & Alternate Ventilation	2590	1, 210, 215, 222	
		No operable window or air intakes limitations	2644	43	
		Underground Gasoline Storage Tanks* Testing Protocol.	2644	43	
			2679	46	
			2697	1, 7, 16, 7501	
			2698	5, 7, 11, 15, 25, 26, 7501	
			2699	9, 15, 17	
			2701	1, 2, 50	
			2713	1, 7501, 7502	
		No operable window or air intakes limitations	2714	13, 33	
		Underground Gasoline Storage Tanks* Testing Protocol.	2714	13, 30, 32, 33	
			2719	11, 14, 31, 32, 7501, 7502	
			2720	9, 10, 12, 19, 41, 43, 44, 45, 46	
		Exhaust stack location limitations	2721	7502, 7503, 7504	
		Underground Gasoline Storage Tanks* Testing Protocol.	2721	7501, 7502, 7503, 7504	
			2722	8, 10, 13, 15, 16, 25, 34, 36, 7501	
		No operable window or air intakes limitations	2723	36	3/18/2009
			2723	29, 30, 33	
		Underground Gasoline Storage Tanks* Testing Protocol.	2723	1, 5, 7, 29, 30, 33, 36, 37, 38	
			2724	1, 7, 10, 12, 18, 30, 31, 33, 34, 37	
			2727	1, 47	
			2731	1, 35, 36, 38, 41, 44, 45, 47	
			2732	5, 27, 30, 33	
			2733	6, 7, 10	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
			2734	3, 4, 5, 7, 11, 13, 35, 38	
		No operable window or air intakes limitations	2736	20, 23	
		Underground Gasoline Storage Tanks* Testing Protocol.	2736	1, 9, 20, 23, 48	
			2737	10, 11	
			2738	3, 5, 10, 13, 15, 21, 24	
			2741	3, 7, 8, 13, 15, 19, 47	
			2742	2, 4, 5, 9, 15, 17, 20, 35	
			2746	39, 40, 41, 42	
E-139 3/23/2005	05DCP023K 050133 ZRK, 050134 ZMK, 050134 ZMK (A) 22a, 22b	Air Quality - HVAC fuel limited to natural gas	6053	14, 17	
			6065	28, 39	
		Underground Gasoline Storage Tanks* Testing Protocol.	6065	28, 39	
			6066	19, 31, 32, 35	
		Air Quality - HVAC fuel limited to natural gas	6082	6, 13	
		Underground Gasoline Storage Tanks* Testing Protocol.	6082	6, 13, 14, 33	
		Air Quality - HVAC fuel limited to natural gas	6086	1	
		Window Wall Attenuation & Alternate Ventilation	6106	34	
		Underground Gasoline Storage Tanks* Testing Protocol.	6107	1	
		Air Quality - HVAC fuel limited to natural gas	6116	35, 39	
		Window Wall Attenuation & Alternate Ventilation	6116	35, 39	
			6126	7, 12	
E-140 2/2/2005	05DCP029Q 050153 ZMQ 14b, 14d	Air Quality - HVAC fuel limited to natural gas	9249	50	
		Underground Gasoline Storage Tanks* Testing Protocol.	9249	50	
			9249	65	
		Underground Gasoline Storage Tanks* Testing Protocol.	9250	45, 49, 54	
			9252	28	
			9275	57, 59, 60, 61, 62, 65, 162	
			9281	9, 11, 16, 21, 44, 118	
		Window Wall Attenuation & Alternate Ventilation	9281	9, 11, 16, 21, 44, 118	
		Air Quality - HVAC fuel limited to natural gas	9282	2	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	9282	2	
			9283	25, 26, 27, 28	
		Window Wall Attenuation & Alternate Ventilation	9283	25, 26, 27, 28	
		Underground Gasoline Storage Tanks* Testing Protocol.	9284	50	
			9285	40	
			9299	76	
			9302	6	
			9303	6	
			9331	1, 8	
		Window Wall Attenuation & Alternate Ventilation	9331	1, 8	
			9332	30, 58, 59	
		Underground Gasoline Storage Tanks* Testing Protocol.	9333	73	
		Window Wall Attenuation & Alternate Ventilation	9333	73	
			9355	47, 49	
E-141 6/8/2005	04DCP031K 040389 ZMK 17c	Underground Gasoline Storage Tanks* Testing Protocol.	4153	25, 27, 28	
		Window Wall Attenuation & Alternate Ventilation	4153	146, 147, 148, 149	
E-142 6/23/2005	03DCP069M 050161 ZRM 8b	Underground Gasoline Storage Tanks* Testing Protocol.	689	17	
		Window Wall Attenuation & Alternate Ventilation	689	17	
		Air Quality - HVAC fuel limited to natural gas	690	12, 20, 29, 42, 46, 54	
		Underground Gasoline Storage Tanks* Testing Protocol.	690	12, 20, 29, 42, 46, 54	
		Window Wall Attenuation & Alternate Ventilation	690	12, 20, 29, 42, 46, 54	
		Air Quality - HVAC fuel limited to natural gas	691	15, 19, 22, 24, 25, 27, 29, 33, 35, 37, 43, 50	
		Underground Gasoline Storage Tanks* Testing Protocol.	691	11, 15, 19, 22, 24, 25, 27, 29, 33, 35, 37, 43, 50	
		Window Wall Attenuation & Alternate Ventilation	691	11, 15, 19, 22, 24, 25, 27, 29, 33, 35, 37, 43, 50	
		Air Quality - HVAC fuel limited to natural gas	692	57	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Underground Gasoline Storage Tanks* Testing Protocol.	692	28, 30, 53, 57, 61, 63, 7501	
		Window Wall Attenuation & Alternate Ventilation	692	28, 30, 53, 57, 61, 63, 7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	693	1, 64	
		Window Wall Attenuation & Alternate Ventilation	693	1, 64	
		Air Quality - HVAC fuel limited to natural gas	694	47	
		Underground Gasoline Storage Tanks* Testing Protocol.	694	33, 39, 40, 47, 58, 60, 61, 65	
		Window Wall Attenuation & Alternate Ventilation	694	33, 39, 40, 47, 58, 60, 61, 65	
		Air Quality - HVAC fuel limited to natural gas	695	1, 3, 4, 7503, 7506	
		Underground Gasoline Storage Tanks* Testing Protocol.	695	1, 3, 4, 44, 47, 7503, 7506	
		Window Wall Attenuation & Alternate Ventilation	695	1, 3, 4, 44, 47, 7503, 7506	
		Air Quality - HVAC fuel limited to natural gas	696	58, 65	
		Underground Gasoline Storage Tanks* Testing Protocol.	696	1, 26, 28, 32, 33, 35, 37, 38, 40, 58, 65	
		Window Wall Attenuation & Alternate Ventilation	696	1, 26, 28, 32, 33, 35, 37, 38, 40, 58, 65	
		Air Quality - HVAC fuel limited to natural gas	697	27, 31	
		Underground Gasoline Storage Tanks* Testing Protocol.	697	1, 27, 31	
		Window Wall Attenuation & Alternate Ventilation	697	1, 31	
		Air Quality - HVAC fuel limited to natural gas	698	1, 32, 35, 37, 40	
		Air Quality - Natural Gas Heat & Hot Water	698	141	
		Underground Gasoline Storage Tanks* Testing Protocol.	698	1, 32, 35, 37, 40, 141	
		Window Wall Attenuation & Alternate Ventilation	698	1, 32, 35, 37, 40	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air Quality - HVAC fuel limited to natural gas	699	1, 5, 14, 33, 49	
		Underground Gasoline Storage Tanks* Testing Protocol.	699	1, 5, 9, 14, 22, 23, 24, 25, 26, 27, 33, 43, 49, 63	
		Window Wall Attenuation & Alternate Ventilation	699	1, 5, 9, 14, 33, 43, 49, 63	
		Air Quality - HVAC fuel limited to natural gas	700	9, 42, 44, 45, 47, 48, 49, 53, 54, 55, 56, 57, 59, 60, 61	
		Underground Gasoline Storage Tanks* Testing Protocol.	700	1, 9, 18, 32, 34, 36, 42, 44, 45, 47, 48, 49, 53, 54, 55, 56, 57, 59, 60, 61	
		Window Wall Attenuation & Alternate Ventilation	700	1, 9, 18, 32, 34, 36, 42, 44, 45, 47, 48, 49, 53, 54, 55, 56, 57, 59, 60, 61	
		Air Quality - HVAC fuel limited to natural gas	701	1, 24, 28, 30, 33, 37, 42, 43, 59, 62, 68, 70	
		Underground Gasoline Storage Tanks* Testing Protocol.	701	1, 16, 22, 23, 24, 28, 30, 33, 36, 37, 42, 43, 45, 52, 55, 56, 58, 59, 62, 68, 70	
		Window Wall Attenuation & Alternate Ventilation	701	1, 16, 22, 23, 24, 28, 30, 33, 36, 37, 42, 43, 45, 52, 55, 56, 58, 59, 62, 68, 70	
		Air Quality - HVAC fuel limited to natural gas	714	14, 16	
		Underground Gasoline Storage Tanks* Testing Protocol.	714	1, 14, 16	
		Window Wall Attenuation & Alternate Ventilation	714	1, 14, 16	
		Air Quality - HVAC fuel limited to natural gas	715	2, 3, 5, 7, 50, 59, 60, 63, 64	
		Underground Gasoline Storage Tanks* Testing Protocol.	715	2, 3, 5, 7, 50, 59, 60, 63, 64	
		Window Wall Attenuation & Alternate Ventilation	715	2, 3, 5, 7, 50, 59, 60, 63, 64	
E-143 3/9/2005	05DCP005X	Underground Gasoline Storage Tanks* Testing Protocol.	2260	1, 4, 10, 17, 18, 19, 34, 38, 180	
	050120 ZMX 6a, 6b	Window Wall Attenuation & Alternate Ventilation	2260	1, 4, 10, 17, 18, 19, 34, 38, 180	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Underground Gasoline Storage Tanks* Testing Protocol.	2261	2, 3, 5, 9, 15, 22, 23, 27, 30, 32, 48, 49, 50, 51, 55, 62	
		Window Wall Attenuation & Alternate Ventilation	2261	3, 5, 9, 15, 22, 23, 27, 30, 32, 48, 49, 50, 51, 55, 62	
		Underground Gasoline Storage Tanks* Testing Protocol.	2277	1, 2, 5, 10, 78, 82, 94	
		Window Wall Attenuation & Alternate Ventilation	2277	1, 2, 5, 10, 78, 82, 94	
		Air Quality - HVAC fuel limited to natural gas	2295	40, 49, 51, 67	
		Underground Gasoline Storage Tanks* Testing Protocol.	2295	40, 49, 51, 67, 71	
		Window Wall Attenuation & Alternate Ventilation	2295	40, 49, 51, 67, 71	
		Underground Gasoline Storage Tanks* Testing Protocol.	2308	1, 5, 18	
		Window Wall Attenuation & Alternate Ventilation	2308	1, 5, 18	
		Air Quality - HVAC fuel limited to natural gas	2316	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	2316	1	
		Window Wall Attenuation & Alternate Ventilation	2316	1	
		Air Quality - HVAC fuel limited to natural gas	2319	2, 5, 55, 60, 120, 155	
		Underground Gasoline Storage Tanks* Testing Protocol.	2319	2, 55, 60, 98, 100, 109, 120, 155	
		Window Wall Attenuation & Alternate Ventilation	2319	2, 55, 60, 98, 100, 109, 120, 155	
		Air Quality - HVAC fuel limited to natural gas	2546	135, 137, 138	
		Underground Gasoline Storage Tanks* Testing Protocol.	2546	98, 99, 100, 135, 137, 138, 140	
		Window Wall Attenuation & Alternate Ventilation	2546	98, 99, 100, 135, 137, 138, 140	
		Underground Gasoline Storage Tanks* Testing Protocol.	2562	17, 21, 25, 40, 65, 66, 67, 68	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	2562	17, 21, 25, 40, 65, 66, 67, 68	
E-144 7/27/2005	05DCP052Q	Air Quality - HVAC fuel limited to natural gas	5263	30	
	050277 ZMQ 10c		5264	1, 29	
		Underground Gasoline Storage Tanks* Testing Protocol.	5264	1, 29	
		Air Quality - HVAC fuel limited to natural gas	5265	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	5265	1	
			5266	1	
		Air Quality - HVAC fuel limited to natural gas	5326	70, 72	
		Underground Gasoline Storage Tanks* Testing Protocol.	5326	70, 72	
		Window Wall Attenuation & Alternate Ventilation	5326	70, 72	
		Air Quality - HVAC fuel limited to natural gas	5333	8	
			5395	22	
		Underground Gasoline Storage Tanks* Testing Protocol.	5395	22	
E-145 7/27/2005	05DCP055K	Underground Gasoline Storage Tanks* Testing Protocol.	6253	29	
	050296 ZMK 22d		6618	27, 48, 52	
E-146 7/27/2005	05DCP054X	Underground Gasoline Storage Tanks* Testing Protocol.	4564	75	
	050289 ZMX 2b, 4a	Window Wall Attenuation & Alternate Ventilation	4564	68, 75	
		Underground Gasoline Storage Tanks* Testing Protocol.	4589	40	
		Air Quality - HVAC fuel limited to natural gas	4762	92, 95, 98, 102	
		Underground Gasoline Storage Tanks* Testing Protocol.	4762	98, 105, 106	
E-147 10/11/2005	03DCP053X 030370 ZMX 3d	Underground Gasoline Storage Tanks* Testing Protocol.	2953	6	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-148 9/28/2005	05DCP092Q 050482 ZMQ 7b, 10a	Underground Gasoline Storage Tanks* Testing Protocol.	4046	18,20	
		Window Wall Attenuation & Alternate Ventilation	4046	18,20	
		Underground Gasoline Storage Tanks* Testing Protocol.	4048	7,8,23	
		Window Wall Attenuation & Alternate Ventilation	4048	7,8,23	
		Underground Gasoline Storage Tanks* Testing Protocol.	4070	25	
		Window Wall Attenuation & Alternate Ventilation	4070	25	
		Underground Gasoline Storage Tanks* Testing Protocol.	4128	5	
			4164	29	
			4256	16,94	
E-149 10/11/2005	06DCP001M 060006ZMM 8b	Air Quality - HVAC fuel limited to natural gas	640	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	640	1	
		Window Wall Attenuation & Alternate Ventilation	640	1	
		Air Quality - HVAC fuel limited to natural gas	641	36	
		Underground Gasoline Storage Tanks* Testing Protocol.	641	36,75	
		Window Wall Attenuation & Alternate Ventilation	641	36,75	
		Underground Gasoline Storage Tanks* Testing Protocol.	642	1,72	
		Window Wall Attenuation & Alternate Ventilation	642	1,38,39,72	
		Underground Gasoline Storage Tanks* Testing Protocol.	643	36	
		Window Wall Attenuation & Alternate Ventilation	643	36,38	
E-150 2/1/2006	03DCP064X 030461ZMX 3d	Underground Gasoline Storage Tanks* Testing Protocol.	2985	31,64	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Satisfaction Date	Zoning Map No.				
E-151	04DCP056M	Window Wall Attenuation & Alternate Ventilation	1456	21	
9/28/2005	040488ZMM				
	8c				
E-152	06DCP014K	Air Quality - HVAC fuel limited to natural gas	631	1, 4, 5, 6, 7, 9, 10	
11/16/2005	060053ZRK	Underground Gasoline Storage Tanks* Testing Protocol.	631	1, 4, 5, 6, 7, 9, 10	
	060054ZMK				
	16d	Window Wall Attenuation & Alternate Ventilation	631	6, 7, 9, 10	
		Underground Gasoline Storage Tanks* Testing Protocol.	634	1, 5	
			637	1	
			643	1, 2, 3, 4, 5, 6, 70	
		Air Quality - HVAC fuel limited to natural gas	1051	32, 33, 34, 35, 36, 37, 39	
		Underground Gasoline Storage Tanks* Testing Protocol.	1051	32, 33, 34, 35, 36, 37, 39	
		Window Wall Attenuation & Alternate Ventilation	1051	32, 33, 34, 35, 36, 37, 39	
		Air Quality - HVAC fuel limited to natural gas	1052	1, 2, 4, 5, 6, 7, 8, 9, 10	
		Underground Gasoline Storage Tanks* Testing Protocol.	1052	1, 2, 4, 5, 6, 7, 8, 9, 10, 43, 44, 45, 46, 47, 7501	
		Window Wall Attenuation & Alternate Ventilation	1052	1, 2, 4, 5, 6, 7, 8, 9, 10	
E-153	06DCP011Q	Underground Gasoline Storage Tanks* Testing Protocol.	4860	15	
12/21/2005	060055ZMQ				
	7b	Window Wall Attenuation & Alternate Ventilation	4860	15	
E-155	06DCP026K	Air Quality - HVAC fuel limited to natural gas	6774	1, 72, 78, 80	
2/15/2006	060129ZMK	Underground Gasoline Storage Tanks* Testing Protocol.	6774	1, 57, 59, 72, 78, 80	
	23b	Window Wall Attenuation & Alternate Ventilation	6774	1, 57, 59, 72, 78, 80	
		Air Quality - HVAC fuel limited to natural gas	6782	27, 28, 30, 32, 57, 58, 59, 60, 62, 63, 64, 65, 66, 67	
		Underground Gasoline Storage Tanks* Testing Protocol.	6794	64, 74	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	6794	64, 74	
		Air Quality - HVAC fuel limited to natural gas	6803	70, 71, 72, 73, 74, 75, 77, 79, 83, 84, 86, 87	
		Underground Gasoline Storage Tanks* Testing Protocol.	7353	7501	
			7381	1, 15	
		Air Quality - HVAC fuel limited to natural gas	7404	28, 30, 31, 32, 33, 34, 35, 36, 44	
		Underground Gasoline Storage Tanks* Testing Protocol.	7404	28, 30, 31, 32, 33, 34, 35, 36, 44	
			7421	37	
			7464	16	
E-157 3/22/2006	06DCP035X	Air Quality - HVAC fuel limited to natural gas	4235	36, 55, 104	
	060179ZMX	Underground Gasoline Storage Tanks* Testing Protocol.	4235	36, 55, 104	
	4a	Window Wall Attenuation & Alternate Ventilation	4235	36, 55, 104	
		Air Quality - HVAC fuel limited to natural gas	4248	56	
		Underground Gasoline Storage Tanks* Testing Protocol.	4248	56	
		Window Wall Attenuation & Alternate Ventilation	4248	56	
E-158 3/22/2006	06DCP034X	Air Quality - HVAC fuel limited to natural gas	3974	50	
	060180ZMX	Underground Gasoline Storage Tanks* Testing Protocol.	3974	50	
	4b	Window Wall Attenuation & Alternate Ventilation	3974	50	
		Air Quality - HVAC fuel limited to natural gas	3980	1, 38	
		Underground Gasoline Storage Tanks* Testing Protocol.	3980	1, 38	
		Window Wall Attenuation & Alternate Ventilation	3980	1, 38	
E-159 4/5/2006	06DCP030K	Underground Gasoline Storage Tanks* Testing Protocol.	6703	55	
	060130ZMK	Air Quality - HVAC fuel limited to natural gas	6712	81, 82, 83, 84	
			6730	7, 9, 10	
		Window Wall Attenuation & Alternate Ventilation	6731	56	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air Quality - HVAC fuel limited to natural gas	6738	15,17,74,75,76,77,78,79	
			6739	15,16,26,28	
			6740	55,56,57,58	
			6749	73,76,78,86,91	
		Underground Gasoline Storage Tanks* Testing Protocol.	6749	54,56,73,76,78,86,91	
		Window Wall Attenuation & Alternate Ventilation	6749	54,56,73,76,78,86,91	
		Air Quality - Operable Window Limitations	6758	51	
		Underground Gasoline Storage Tanks* Testing Protocol.	6758	51	
		Window Wall Attenuation & Alternate Ventilation	6758	1	
		Air Quality - HVAC fuel limited to natural gas	6765	20,21,25,27	
		Underground Gasoline Storage Tanks* Testing Protocol.	6766	7,12,20,21	
		Air Quality - HVAC fuel limited to natural gas	7656	55,58	
		Underground Gasoline Storage Tanks* Testing Protocol.	7656	55,58	
			7674	1	
E-160 4/26/2006	05DCP089M	Window Wall Attenuation & Alternate Ventilation	825	31	
	060210ZMM	Air Quality - HVAC fuel limited to natural gas	826	46	
	8d	Underground Gasoline Storage Tanks* Testing Protocol.	826	46	
		Window Wall Attenuation & Alternate Ventilation	826	37,46	
E-161 6/13/2006	02DCP045K	Window Wall Attenuation & Alternate Ventilation	2128	5,25	
	020518ZMK		2134	48,50,56,250	
E-162 9/13/2006	06DCP067M	Underground Gasoline Storage Tanks* Testing Protocol.	217	7503	
	040543ZMM	Window Wall Attenuation & Alternate Ventilation	217	7503	
	12a				

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	218	14	
		Window Wall Attenuation & Alternate Ventilation	218	14	
		Underground Gasoline Storage Tanks* Testing Protocol.	223	18	
		Window Wall Attenuation & Alternate Ventilation	223	3, 5, 7, 9, 11, 12, 15, 20	
			224	1	
E-163 6/29/2006	06DCP065Q 060294ZMQ 9d	Air Quality - HVAC fuel limited to natural gas	1319	1, 21	
		Underground Gasoline Storage Tanks* Testing Protocol.	1319	1, 21	
		Window Wall Attenuation & Alternate Ventilation	1319	1, 21	
		Air Quality - HVAC fuel limited to natural gas	1320	12, 33, 37	
		Underground Gasoline Storage Tanks* Testing Protocol.	1320	12, 33, 37, 47, 51	
		Window Wall Attenuation & Alternate Ventilation	1320	12, 33, 37, 47, 51	
		Air Quality - HVAC fuel limited to natural gas	1321	1, 41, 42, 43	
		Underground Gasoline Storage Tanks* Testing Protocol.	1321	1, 41, 42, 43	
		Window Wall Attenuation & Alternate Ventilation	1321	1, 41, 42, 43	
		Air Quality - HVAC fuel limited to natural gas	1322	1, 2, 3, 39	
		Underground Gasoline Storage Tanks* Testing Protocol.	1322	1, 2, 3, 39	
		Window Wall Attenuation & Alternate Ventilation	1322	1, 2, 3, 39	
		Air Quality - HVAC fuel limited to natural gas	1323	42, 44, 52	
		Underground Gasoline Storage Tanks* Testing Protocol.	1323	42, 44, 52	
		Window Wall Attenuation & Alternate Ventilation	1323	42, 44, 52	
		Air Quality - HVAC fuel limited to natural gas	1329	1, 4	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Underground Gasoline Storage Tanks* Testing Protocol.	1329	1, 4	
		Window Wall Attenuation & Alternate Ventilation	1329	1, 4	
		Air Quality - HVAC fuel limited to natural gas	1330	1, 34	
		Underground Gasoline Storage Tanks* Testing Protocol.	1330	1, 34	
		Window Wall Attenuation & Alternate Ventilation	1330	1, 34	
		Air Quality - HVAC fuel limited to natural gas	1334	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	1334	1	
		Window Wall Attenuation & Alternate Ventilation	1334	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	1338	1	
		Window Wall Attenuation & Alternate Ventilation	1338	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	1341	77	
		Window Wall Attenuation & Alternate Ventilation	1341	77	
		Underground Gasoline Storage Tanks* Testing Protocol.	1342	1	
		Window Wall Attenuation & Alternate Ventilation	1343	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	1348	40, 53	
		Window Wall Attenuation & Alternate Ventilation	1348	40, 53	
		Underground Gasoline Storage Tanks* Testing Protocol.	1351	82	
		Window Wall Attenuation & Alternate Ventilation	1351	82	
		Air Quality - HVAC fuel limited to natural gas	1352	6, 22, 23, 25, 32, 36, 46, 49, 51, 52, 53, 75, 121, 125, 131	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - Operable Window Limitations	1352	22, 23, 131	
		Underground Gasoline Storage Tanks* Testing Protocol.	1352	6, 22, 23, 25, 32, 36, 46, 49, 51, 52, 53, 75, 121, 125, 131	
		Window Wall Attenuation & Alternate Ventilation	1352	6, 22, 23, 25, 32, 36, 46, 49, 51, 52, 53, 75, 121, 125, 131	
		Air Quality - HVAC fuel limited to natural gas	2324	39	
		Underground Gasoline Storage Tanks* Testing Protocol.	2324	39	
		Window Wall Attenuation & Alternate Ventilation	2324	39	
		Air Quality - HVAC fuel limited to natural gas	2325	30, 32	
		Underground Gasoline Storage Tanks* Testing Protocol.	2325	30, 32	
		Window Wall Attenuation & Alternate Ventilation	2325	30, 32	
		Underground Gasoline Storage Tanks* Testing Protocol.	2392	20, 22, 23	
		Window Wall Attenuation & Alternate Ventilation	2392	20, 22, 23	
		Air Quality - HVAC fuel limited to natural gas	2420	13, 19	
		Underground Gasoline Storage Tanks* Testing Protocol.	2420	13, 19	
		Window Wall Attenuation & Alternate Ventilation	2420	13, 19	
		Underground Gasoline Storage Tanks* Testing Protocol.	2431	33, 54	
		Window Wall Attenuation & Alternate Ventilation	2431	33, 54	
		Air Quality - HVAC fuel limited to natural gas	2432	9, 21, 23, 26, 34	
		Underground Gasoline Storage Tanks* Testing Protocol.	2432	9, 21, 23, 26, 34	
		Window Wall Attenuation & Alternate Ventilation	2432	9, 21, 23, 26, 34	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	2444	40, 51, 53, 55, 57	
		Window Wall Attenuation & Alternate Ventilation	2444	40, 51, 53, 55, 57	
E-164 8/16/2006	05DCP080Q 060323ZMQ 9b	Window Wall Attenuation & Alternate Ventilation	477	13, 15, 20, 24	
E-165 6/29/2006	06DCP072Q 060337ZMQ 14c, 14d	Underground Gasoline Storage Tanks* Testing Protocol.	6853	23	
			6854	31	
			6855	31, 36	
			6856	38	
		Air Quality - HVAC fuel limited to natural gas	6857	64, 65, 67, 69	
		Underground Gasoline Storage Tanks* Testing Protocol.	6857	53, 64, 65, 67, 69	
			6859	14	
		Air Quality - HVAC fuel limited to natural gas	6862	323, 327, 331, 340, 341, 344	
		Underground Gasoline Storage Tanks* Testing Protocol.	6862	323, 327, 331, 340, 341, 344	
			7014	2, 6	
			7018	7	
		Air Quality - HVAC fuel limited to natural gas	9751	1, 7	
		Underground Gasoline Storage Tanks* Testing Protocol.	9751	1, 7	
		Air Quality - HVAC fuel limited to natural gas	9789	6, 11, 13, 14	
		Underground Gasoline Storage Tanks* Testing Protocol.	9789	6, 11, 13, 14	
E-166 7/19/2006	06DCP071X 060335ZMX 4a	Air Quality - HVAC fuel limited to natural gas	4223	30, 36	
		Underground Gasoline Storage Tanks* Testing Protocol.	4223	30, 36	
		Window Wall Attenuation & Alternate Ventilation	4223	30, 36	
		Air Quality - HVAC fuel limited to natural gas	4273	11, 20, 23	
		Underground Gasoline Storage Tanks* Testing Protocol.	4273	11, 20, 23, 29	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air Quality - HVAC fuel limited to natural gas	4274	61	
		Underground Gasoline Storage Tanks* Testing Protocol.	4274	61	
		Air Quality - HVAC fuel limited to natural gas	4306	14, 15, 16, 20	
		Underground Gasoline Storage Tanks* Testing Protocol.	4306	14, 15, 16, 20	
		Air Quality - HVAC fuel limited to natural gas	4307	32, 35, 38	
		Underground Gasoline Storage Tanks* Testing Protocol.	4307	32, 35, 38	
		Air Quality - HVAC fuel limited to natural gas	4310	30, 35	
		Air Quality - Operable Window Limitations	4310	30, 35	
		Underground Gasoline Storage Tanks* Testing Protocol.	4310	30, 35	
		Air Quality - Operable Window Limitations	4332	20	
		Underground Gasoline Storage Tanks* Testing Protocol.	4332	12, 20	
E-167 7/19/2006	06DCP076X	Air Quality - HVAC fuel limited to natural gas	5776	619, 621	
	060214ZMX 1d	Underground Gasoline Storage Tanks* Testing Protocol.	5776	619, 621	
		Window Wall Attenuation & Alternate Ventilation	5776	619, 621	
E-168 10/25/2006	06DME001R	Underground Gasoline Storage Tanks* Testing Protocol.	489	25	
	060471ZMR 21c 21d	Window Wall Attenuation & Alternate Ventilation	489	25	
		Underground Gasoline Storage Tanks* Testing Protocol.	490	24, 26, 37, 45	
		Window Wall Attenuation & Alternate Ventilation	490	24, 26, 37, 45	
		Underground Gasoline Storage Tanks* Testing Protocol.	491	29, 32, 37, 41, 42, 46	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	491	29, 32, 37, 41, 42, 44, 46	
			492	29, 31	
		Underground Gasoline Storage Tanks* Testing Protocol.	493	12	
		Window Wall Attenuation & Alternate Ventilation	493	12	
		Underground Gasoline Storage Tanks* Testing Protocol.	494	18, 19, 21, 30	
		Window Wall Attenuation & Alternate Ventilation	494	18, 19, 21, 24, 30	
E-169 11/15/2006	02DCP044Q 020127ZMQ 9d	Underground Gasoline Storage Tanks* Testing Protocol.	1536	201, 210	
E-171 10/25/2006	05DCP066Q 060303ZMQ 10b	Underground Gasoline Storage Tanks* Testing Protocol.	5165	28	
E-172 2/28/2007	05DCP063Y 060104ZMM 8c	Underground Gasoline Storage Tanks* Testing Protocol.	1152	58, 61	
E-173 3/28/2007	05DCP070M 050414ZMM 6a	Underground Gasoline Storage Tanks* Testing Protocol.	2013	1, 3	
		Window Wall Attenuation & Alternate Ventilation	2013	1, 3, 61	
E-174 2/28/2007	07DCP014Q 070119ZMQ 10b 10d	Underground Gasoline Storage Tanks* Testing Protocol.	5133	1	
			6375	9	
			6376	25	
			6731	1, 12	
E-175 9/10/2007	05DCP081Q 070314ZMQ 14d	Underground Gasoline Storage Tanks* Testing Protocol.	9618	30	
		Window Wall Attenuation & Alternate Ventilation	9618	30	
		Underground Gasoline Storage Tanks* Testing Protocol.	9619	1, 8, 12, 19, 28, 54	
		Window Wall Attenuation & Alternate Ventilation	9619	1, 8, 12, 19, 24, 28, 54	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
				Underground Gasoline Storage Tanks* Testing Protocol.	9620	1, 11, 45, 60, 61	
				Window Wall Attenuation & Alternate Ventilation	9620	1, 11, 45, 60, 61	
					9625	75	
				Underground Gasoline Storage Tanks* Testing Protocol.	9626	7, 12, 14, 17, 19, 21, 55, 75	
				Window Wall Attenuation & Alternate Ventilation	9626	1, 7, 12, 14, 17, 19, 21, 55, 75	
				Underground Gasoline Storage Tanks* Testing Protocol.	9674	1, 47, 48, 49, 50	
				Window Wall Attenuation & Alternate Ventilation	9674	1, 47, 48, 49, 50	
				Underground Gasoline Storage Tanks* Testing Protocol.	9676	13, 22	
				Window Wall Attenuation & Alternate Ventilation	9676	13, 22	
					9677	1, 16	
					9678	94, 99	
				Underground Gasoline Storage Tanks* Testing Protocol.	9679	78, 89	
				Window Wall Attenuation & Alternate Ventilation	9679	77, 78, 89	
				Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9681	41, 43, 47, 49, 50, 52, 54, 56, 58, 59, 60, 61, 62, 64, 71, 73, 83, 84, 85, 87, 90, 91, 93, 94	
				Window Wall Attenuation & Alternate Ventilation	9681	52, 54, 56, 58, 59, 60, 61, 62, 64, 71, 73	
				Underground Gasoline Storage Tanks* Testing Protocol.	9685	1, 4, 6, 52, 59	
				Window Wall Attenuation & Alternate Ventilation	9685	1, 4, 6, 52, 59	
				Underground Gasoline Storage Tanks* Testing Protocol.	9688	17	
				Window Wall Attenuation & Alternate Ventilation	9688	6, 8, 9, 14, 17	
				Underground Gasoline Storage Tanks* Testing Protocol.	9689	8, 16, 20	
				Window Wall Attenuation & Alternate Ventilation	9689	8, 16, 20	
					9690	7, 9, 10, 14	
					9692	54	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
					9693	60	
				Underground Gasoline Storage Tanks* Testing Protocol.	9694	14, 17	
				Window Wall Attenuation & Alternate Ventilation	9694	14, 17, 23, 26, 27, 36, 44, 47, 49	
				Underground Gasoline Storage Tanks* Testing Protocol.	9697	8, 26, 31, 34, 39	
				Window Wall Attenuation & Alternate Ventilation	9697	8, 12, 26, 31, 34, 39, 41, 43, 45, 47, 48, 50, 52	
				Underground Gasoline Storage Tanks* Testing Protocol.	9698	27	
				Window Wall Attenuation & Alternate Ventilation	9698	27	
				Underground Gasoline Storage Tanks* Testing Protocol.	9701	31	
				Window Wall Attenuation & Alternate Ventilation	9701	31	
					9702	79, 83	
				Underground Gasoline Storage Tanks* Testing Protocol.	9704	63	
				Window Wall Attenuation & Alternate Ventilation	9704	43, 44, 63	
				Underground Gasoline Storage Tanks* Testing Protocol.	9706	64, 69, 72, 80, 83, 88, 98	
				Window Wall Attenuation & Alternate Ventilation	9706	64, 69, 72, 75, 80, 83, 88, 98	
					9753	3, 5, 6, 8, 9, 11, 13	
				Underground Gasoline Storage Tanks* Testing Protocol.	9754	25	
				Window Wall Attenuation & Alternate Ventilation	9754	25, 48	
					9756	1	
				Underground Gasoline Storage Tanks* Testing Protocol.	9757	18	
				Window Wall Attenuation & Alternate Ventilation	9757	18	
				Air Quality - HVAC fuel limited to natural gas	9760	82	
				Exhaust stack location limitations	9760	82	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Underground Gasoline Storage Tanks* Testing Protocol.	9760	61	
		Window Wall Attenuation & Alternate Ventilation	9760	1, 45, 61, 82	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9761	14	
		Air Quality - HVAC fuel limited to natural gas	9761	80, 95	
		Exhaust stack location limitations	9761	14, 80, 95	
		Underground Gasoline Storage Tanks* Testing Protocol.	9761	61	
		Window Wall Attenuation & Alternate Ventilation	9761	14, 57, 61, 80, 82, 83, 95	
			9762	10, 16, 17, 19, 23, 35, 36, 37, 38, 41, 49, 54, 56, 57	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9763	55	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9763	23, 25, 26, 36, 42, 44, 45, 47, 51	
		Air Quality - HVAC fuel limited to natural gas	9763	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	9763	3, 5, 7, 9, 11, 13	
		Window Wall Attenuation & Alternate Ventilation	9763	1, 3, 5, 7, 9, 11, 13, 23, 25, 26, 36, 42, 44, 45, 47, 51, 55	
			9764	15, 63	
		Underground Gasoline Storage Tanks* Testing Protocol.	9765	39, 41, 43	
		Window Wall Attenuation & Alternate Ventilation	9765	32, 37, 39, 41, 43	
			9767	26, 35, 36	
		Underground Gasoline Storage Tanks* Testing Protocol.	9769	64, 68	
		Window Wall Attenuation & Alternate Ventilation	9769	64, 68	
			9771	1	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Underground Gasoline Storage Tanks* Testing Protocol.	9793	11, 14	
		Window Wall Attenuation & Alternate Ventilation	9793	1, 11, 14, 29, 49	
		Underground Gasoline Storage Tanks* Testing Protocol.	9794	48	
		Window Wall Attenuation & Alternate Ventilation	9796	25, 63	
			9813	5, 8, 11, 14, 16, 25	
		Air Quality - HVAC fuel limited to natural gas	9814	34	
		Exhaust stack location limitations	9814	34	
		Underground Gasoline Storage Tanks* Testing Protocol.	9814	34	
		Window Wall Attenuation & Alternate Ventilation	9814	34, 81	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9816	39, 41, 49	
		Window Wall Attenuation & Alternate Ventilation	9816	39, 41, 49	
		Underground Gasoline Storage Tanks* Testing Protocol.	9818	53, 54, 56	
		Window Wall Attenuation & Alternate Ventilation	9818	53, 54, 56, 62, 67, 73	
		Underground Gasoline Storage Tanks* Testing Protocol.	9821	6, 11	
		Window Wall Attenuation & Alternate Ventilation	9821	6, 11	
			9822	29, 32, 36	
		Underground Gasoline Storage Tanks* Testing Protocol.	9826	52	
		Window Wall Attenuation & Alternate Ventilation	9826	52	
		Underground Gasoline Storage Tanks* Testing Protocol.	9827	25, 31, 37	
		Window Wall Attenuation & Alternate Ventilation	9827	25, 31, 37	
		Underground Gasoline Storage Tanks* Testing Protocol.	9829	35, 36, 37, 41, 136	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	9829	35, 36, 37, 41, 136	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9834	16, 20, 26, 28, 33	
		Air Quality - HVAC fuel limited to natural gas	9834	1, 3, 5, 6, 8, 10	
		Underground Gasoline Storage Tanks* Testing Protocol.	9834	16, 20, 26	
		Window Wall Attenuation & Alternate Ventilation	9834	1, 3, 5, 6, 8, 10, 16, 20, 26, 28, 33	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9835	23, 26, 28, 30, 32, 33, 50	
		Exhaust stack location limitations	9835	23, 26, 28, 30, 32, 33, 50	
		Window Wall Attenuation & Alternate Ventilation	9835	23, 26, 28, 30, 32, 33, 50	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9837	1, 10	
		Underground Gasoline Storage Tanks* Testing Protocol.	9837	1, 10	
		Window Wall Attenuation & Alternate Ventilation	9837	1, 10	
		Underground Gasoline Storage Tanks* Testing Protocol.	9840	52	
		Window Wall Attenuation & Alternate Ventilation	9840	1, 52	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9844	42, 101	
		Exhaust stack location limitations	9844	42, 101	
		Underground Gasoline Storage Tanks* Testing Protocol.	9844	1	
		Window Wall Attenuation & Alternate Ventilation	9844	1, 42, 61, 62, 63, 65, 66, 69, 101	
		Underground Gasoline Storage Tanks* Testing Protocol.	9908	9, 10, 11, 12, 13, 98	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	9908	9,10,11,12,13,98	
		Underground Gasoline Storage Tanks* Testing Protocol.	9909	1,5	
		Window Wall Attenuation & Alternate Ventilation	9909	1,5	
		Underground Gasoline Storage Tanks* Testing Protocol.	9910	39	
		Window Wall Attenuation & Alternate Ventilation	9910	39	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9913	25,35,41	
		Underground Gasoline Storage Tanks* Testing Protocol.	9913	25	
		Window Wall Attenuation & Alternate Ventilation	9913	25,35,41	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9914	35,40	
		Underground Gasoline Storage Tanks* Testing Protocol.	9914	35,40	
		Window Wall Attenuation & Alternate Ventilation	9914	35,40	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9915	31,33	
		Window Wall Attenuation & Alternate Ventilation	9915	31,33	
		Underground Gasoline Storage Tanks* Testing Protocol.	9917	43	
		Window Wall Attenuation & Alternate Ventilation	9917	4,43	
		Underground Gasoline Storage Tanks* Testing Protocol.	9930	26,31	
		Window Wall Attenuation & Alternate Ventilation	9930	26,31	
			9931	12,16,21	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Underground Gasoline Storage Tanks* Testing Protocol.	9934	20,26	
		Window Wall Attenuation & Alternate Ventilation	9934	20,26	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	9937	56,60	
		Window Wall Attenuation & Alternate Ventilation	9937	56,60	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9944	18	
		Exhaust stack location limitations	9944	18	
		Window Wall Attenuation & Alternate Ventilation	9944	18	
		Air Quality - HVAC fuel limited to natural gas	9950	6,55,64,70	
		Exhaust stack location limitations	9950	6,55,64,70	
		Underground Gasoline Storage Tanks* Testing Protocol.	9950	55	
		Window Wall Attenuation & Alternate Ventilation	9950	6,55,64,70	
		Underground Gasoline Storage Tanks* Testing Protocol.	9954	1,70	
		Window Wall Attenuation & Alternate Ventilation	9954	1,70	
		Underground Gasoline Storage Tanks* Testing Protocol.	9960	1,19	
		Window Wall Attenuation & Alternate Ventilation	9960	1,19	
		Underground Gasoline Storage Tanks* Testing Protocol.	9972	1	
		Window Wall Attenuation & Alternate Ventilation	9972	1	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9982	12,13,17,27	
		Underground Gasoline Storage Tanks* Testing Protocol.	9982	12,13,17,27	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	9982	12,13,17	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9984	11,17	
		Underground Gasoline Storage Tanks* Testing Protocol.	9984	11,17	
		Window Wall Attenuation & Alternate Ventilation	9984	17	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9986	3,20,61	
		Underground Gasoline Storage Tanks* Testing Protocol.	9986	3,20,61	
		Window Wall Attenuation & Alternate Ventilation	9986	20	
		Underground Gasoline Storage Tanks* Testing Protocol.	9987	1	
			9991	1,19,68	
		Window Wall Attenuation & Alternate Ventilation	9991	1,19,68	
		Underground Gasoline Storage Tanks* Testing Protocol.	9992	26,27,29,38	
		Window Wall Attenuation & Alternate Ventilation	9992	26,27,29,38	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	9993	1,3,18,20,22,23,24,25,27,28,29	
		Exhaust stack location limitations	9993	1,3,18,20,22,23,24,25,27,28,29	
		Underground Gasoline Storage Tanks* Testing Protocol.	9993	1,3,18,20,22,23,24,25,27,28,29	
		Window Wall Attenuation & Alternate Ventilation	9993	1,3,18,20,22,23,24,25,27,28,29	
		Air Quality - HVAC fuel limited to natural gas	9995	1,7,14,18	
		Underground Gasoline Storage Tanks* Testing Protocol.	9995	1,7,14,18	
		Window Wall Attenuation & Alternate Ventilation	9995	1,7,14,18	
		Air Quality - HVAC fuel limited to natural gas	9996	10,12,16	

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Table 1 - (E) Designations

E-No.	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
				Underground Gasoline Storage Tanks* Testing Protocol.	9996	10,12,16	
				Window Wall Attenuation & Alternate Ventilation	9996	10,12,16	
				Air Quality - HVAC fuel limited to natural gas	9997	97,104	
				Window Wall Attenuation & Alternate Ventilation	9997	97,104	
				Air Quality - HVAC fuel limited to natural gas	9998	22,25,42,43,47,95,101,109,110,119,124,127	
				Exhaust stack location limitations	9998	95,101,109,110,119,124,127	
				Underground Gasoline Storage Tanks* Testing Protocol.	9998	1,2,16,19,22,25,42,43,47,83,86,87,88,89,90,91,93,94,95,101,109,110,119,124,127	
				Window Wall Attenuation & Alternate Ventilation	9998	22,25,42,43,47,83,86,87,88,89,90,91,93,94,95,101,109,110,119,124,127	
				Air Quality - HVAC fuel limited to natural gas	9999	1,9,10,11,13,15	
				Underground Gasoline Storage Tanks* Testing Protocol.	9999	1,9,10,11,13,15	
				Window Wall Attenuation & Alternate Ventilation	9999	1,9,10,11,13,15	
				Air Quality - HVAC fuel limited to natural gas	10000	1	
				Underground Gasoline Storage Tanks* Testing Protocol.	10000	1,5,31,38,39,42	
				Window Wall Attenuation & Alternate Ventilation	10000	1	
				Underground Gasoline Storage Tanks* Testing Protocol.	10001	1,19,24,25,26,27,28,29,40,41,124	
					10002	1,5,10,13,15,17,20,21,22,23,24,25,122	
					10017	18	
				Window Wall Attenuation & Alternate Ventilation	10017	18	
				Underground Gasoline Storage Tanks* Testing Protocol.	10018	11,12,16,17,18,25,27,29	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	10018	1, 3, 4, 7, 11, 12, 16, 17, 18, 20, 25, 27, 29, 117	
		Underground Gasoline Storage Tanks* Testing Protocol.	10020	114, 137, 138	
		Window Wall Attenuation & Alternate Ventilation	10020	114, 137, 138	
			10021	5	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10026	6	
		Exhaust stack location limitations	10026	6	
		Underground Gasoline Storage Tanks* Testing Protocol.	10026	1, 6, 12, 14, 23, 39	
		Window Wall Attenuation & Alternate Ventilation	10026	1, 6, 12, 14, 23, 39	
		Underground Gasoline Storage Tanks* Testing Protocol.	10027	3, 5, 8, 10, 11, 36	
			10028	1, 2, 4, 7, 10, 11, 31, 32, 34	
		Air Quality - HVAC fuel limited to natural gas	10030	6, 12, 15, 17, 22, 25, 28	
		Underground Gasoline Storage Tanks* Testing Protocol.	10030	6, 12, 15, 17, 22, 25, 28	
		Window Wall Attenuation & Alternate Ventilation	10030	25, 28	
		Air Quality - HVAC fuel limited to natural gas	10031	2, 7, 10, 12, 17	
		Underground Gasoline Storage Tanks* Testing Protocol.	10031	2, 7, 10, 12, 17, 25	
		Window Wall Attenuation & Alternate Ventilation	10031	25	
		Underground Gasoline Storage Tanks* Testing Protocol.	10032	13, 15, 16, 17, 18, 22	
		Window Wall Attenuation & Alternate Ventilation	10032	13, 15, 16, 17, 18, 22	
		Underground Gasoline Storage Tanks* Testing Protocol.	10033	8, 13, 14	
		Window Wall Attenuation & Alternate Ventilation	10035	36	
		Underground Gasoline Storage Tanks* Testing Protocol.	10041	3, 4, 6	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	10041	3, 4, 6	
		Underground Gasoline Storage Tanks* Testing Protocol.	10043	6	
		Window Wall Attenuation & Alternate Ventilation	10043	6	
		Underground Gasoline Storage Tanks* Testing Protocol.	10046	4, 6, 9	
		Window Wall Attenuation & Alternate Ventilation	10046	4, 6, 9	
		Underground Gasoline Storage Tanks* Testing Protocol.	10049	1	
		Window Wall Attenuation & Alternate Ventilation	10049	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	10052	9, 10	
		Window Wall Attenuation & Alternate Ventilation	10052	9, 10	
		Underground Gasoline Storage Tanks* Testing Protocol.	10055	2, 7, 11, 14, 31	
		Window Wall Attenuation & Alternate Ventilation	10055	2, 7, 11, 14, 19, 20, 31	
		Underground Gasoline Storage Tanks* Testing Protocol.	10056	17, 19	
		Window Wall Attenuation & Alternate Ventilation	10056	17, 19, 20	
		Underground Gasoline Storage Tanks* Testing Protocol.	10057	14, 16, 17	
		Window Wall Attenuation & Alternate Ventilation	10057	8, 9, 14, 16, 17	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10058	1, 21	
		Exhaust stack location limitations	10058	1, 21	
		Underground Gasoline Storage Tanks* Testing Protocol.	10058	1, 21	
		Window Wall Attenuation & Alternate Ventilation	10058	1, 21	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10059	1, 4, 5, 6, 11, 12, 15, 16, 23, 24, 25, 26, 27, 28, 30, 31, 32, 131, 132	
		Air Quality - Operable Window Limitations	10059	5, 6	
		Exhaust stack location limitations	10059	16	
		Underground Gasoline Storage Tanks* Testing Protocol.	10059	11, 12, 15, 16, 23, 24, 25, 28, 30, 31, 32, 131, 132	
		Window Wall Attenuation & Alternate Ventilation	10059	1, 4, 5, 6, 11, 12, 15, 23, 24, 25, 26, 27, 28, 30, 31, 32, 131, 132	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10060	2, 6, 16, 25, 28, 30	
		Exhaust stack location limitations	10060	16	
		Underground Gasoline Storage Tanks* Testing Protocol.	10060	2, 6, 16, 30	
		Window Wall Attenuation & Alternate Ventilation	10060	2, 6, 25, 28, 30	
		Underground Gasoline Storage Tanks* Testing Protocol.	10061	32, 33, 34, 35, 36	
			10062	6, 22, 23	
		Window Wall Attenuation & Alternate Ventilation	10091	12	
		Underground Gasoline Storage Tanks* Testing Protocol.	10095	32, 43	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10101	15	
		Air Quality - HVAC fuel limited to natural gas	10101	7, 9	
		Exhaust stack location limitations	10101	7, 9, 15	
		Window Wall Attenuation & Alternate Ventilation	10101	3, 7, 9, 15, 24, 27, 79, 150	
			10102	2	
		Underground Gasoline Storage Tanks* Testing Protocol.	10107	71, 73, 77, 82, 84, 86, 107, 130, 138, 142, 167	
			10108	301, 305, 312, 314, 319, 348	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	10108	305	
		Underground Gasoline Storage Tanks* Testing Protocol.	10109	31, 44	
			10112	39	
			10113	71	
			10115	53	
			10124	11, 15, 18, 19, 20, 21, 25	
		Window Wall Attenuation & Alternate Ventilation	10124	7, 10	
		Underground Gasoline Storage Tanks* Testing Protocol.	10125	1	
		Window Wall Attenuation & Alternate Ventilation	10129	7, 20, 21, 22, 23, 25, 27, 28, 30, 31, 121, 125	
		Underground Gasoline Storage Tanks* Testing Protocol.	10140	26	
		Window Wall Attenuation & Alternate Ventilation	10140	18, 19, 20, 21, 22, 23, 26	
		Underground Gasoline Storage Tanks* Testing Protocol.	10150	37, 38, 39, 40, 51, 52, 55	
		Window Wall Attenuation & Alternate Ventilation	10150	37, 38, 39, 40, 41, 42, 43, 44, 49, 51, 52, 53, 54, 55, 57, 59, 60, 61	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10151	21, 23, 24, 25, 31, 32	
		Underground Gasoline Storage Tanks* Testing Protocol.	10151	1, 7, 16, 75	
		Window Wall Attenuation & Alternate Ventilation	10151	1, 7, 16, 21, 23, 24, 25, 75	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	10155	1	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10155	8, 9, 10, 11, 12, 16, 24, 123, 210	
		Exhaust stack location limitations	10155	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	10155	35	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	10155	1, 8, 9, 10, 11, 12, 16, 24, 35, 210	
		Underground Gasoline Storage Tanks* Testing Protocol.	10156	149	
		Window Wall Attenuation & Alternate Ventilation	10156	14, 17, 149	
			10161	1, 3, 6, 8, 9, 10, 46, 52, 53, 54, 56, 58	
		Underground Gasoline Storage Tanks* Testing Protocol.	10163	51	
			10164	38, 39	
			10166	20	
		Window Wall Attenuation & Alternate Ventilation	10166	1, 10, 12, 13, 15, 16, 17, 18, 20, 125, 126	
		Underground Gasoline Storage Tanks* Testing Protocol.	10171	13, 14, 18	
		Window Wall Attenuation & Alternate Ventilation	10171	13, 14, 17, 18, 20, 21, 23, 25, 26, 28, 29, 30	
		Underground Gasoline Storage Tanks* Testing Protocol.	10176	8, 12	
		Window Wall Attenuation & Alternate Ventilation	10176	8, 12	
		Underground Gasoline Storage Tanks* Testing Protocol.	10178	125	
		Window Wall Attenuation & Alternate Ventilation	10178	125	
		Underground Gasoline Storage Tanks* Testing Protocol.	10179	1	
		Window Wall Attenuation & Alternate Ventilation	10179	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	10180	1	
		Window Wall Attenuation & Alternate Ventilation	10180	1	
			10189	19	
			10197	24, 34, 35	
		Underground Gasoline Storage Tanks* Testing Protocol.	10209	2, 115	
		Window Wall Attenuation & Alternate Ventilation	10209	2, 115	
		Underground Gasoline Storage Tanks* Testing Protocol.	10219	161, 162	
			10219	161, 162	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	10221	7	
			10222	13, 14, 15, 16	
			10223	10, 12, 13, 14, 16	
		Underground Gasoline Storage Tanks* Testing Protocol.	10225	1, 4, 7, 18	
		Window Wall Attenuation & Alternate Ventilation	10225	1, 4, 7, 9	
		Underground Gasoline Storage Tanks* Testing Protocol.	10228	8, 10, 11	
		Window Wall Attenuation & Alternate Ventilation	10228	8, 10, 11, 15, 17, 19	
		Underground Gasoline Storage Tanks* Testing Protocol.	10236	1, 5, 70	
		Window Wall Attenuation & Alternate Ventilation	10236	1, 5, 70	
		Underground Gasoline Storage Tanks* Testing Protocol.	10237	1, 5	
		Window Wall Attenuation & Alternate Ventilation	10237	1, 5	
		Underground Gasoline Storage Tanks* Testing Protocol.	10244	1, 9, 211, 215, 216, 217, 223, 224, 225	
		Window Wall Attenuation & Alternate Ventilation	10244	1, 211, 215, 216, 217, 223, 224, 225	
		Underground Gasoline Storage Tanks* Testing Protocol.	10253	10, 12, 15, 16, 18, 21, 28	
		Window Wall Attenuation & Alternate Ventilation	10253	10, 12, 15, 16, 18, 21, 28	
		Underground Gasoline Storage Tanks* Testing Protocol.	10270	23	
		Window Wall Attenuation & Alternate Ventilation	10270	23, 25	
		Underground Gasoline Storage Tanks* Testing Protocol.	10280	39	
		Window Wall Attenuation & Alternate Ventilation	10280	32, 33, 39, 42, 44, 45, 48, 50, 52	
		Underground Gasoline Storage Tanks* Testing Protocol.	10316	1, 31, 33, 35, 37	
		Window Wall Attenuation & Alternate Ventilation	10316	1, 31, 33, 35, 37	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
				Underground Gasoline Storage Tanks* Testing Protocol.	10317	10, 19, 20, 22	
				Window Wall Attenuation & Alternate Ventilation	10317	10, 19, 20, 22	
				Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10318	13, 23	
				Air Quality - HVAC fuel limited to natural gas	10318	12, 24	
				Exhaust stack location limitations	10318	12, 13, 23, 24	
				Underground Gasoline Storage Tanks* Testing Protocol.	10318	5, 11, 12, 13, 23, 24, 25, 26	
				Window Wall Attenuation & Alternate Ventilation	10318	1, 5, 11, 12, 13, 23, 24, 25, 26	
				Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	10319	1, 6, 12	
				Exhaust stack location limitations	10319	1, 6, 12	
				Underground Gasoline Storage Tanks* Testing Protocol.	10319	1, 6, 12, 20	
					10320	1, 6, 10, 12, 29	
				Window Wall Attenuation & Alternate Ventilation	10320	1, 6, 10, 12, 29	
				Underground Gasoline Storage Tanks* Testing Protocol.	10321	8, 11	
				Window Wall Attenuation & Alternate Ventilation	10321	8, 11, 16	
				Underground Gasoline Storage Tanks* Testing Protocol.	10322	26	
					10323	1, 6, 19	
					10325	1, 6, 10	
					10328	44, 49	
					10352	108, 370	
				Window Wall Attenuation & Alternate Ventilation	10443	14, 19, 20, 23	
				Underground Gasoline Storage Tanks* Testing Protocol.	10454	23	
				Window Wall Attenuation & Alternate Ventilation	10454	23	
					10455	17, 20	
					10499	57, 59, 70, 72	
				Underground Gasoline Storage Tanks* Testing Protocol.	10815	5	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	10815	5, 14	
			10816	1, 5	
			11945	65, 67	
E-176 10/17/2007	04DCP041K 040161ZMK 22c	Window Wall Attenuation & Alternate Ventilation	5348	41, 42, 44, 45, 46, 47	
E-177 9/25/2007	05DCP078K 050317ZMK 28c	Underground Gasoline Storage Tanks* Testing Protocol.	7315	1	
E-178 10/17/2007	06DCP082K 060353ZMK 22a	Window Wall Attenuation & Alternate Ventilation	5794	75, 150, 165	
E-179 8/22/2007	07DCP009Q 070065ZMQ 9d	Air Quality - HVAC fuel limited to natural gas	1485	43, 45, 47, 49	
E-180 7/25/2007	07DCP054K 070387ZMK 22b	Air Quality - HVAC fuel limited to natural gas	3974	50	
			3980	1, 38	
		Underground Gasoline Storage Tanks* Testing Protocol.	5729	24	
		Window Wall Attenuation & Alternate Ventilation	5729	24	
			5730	43	
		Underground Gasoline Storage Tanks* Testing Protocol.	5736	43	
		Window Wall Attenuation & Alternate Ventilation	5736	43	
		Underground Gasoline Storage Tanks* Testing Protocol.	5738	1	
		Window Wall Attenuation & Alternate Ventilation	5738	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	5743	50, 52	
		Window Wall Attenuation & Alternate Ventilation	5743	50, 52	
		Air Quality - HVAC fuel limited to natural gas	5750	42, 47	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	5750	42	
		Window Wall Attenuation & Alternate Ventilation	5750	42, 47	
		Underground Gasoline Storage Tanks* Testing Protocol.	6010	47	
		Window Wall Attenuation & Alternate Ventilation	6010	47	
		Underground Gasoline Storage Tanks* Testing Protocol.	6038	1	
		Window Wall Attenuation & Alternate Ventilation	6038	1	
		Air Quality - HVAC fuel limited to natural gas	6055	12, 21	
		Underground Gasoline Storage Tanks* Testing Protocol.	6055	12, 21	
		Window Wall Attenuation & Alternate Ventilation	6055	12, 21	
		Air Quality - HVAC fuel limited to natural gas	6056	12, 15	
		Underground Gasoline Storage Tanks* Testing Protocol.	6056	12, 15	
		Window Wall Attenuation & Alternate Ventilation	6056	12, 15	
		Underground Gasoline Storage Tanks* Testing Protocol.	6093	17	
		Window Wall Attenuation & Alternate Ventilation	6093	17	
E-181 7/25/2007	07DCP058X	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	4995	1, 80	
	070409ZMX	Exhaust stack location limitations	4995	1, 80	
	2a 2b	Underground Gasoline Storage Tanks* Testing Protocol.	4995	1, 80	
		Window Wall Attenuation & Alternate Ventilation	4995	1, 80	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	4996	1	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Exhaust stack location limitations	4996	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	4996	1	
		Window Wall Attenuation & Alternate Ventilation	4996	1	
		Underground Gasoline Storage Tanks* Testing Protocol.	4998	61	
		Window Wall Attenuation & Alternate Ventilation	4998	61	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	4999	49, 57	
		Exhaust stack location limitations	4999	49, 57	
		Underground Gasoline Storage Tanks* Testing Protocol.	4999	46, 49, 57	
		Window Wall Attenuation & Alternate Ventilation	4999	46, 49, 57	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5039	1, 7, 14, 16, 29, 72	
		Exhaust stack location limitations	5039	1, 7, 14, 16, 29, 72	
		Underground Gasoline Storage Tanks* Testing Protocol.	5039	1, 7, 14, 16, 29, 72	
		Window Wall Attenuation & Alternate Ventilation	5039	1, 7, 14, 16, 29, 72	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5042	29, 45, 48, 51	
		Exhaust stack location limitations	5042	29, 45, 48, 51	
		Underground Gasoline Storage Tanks* Testing Protocol.	5042	29, 45, 48, 51	
		Window Wall Attenuation & Alternate Ventilation	5042	29, 45, 48, 51	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5043	9, 28, 31, 35	
		Exhaust stack location limitations	5043	9, 28, 31, 35	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.							
Effective Date	CEQR No.						
Satisfaction Date	Application No.		Tax Block	Tax Lot(s)	Lot Remediation Date		
	Zoning Map No.	Description					
		Underground Gasoline Storage Tanks* Testing Protocol.	5043	9,28,31,35			
		Window Wall Attenuation & Alternate Ventilation	5043	9,28,31,35			
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5046	13,21,23,27,28			
		Exhaust stack location limitations	5046	13,21,23,27,28			
		Underground Gasoline Storage Tanks* Testing Protocol.	5046	13,21,23,27,28			
		Window Wall Attenuation & Alternate Ventilation	5046	13,21,23,27,28			
		Underground Gasoline Storage Tanks* Testing Protocol.	5069	61,62			
		Window Wall Attenuation & Alternate Ventilation	5069	61,62			
		Underground Gasoline Storage Tanks* Testing Protocol.	5070	5			
		Window Wall Attenuation & Alternate Ventilation	5070	5			
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5081	60,63,72,78,80,81,82,84,88,89			
		Exhaust stack location limitations	5081	60,63,72,78,80,81,82,84,88,89			
		Underground Gasoline Storage Tanks* Testing Protocol.	5081	60,63,72,78,80,81,82,84,88,89			
		Window Wall Attenuation & Alternate Ventilation	5081	60,63,72,78,80,81,82,84,88,89			
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5083	48			
		Exhaust stack location limitations	5083	48			
		Underground Gasoline Storage Tanks* Testing Protocol.	5083	48,60,61			
		Window Wall Attenuation & Alternate Ventilation	5083	48,60,61			
		E-182	07DCP060M	Exhaust stack location limitations	1844	52	
		9/25/2007	070427ZMM		1862	3	
1869	13						

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Satisfaction Date	Zoning Map No.				
	5d		1870	43	
			1872	11, 19, 20, 52, 54	
			1873	10, 42	
			1874	22	
			1876	12, 17, 49, 58	
			1877	15, 16, 17, 48, 49, 50, 51, 52, 59, 61, 63	
			1893	39, 43, 50	
E-183	07DCP066K	Window Wall Attenuation & Alternate Ventilation	1889	94	
7/25/2007	070430ZMK	Underground Gasoline Storage Tanks* Testing Protocol.	1890	85, 86, 87, 89	
	16c	Window Wall Attenuation & Alternate Ventilation	1890	85, 86, 87, 89	
		Underground Gasoline Storage Tanks* Testing Protocol.	1892	70, 71, 74, 75	
		Window Wall Attenuation & Alternate Ventilation	1892	70, 71, 74, 75	
		Underground Gasoline Storage Tanks* Testing Protocol.	1893	10, 11, 13, 14, 15, 37, 38, 39, 40, 41, 42, 43, 47, 49	
		Window Wall Attenuation & Alternate Ventilation	1893	10, 11, 13, 14, 15, 37, 38, 39, 40, 41, 42, 43, 47, 49, 54, 57, 58, 59, 60	
		Underground Gasoline Storage Tanks* Testing Protocol.	1894	54	9/20/2013
		Window Wall Attenuation & Alternate Ventilation	1894	54	9/20/2013
		Underground Gasoline Storage Tanks* Testing Protocol.	1895	61, 69, 70, 71, 72	
		Window Wall Attenuation & Alternate Ventilation	1895	61, 69, 70, 71, 72	
		Underground Gasoline Storage Tanks* Testing Protocol.	1905	19, 30, 40, 120	
		Window Wall Attenuation & Alternate Ventilation	1905	19, 30, 40, 120	
		Underground Gasoline Storage Tanks* Testing Protocol.	1909	23, 25, 26, 27	
		Window Wall Attenuation & Alternate Ventilation	1909	23, 25, 26, 27	
			1978	1	
			1980	64, 66, 67	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
				Underground Gasoline Storage Tanks* Testing Protocol.	1981	1	
				Window Wall Attenuation & Alternate Ventilation	1981	1	
				Underground Gasoline Storage Tanks* Testing Protocol.	1991	1, 4, 5, 6, 7, 16, 19, 106	
				Window Wall Attenuation & Alternate Ventilation	1991	1, 4, 5, 6, 7, 16, 19, 106	
				Underground Gasoline Storage Tanks* Testing Protocol.	1992	5, 6, 7, 8, 9, 12, 13, 15, 16, 20, 21, 24, 26, 28, 29, 30	
				Window Wall Attenuation & Alternate Ventilation	1992	5, 6, 7, 8, 9, 12, 13, 15, 16, 26, 28, 29, 30	
				Underground Gasoline Storage Tanks* Testing Protocol.	2003	30, 31, 32	
				Underground Gasoline Storage Tanks* Testing Protocol.	2010	1, 18, 19, 20, 25, 59	
				Window Wall Attenuation & Alternate Ventilation	2010	1, 25, 59	
				Underground Gasoline Storage Tanks* Testing Protocol.	2011	1, 30	
				Window Wall Attenuation & Alternate Ventilation	2011	1, 30	
				Underground Gasoline Storage Tanks* Testing Protocol.	2012	1, 10, 27, 32, 61, 62, 63, 65, 67, 69, 70, 71, 232	
				Window Wall Attenuation & Alternate Ventilation	2012	1, 10, 27, 32, 61, 62, 63, 65, 67, 69, 70, 71, 232	
					2014	30, 31, 32	
				Underground Gasoline Storage Tanks* Testing Protocol.	2018	1, 2, 3, 4, 5, 6, 46, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 67, 101, 166	
				Window Wall Attenuation & Alternate Ventilation	2018	1, 2, 3, 4, 5, 6, 46, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 67, 101, 166	
				Underground Gasoline Storage Tanks* Testing Protocol.	2019	1, 51, 55, 60, 63, 75, 80	
				Window Wall Attenuation & Alternate Ventilation	2019	1, 51, 55, 60, 63, 75, 80	
					2044	89, 90	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	2046	84	
		Window Wall Attenuation & Alternate Ventilation	2046	84	
		Underground Gasoline Storage Tanks* Testing Protocol.	2073	21, 22	
		Window Wall Attenuation & Alternate Ventilation	2073	21, 22	
		Underground Gasoline Storage Tanks* Testing Protocol.	2075	27, 28	
		Window Wall Attenuation & Alternate Ventilation	2075	27, 28	
		Underground Gasoline Storage Tanks* Testing Protocol.	2113	22, 31	
		Window Wall Attenuation & Alternate Ventilation	2113	22, 31	
			2115	8, 10	
			2116	6, 7, 8	
			2117	43, 44, 45	
E-184 9/10/2007	07HPD023K 070432ZMK 13b	Window Wall Attenuation & Alternate Ventilation	3113	20, 21, 30, 31	
E-185 10/29/2007	07DCP070K 070447ZMK 16c 17a	Underground Gasoline Storage Tanks* Testing Protocol.	1548	1, 26, 27, 28, 29, 32, 33, 128	
		Window Wall Attenuation & Alternate Ventilation	1548	1, 26, 27, 28, 29, 32, 33, 128	
		Underground Gasoline Storage Tanks* Testing Protocol.	1549	1, 3, 4, 5, 6, 7, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35	
		Window Wall Attenuation & Alternate Ventilation	1549	1, 3, 4, 5, 6, 7, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35	
		Underground Gasoline Storage Tanks* Testing Protocol.	1556	3, 25	
		Window Wall Attenuation & Alternate Ventilation	1556	3, 25	
		Underground Gasoline Storage Tanks* Testing Protocol.	1558	1, 7	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	1558	1, 7	
			1641	52, 53, 65, 67	
			1646	11, 13	
			1647	28, 29	
			1651	53, 54	
			1652	28, 30, 36, 134	
			1653	75, 80, 82, 83, 84, 85, 86, 88	
			1656	23, 24, 69, 71	
			1657	46, 47	
			1659	28, 29, 30	
			1662	59	
			1664	35, 37	
			1667	35	
			1670	53, 59	
			1675	22, 25	
			1676	15	
			1677	61, 63	
			1682	48, 49, 57, 58	
			1687	68	
			1695	40, 41	
		Underground Gasoline Storage Tanks* Testing Protocol.	1699	7, 8, 9, 10, 11, 12, 13, 14, 15, 26, 27, 28, 29, 30	
		Window Wall Attenuation & Alternate Ventilation	1699	7, 8, 9, 10, 11, 12, 13, 14, 15, 26, 27, 28, 29, 30	
		Underground Gasoline Storage Tanks* Testing Protocol.	1703	34, 35	
		Window Wall Attenuation & Alternate Ventilation	1703	34, 35	
		Underground Gasoline Storage Tanks* Testing Protocol.	1704	12, 14, 32, 33, 34	
		Window Wall Attenuation & Alternate Ventilation	1704	12, 14, 32, 33, 34	
		Underground Gasoline Storage Tanks* Testing Protocol.	1713	7	
		Window Wall Attenuation & Alternate Ventilation	1713	7	
		Underground Gasoline Storage Tanks* Testing Protocol.	1714	1, 26, 27, 30	
		Window Wall Attenuation & Alternate Ventilation	1714	1, 26, 27, 30	
			1842	45, 47, 50, 53, 56, 57, 58, 62	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Underground Gasoline Storage Tanks* Testing Protocol.	1849	39, 47, 51, 53	
		Window Wall Attenuation & Alternate Ventilation	1849	39, 47, 51, 53	
		Underground Gasoline Storage Tanks* Testing Protocol.	1850	36, 37, 38, 39, 40, 41, 45, 46, 47, 48, 49, 50	
		Window Wall Attenuation & Alternate Ventilation	1850	36, 37, 38, 39, 40, 41, 45, 46, 47, 48, 49, 50	
		Underground Gasoline Storage Tanks* Testing Protocol.	1854	1, 38, 40, 41, 52	
		Window Wall Attenuation & Alternate Ventilation	1854	1, 38, 40, 41, 52	
		Underground Gasoline Storage Tanks* Testing Protocol.	1858	34, 37, 39, 41, 42, 44, 45, 47	
		Window Wall Attenuation & Alternate Ventilation	1858	34, 37, 39, 41, 42, 44, 45, 47	
		Air Quality - Operable Window Limitations	1860	6	
		Underground Gasoline Storage Tanks* Testing Protocol.	1860	6, 11, 21, 24, 32, 33, 34, 37, 40, 47, 49, 51, 53, 56	
		Window Wall Attenuation & Alternate Ventilation	1860	6, 11, 21, 24, 32, 33, 34, 37, 40, 47, 49, 51, 53, 56	
		Underground Gasoline Storage Tanks* Testing Protocol.	1861	1, 5, 9, 20, 71	
		Window Wall Attenuation & Alternate Ventilation	1861	1, 5, 9, 20, 71	
		Underground Gasoline Storage Tanks* Testing Protocol.	1862	1, 26, 38, 55	
		Window Wall Attenuation & Alternate Ventilation	1862	1, 26, 38, 55	
		Underground Gasoline Storage Tanks* Testing Protocol.	1863	10, 15	
		Window Wall Attenuation & Alternate Ventilation	1863	10, 15	
		Underground Gasoline Storage Tanks* Testing Protocol.	1864	4, 10, 12, 14, 21	
		Window Wall Attenuation & Alternate Ventilation	1864	4, 10, 12, 14, 21	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	1865	55, 57, 60, 62	
		Window Wall Attenuation & Alternate Ventilation	1865	55, 57, 60, 62	
		Underground Gasoline Storage Tanks* Testing Protocol.	1866	23, 26	
		Window Wall Attenuation & Alternate Ventilation	1866	23, 26	
		Underground Gasoline Storage Tanks* Testing Protocol.	1867	7, 10, 11, 12, 13, 15, 16, 17, 18	
		Window Wall Attenuation & Alternate Ventilation	1867	7, 10, 11, 12, 13, 15, 16, 17, 18	
		Underground Gasoline Storage Tanks* Testing Protocol.	1994	45, 47, 48	
		Window Wall Attenuation & Alternate Ventilation	1994	45, 47, 48	
		Underground Gasoline Storage Tanks* Testing Protocol.	1997	47, 48, 49, 50, 51, 57, 59	
		Window Wall Attenuation & Alternate Ventilation	1997	47, 48, 49, 50, 51, 57, 59	
		Underground Gasoline Storage Tanks* Testing Protocol.	1999	37, 38, 39, 42	
		Window Wall Attenuation & Alternate Ventilation	1999	37, 38, 39, 42	
		Underground Gasoline Storage Tanks* Testing Protocol.	2016	12, 23, 28, 29, 30, 32	
		Window Wall Attenuation & Alternate Ventilation	2016	12, 23, 28, 29, 30, 32	
		Underground Gasoline Storage Tanks* Testing Protocol.	2017	8, 35, 36	
		Window Wall Attenuation & Alternate Ventilation	2017	8, 35, 36	
E-186 10/29/2007	07DCP075Q	Exhaust stack location limitations	10287	1, 62, 82	
	070472ZMQ	Underground Gasoline Storage Tanks* Testing Protocol.	10287	1, 62, 82	
	15b 18c 19a	Exhaust stack location limitations	10393	48, 54, 58, 60	
			10393	48, 54, 58, 60	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
				Underground Gasoline Storage Tanks* Testing Protocol.	10395	44	
					10436	27	
					10440	15	
					10893	32, 41	
					10899	35	
					10901	26, 28, 30, 127	
				Exhaust stack location limitations	10905	24, 33	
				Underground Gasoline Storage Tanks* Testing Protocol.	10905	24, 33	
					10906	33, 35	
					10907	28, 29, 129	
				Exhaust stack location limitations	10912	30, 35	
				Underground Gasoline Storage Tanks* Testing Protocol.	10912	30, 35	
					10925	1	
					10940	104, 107	
					10941	201	
					10954	110	
					10969	92	
					11007	5	
				Exhaust stack location limitations	11068	66, 68, 70, 115	
				Underground Gasoline Storage Tanks* Testing Protocol.	11068	66, 68, 70, 115	
				Exhaust stack location limitations	11069	75, 83	
				Underground Gasoline Storage Tanks* Testing Protocol.	11069	75, 83	
					11071	6	
				Exhaust stack location limitations	11075	1, 6, 55	
				Underground Gasoline Storage Tanks* Testing Protocol.	11075	1, 6, 55	
					11078	1	
					12326	21	
				Exhaust stack location limitations	12334	299, 300	
				Underground Gasoline Storage Tanks* Testing Protocol.	12334	299, 300	
					12345	34	
				Exhaust stack location limitations	12393	34, 39, 47, 49, 50, 52	
				Underground Gasoline Storage Tanks* Testing Protocol.	12393	34, 39, 47, 49, 50, 52	
				Exhaust stack location limitations	12402	14, 17, 19, 21	
					12402	4, 7, 14, 17, 19, 21, 28	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Underground Gasoline Storage Tanks* Testing Protocol.	12406 12635	101 4	
E-187 11/15/2007	01DCP055M 000198ZMM 8d	Window Wall Attenuation & Alternate Ventilation	1455	13, 21	
E-188 12/19/2007	06DCP032M 070495ZMM 5c 6a	Underground Gasoline Storage Tanks* Testing Protocol.	1987	1, 8, 53, 60	
		Air Quality - HVAC fuel limited to natural gas	1988	53, 60	
		Exhaust stack location limitations	1988	53, 60	
		Window Wall Attenuation & Alternate Ventilation	1988	53, 60	
		Underground Gasoline Storage Tanks* Testing Protocol.	1995 1996 1997 1998 1999	35 1, 34, 56, 61 14, 17, 29, 30, 40, 44, 48, 61 3, 24, 26, 29, 38 29, 30, 31, 32, 33, 36	
E-189 1/9/2008	06DCP062X 060320ZMX 3c	Underground Gasoline Storage Tanks* Testing Protocol.	3225	108, 111, 114, 116, 117, 164, 168, 227	
		Window Wall Attenuation & Alternate Ventilation	3225	108, 111, 114, 116, 117, 164, 168, 227	
		Exhaust stack location limitations	3236	25	
		Underground Gasoline Storage Tanks* Testing Protocol.	3236	1, 220	
		Window Wall Attenuation & Alternate Ventilation	3236	1, 25, 220	
E-190 1/9/2008	06DCP042Q 050491ZMQ 9b	Underground Gasoline Storage Tanks* Testing Protocol.	642	30, 45, 46, 47	
E-193 1/30/2008	06DCP060M 060225ZMM 6a	Air Quality - HVAC fuel limited to natural gas	1987	1	
		Window Wall Attenuation & Alternate Ventilation	1987	1	

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Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-195 12/11/2007	06DCP079M 060372ZMM 8d	Window Wall Attenuation & Alternate Ventilation	887	84	
E-198 2/27/2008	05DCP050K 050236ZMK 22d	Window Wall Attenuation & Alternate Ventilation	5457	5, 6	
E-199 3/12/2008	06DCP007K 060377ZMK 13b	Air Quality - HVAC fuel limited to natural gas	2263	30, 31, 37, 43, 44, 46, 47, 48, 52, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 67	
		Underground Gasoline Storage Tanks* Testing Protocol.	2263	43, 44, 46, 47, 48, 52, 56, 57, 58, 59, 60, 61	
		Window Wall Attenuation & Alternate Ventilation	2263	30, 31, 37, 43, 44, 46, 47, 48, 52, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 67	
E-200 3/26/2008	06DCP047Q 060228ZMQ 9c	Window Wall Attenuation & Alternate Ventilation	848	42	
E-201 4/30/2008	07DCP030M 080099ZMM 5c 6a 6b	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1722	63, 65, 66, 67, 69	
		Air Quality - Natural Gas Heat & Hot Water	1722	55, 56, 57, 58, 59, 60, 61, 62, 155, 156	
		Exhaust stack location limitations	1722	55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 69, 155, 156	
		Underground Gasoline Storage Tanks* Testing Protocol.	1722	55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 69, 155, 156	
		Window Wall Attenuation & Alternate Ventilation	1722	55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 69, 155, 156	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1723	31, 33, 37, 45, 144	
		Exhaust stack location limitations	1723	31, 33, 37, 45, 144	
		Underground Gasoline Storage Tanks* Testing Protocol.	1723	1, 4, 17, 21, 22, 31, 33, 37, 45, 53, 122, 144	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	1723	1, 4, 17, 21, 22, 31, 33, 37, 45, 53, 122, 144	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1749	24, 31, 33, 35, 40, 43, 48, 49, 50	
		Exhaust stack location limitations	1749	24, 31, 33, 35, 40, 43, 48, 49, 50	
		Underground Gasoline Storage Tanks* Testing Protocol.	1749	24, 31, 33, 35, 40, 43, 48, 49, 50	
		Window Wall Attenuation & Alternate Ventilation	1749	24, 31, 33, 35, 40, 43, 48, 49	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1750	21, 23, 24, 27, 28, 29, 30, 31, 34, 40, 44	
		Exhaust stack location limitations	1750	21, 23, 24, 27, 28, 29, 30, 31, 34, 40, 44	
		Underground Gasoline Storage Tanks* Testing Protocol.	1750	21, 23, 24, 27, 28, 29, 30, 31, 34, 40, 44	
		Window Wall Attenuation & Alternate Ventilation	1750	28, 29, 30, 34, 40, 44	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1773	15, 17, 18, 20, 58, 61	
		Exhaust stack location limitations	1773	15, 17, 18, 20, 58, 61	
		Underground Gasoline Storage Tanks* Testing Protocol.	1773	1, 15, 17, 18, 20, 58, 61, 67, 69	
		Window Wall Attenuation & Alternate Ventilation	1773	1, 4, 15, 17, 18, 20, 58, 61, 67, 69, 72	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1774	5, 6, 7, 8, 30, 33, 65, 66, 67, 68	
		Exhaust stack location limitations	1774	5, 6, 7, 8, 30, 33, 65, 66, 67, 68	
		Underground Gasoline Storage Tanks* Testing Protocol.	1774	5, 6, 7, 8, 17, 30, 33, 56, 65, 66, 67, 68	
		Window Wall Attenuation & Alternate Ventilation	1774	5, 6, 7, 8, 17, 30, 33, 56, 65, 66, 67, 68	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1789	16, 18, 19, 20, 21, 22, 23, 24, 25, 30, 121	
		Air Quality - Natural Gas Heat & Hot Water	1789	34, 35, 36	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Exhaust stack location limitations	1789	16,18,19,20,21,22,23,24,25,30,34,35,36,121	
		Underground Gasoline Storage Tanks* Testing Protocol.	1789	9,16,21,23,24,25,30,34,35,36,42,43,45	
		Window Wall Attenuation & Alternate Ventilation	1789	9,16,18,19,20,21,22,23,24,25,30,34,35,36,42,43,45,121	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1909	26,27,28,29,30,31,32,38,39,44,46,129	
		Air Quality - Natural Gas Heat & Hot Water	1909	24,25,40,41,42,140	
		Exhaust stack location limitations	1909	24,25,26,27,28,29,30,31,32,38,39,40,41,42,44,46,129,140	
		Underground Gasoline Storage Tanks* Testing Protocol.	1909	24,25,26,27,28,29,30,31,32,33,38,39,40,41,42,44,46,59,63,129,140	
		Window Wall Attenuation & Alternate Ventilation	1909	24,25,26,27,28,29,30,31,32,33,38,39,40,41,42,44,46,59,63,129,140	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1910	1,7501	
		Exhaust stack location limitations	1910	1,7501	
		Underground Gasoline Storage Tanks* Testing Protocol.	1910	1,7501	
		Window Wall Attenuation & Alternate Ventilation	1910	1,7501	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1930	1,49,50,51,53	
		Air Quality - Natural Gas Heat & Hot Water	1930	55,57,59	
		Exhaust stack location limitations	1930	1,49,50,51,53,55,57,59	
		Underground Gasoline Storage Tanks* Testing Protocol.	1930	1,37,40,41,49,50,51,53,57,59	
		Window Wall Attenuation & Alternate Ventilation	1930	1,37,40,41,49,50,51,53,55,57,59	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1931	1,56,61,63,64	
		Exhaust stack location limitations	1931	1,56,61,63,64	
		Underground Gasoline Storage Tanks* Testing Protocol.	1931	1,27,56,61,63,64	
		Window Wall Attenuation & Alternate Ventilation	1931	1,27,56,61,63,64	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1951	7,51	
		Exhaust stack location limitations	1951	7,51	
		Underground Gasoline Storage Tanks* Testing Protocol.	1951	7,43,51	
		Window Wall Attenuation & Alternate Ventilation	1951	7,43,51	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1952	19,21,22,23,25,27,28,29,37,38,41,138	
		Exhaust stack location limitations	1952	19,21,22,23,25,27,28,29,37,38,41,138	
		Underground Gasoline Storage Tanks* Testing Protocol.	1952	2,9,19,21,22,23,25,27,28,29,37,38,41,61,101,138	
		Window Wall Attenuation & Alternate Ventilation	1952	2,9,19,21,22,23,25,27,28,29,37,38,41,61,101,138	
		Underground Gasoline Storage Tanks* Testing Protocol.	1980	75	
		Window Wall Attenuation & Alternate Ventilation	1980	75	
E-202	06DCP095K	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	352	20,21,48,49,50,51,52,53	
10/29/2007	060477ZMK	Exhaust stack location limitations	352	20,21,48,49,50,51,52,53	
	16a	Hazardous Materials* Phase I and Phase II Testing Protocol	352	20,21,48,49,50,51,52	
		Window Wall Attenuation & Alternate Ventilation	352	20,21,48,49,50,51,52,53	
E-203	07DCP043M	Air Quality - HVAC fuel limited to natural gas	1077	8,9,10,12,7501	

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Table 1 - (E) Designations

E-No.	Effective Date	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
	4/16/2008	070289ZMM			Exhaust stack location limitations	1077	8, 9, 10, 12, 7501	
		8c			Underground Gasoline Storage Tanks* Testing Protocol.	1077	12	
					Window Wall Attenuation & Alternate Ventilation	1077	8, 9, 10, 12, 7501	
E-204	5/14/2008	07DME009M			Underground Gasoline Storage Tanks* Testing Protocol.	1932	1, 2, 4, 5, 7, 61, 62, 107, 160	
		080132ZMM						
		6a						
E-205	4/16/2008	07DCP073K			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	299	11, 43	
		080116ZMK			Exhaust stack location limitations	299	11, 43	
		16c			Hazardous Materials* Phase I and Phase II Testing Protocol	299	11, 43	
					Window Wall Attenuation & Alternate Ventilation	299	1, 11, 16, 18, 19, 39, 43	
						304	10, 16, 17	
E-206	4/30/2008	08HPD001M			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1616	36, 38	
		080151ZMM			Air Quality - Natural Gas Heat & Hot Water	1616	50, 52, 141	
		6b			Window Wall Attenuation & Alternate Ventilation	1616	36, 38, 50, 52, 141	
E-207	6/12/2008	05DCP034X			Underground Gasoline Storage Tanks* Testing Protocol.	3805	1, 7	
		050172ZMX						
		4b						
E-208	6/29/2008	08DCP012M			Air Quality - HVAC fuel limited to natural gas	195	2, 3, 4, 5, 6, 12, 13, 14, 15, 24, 26, 27, 7501	
		060032ZMM			Underground Gasoline Storage Tanks* Testing Protocol.	195	2, 3, 4, 5, 6, 7, 9, 12, 13, 14, 15, 17, 24, 26, 30, 7501	
		12a			Window Wall Attenuation & Alternate Ventilation	195	2, 3, 4, 5, 6, 12, 13, 14, 15, 24, 26, 27, 7501	
E-209	5/14/2008	08HPD012K			Underground Gasoline Storage Tanks* Testing Protocol.	4092	1, 2, 3, 4, 10, 11	
		080228ZMK			Window Wall Attenuation & Alternate Ventilation	4092	1, 2, 3, 4, 10, 11	
		17d						
E-210		08DCP034X				2733	58	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	Effective Date	Satisfaction Date	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
	7/23/2008		080248ZMX		8c	Underground Gasoline Storage Tanks* Testing Protocol.	2755	52	
							2761	126	
							2762	160	
							2763	335,384	
							2765	168	
							2766	31	
							2769	102,205	
							2777	353,428,433,442	
E-211	7/23/2008		07DCP095M			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	602	55,83,85	
			070575ZMM		12a	Exhaust stack location limitations	602	55,64,83,85	
						Hazardous Materials* Phase I and Phase II Testing Protocol	602	28,64	
E-212	6/29/2008		03HPD020M			Air Quality - Natural Gas Heat & Hot Water	1954	31,136	
			080219ZMM		6a	Underground Gasoline Storage Tanks* Testing Protocol.	1954	31,136	
						Window Wall Attenuation & Alternate Ventilation	1954	31	
E-213	11/13/2008		08DME006Q			Air Quality - HVAC fuel limited to natural gas	11	1	
			080362ZMQ			Exhaust stack location limitations	11	1	
					8d 9b	Hazardous Materials* Phase I and Phase II Testing Protocol	11	1	
						Window Wall Attenuation & Alternate Ventilation	11	1	
E-214	11/13/2008		07DME014Q			Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1820	1,6,9,18,34,108	
			080381ZMQ			Exhaust stack location limitations	1820	1,6,9,18,34,108	
					10a 10b	Hazardous Materials* Phase I and Phase II Testing Protocol	1820	1,6,9,18,34,108	
						Window Wall Attenuation & Alternate Ventilation	1820	1,6,9,18,34,108	
						Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1821	1,6,16,25,27,35	
						Exhaust stack location limitations	1821	1,6,16,25,27,35	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
				Hazardous Materials* Phase I and Phase II Testing Protocol	1821	1, 6, 16, 25, 27, 35	
				Window Wall Attenuation & Alternate Ventilation	1821	1, 6, 16, 25, 27, 35	
				Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1822	1, 5, 7, 17, 21, 23, 28, 33, 55, 58	
				Exhaust stack location limitations	1822	1, 5, 7, 17, 21, 23, 28, 33, 55, 58	
				Hazardous Materials* Phase I and Phase II Testing Protocol	1822	1, 5, 7, 17, 21, 23, 28, 33, 55, 58	
				Window Wall Attenuation & Alternate Ventilation	1822	1, 5, 7, 17, 21, 23, 28, 33, 55, 58	
				Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1823	1, 3, 5, 7, 12, 14, 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52, 55, 58, 59, 60	
				Exhaust stack location limitations	1823	1, 3, 5, 7, 12, 14, 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52, 55, 58, 59, 60	
				Hazardous Materials* Phase I and Phase II Testing Protocol	1823	1, 3, 5, 7, 12, 14, 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52, 55, 58, 59, 60	
				Window Wall Attenuation & Alternate Ventilation	1823	1, 3, 5, 7, 12, 14, 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52, 55, 58, 59, 60	
				Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1824	1, 12, 19, 21, 26, 28, 33, 38, 40, 45, 53	
				Exhaust stack location limitations	1824	1, 12, 19, 21, 26, 28, 33, 38, 40, 45, 53	
				Hazardous Materials* Phase I and Phase II Testing Protocol	1824	1, 12, 19, 21, 26, 28, 33, 38, 40, 45, 53	
				Window Wall Attenuation & Alternate Ventilation	1824	1, 12, 19, 21, 26, 28, 33, 38, 40, 45, 53	
				Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1825	1, 19, 21, 25, 28, 30, 37, 46, 48, 53, 55, 58	
				Exhaust stack location limitations	1825	1, 19, 21, 25, 28, 30, 37, 46, 48, 53, 55, 58	
				Hazardous Materials* Phase I and Phase II Testing Protocol	1825	1, 19, 21, 25, 28, 30, 37, 46, 48, 53, 55, 58	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	1825	1, 19, 21, 25, 28, 30, 37, 46, 48, 53, 55, 58	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1826	1, 5, 14, 18, 20, 31, 35	
		Exhaust stack location limitations	1826	1, 5, 14, 18, 20, 31, 35	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1826	1, 5, 14, 18, 20, 31, 35	
		Window Wall Attenuation & Alternate Ventilation	1826	1, 5, 14, 18, 20, 31, 35	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1827	1	
		Exhaust stack location limitations	1827	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1827	1	
		Window Wall Attenuation & Alternate Ventilation	1827	1	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1828	1, 4, 8, 11, 13, 17, 21, 23, 29, 34, 37, 39	
		Exhaust stack location limitations	1828	1, 4, 8, 11, 13, 17, 21, 23, 29, 34, 37, 39	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1828	1, 4, 8, 11, 13, 17, 21, 23, 29, 34, 37, 39	
		Window Wall Attenuation & Alternate Ventilation	1828	1, 4, 8, 11, 13, 17, 21, 23, 29, 34, 37, 39	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1829	19, 21, 40, 71	
		Exhaust stack location limitations	1829	19, 21, 40, 71	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1829	19, 21, 40, 71	
		Window Wall Attenuation & Alternate Ventilation	1829	19, 21, 40, 71	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1830	1, 9, 10, 21	
		Exhaust stack location limitations	1830	1, 9, 10, 21	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	1830	1, 9, 10, 21	
		Window Wall Attenuation & Alternate Ventilation	1830	1, 9, 10, 21	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1831	1, 10, 35	
		Exhaust stack location limitations	1831	1, 10, 35	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1831	1, 10, 35	
		Window Wall Attenuation & Alternate Ventilation	1831	1, 10, 35	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1832	1, 10	
		Exhaust stack location limitations	1832	1, 10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1832	1, 10	
		Window Wall Attenuation & Alternate Ventilation	1832	1, 10	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1833	103, 111, 117, 120, 141, 143, 151, 155, 158, 165, 166, 168, 170, 172, 177, 179, 180, 186, 188, 192, 197, 199, 201, 203, 212, 215, 230, 300, 425	
		Exhaust stack location limitations	1833	103, 111, 117, 120, 141, 143, 151, 155, 158, 165, 166, 168, 170, 172, 177, 179, 180, 186, 188, 192, 197, 199, 201, 203, 212, 215, 230, 300, 425	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1833	103, 111, 117, 120, 141, 143, 151, 155, 158, 165, 166, 168, 170, 172, 177, 179, 180, 186, 188, 192, 197, 199, 201, 203, 212, 215, 230, 300, 425	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	1833	103,111,117,120,141,143,151,155,158,165,166,168,170,172,177,179,180,186,188,192,197,199,201,203,212,215,230,300,425	
E-215 8/14/2008	08DCP065Q	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	15852	60,64,68,84,86,88	
	080371ZMQ	Exhaust stack location limitations	15852	60,64,68,84,86,88	
	25b 30a 30b	Hazardous Materials* Phase I and Phase II Testing Protocol	15852	60,64,68,84,86,88	
	30c 31a	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	15901	8,57	
		Exhaust stack location limitations	15901	8,57	
		Hazardous Materials* Phase I and Phase II Testing Protocol	15901	8,57	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	15907	65,67,80	
		Exhaust stack location limitations	15907	65,67,80	
		Hazardous Materials* Phase I and Phase II Testing Protocol	15907 15913	65,67,80 67,70	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16011	105	
		Exhaust stack location limitations	16011	105	
		Hazardous Materials* Phase I and Phase II Testing Protocol	16011	105	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16013	1	
		Exhaust stack location limitations	16013	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	16013	1	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16014	1	
		Exhaust stack location limitations	16014	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	16014	1	
			16038	68,70	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16155	1,5	
		Exhaust stack location limitations	16155	1,5	
		Hazardous Materials* Phase I and Phase II Testing Protocol	16155	1,5	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16156	1,6,90	
		Exhaust stack location limitations	16156	6,90	
		Hazardous Materials* Phase I and Phase II Testing Protocol	16156	1,6,90	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16159	94,95,96,97,98,99,100,101,102,103	
		Exhaust stack location limitations	16159	94,95,96,97,98,99,100,101,102,103	
		Hazardous Materials* Phase I and Phase II Testing Protocol	16159	94,95,96,97,98,99,100,101,102,103	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16173	28	
		Exhaust stack location limitations	16173	28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	16173	28	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16174	22,47	
		Exhaust stack location limitations	16174	22,47	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16176	1	

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Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Exhaust stack location limitations	16176	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	16176	1	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16178	1, 65, 80	
		Exhaust stack location limitations	16178	1, 65, 80	
		Hazardous Materials* Phase I and Phase II Testing Protocol	16178	1, 65, 80	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16188	17, 23, 34, 68, 70	
		Air Quality - Natural Gas Heat & Hot Water	16188	15, 19, 21, 25, 28, 30, 62, 66, 75	
		Exhaust stack location limitations	16188	34, 70	
		Hazardous Materials* Phase I and Phase II Testing Protocol	16188	15, 75	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16226	25	
		Exhaust stack location limitations	16226	25	
E-216 11/19/2008	07DCP078M	Window Wall Attenuation & Alternate Ventilation	343	63, 66, 68, 69, 71, 72, 73	
	080397ZMM	Air Quality - HVAC fuel limited to natural gas	344	145	
	12c	Window Wall Attenuation & Alternate Ventilation	344	53, 54, 56, 60, 139, 141, 144, 157	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	345	8	
		Window Wall Attenuation & Alternate Ventilation	345	1, 2, 6, 7, 8, 15, 16, 17, 19, 26, 30, 32, 33, 35	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	348	43, 55	
		Exhaust stack location limitations	348	43, 55	
		Window Wall Attenuation & Alternate Ventilation	348	33, 34, 36, 37, 38, 46, 64, 66, 70, 71, 75	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	350	4, 21, 37	
		Air Quality - HVAC fuel limited to natural gas	350	78	
		Exhaust stack location limitations	350	4, 21, 37	
		Hazardous Materials* Phase I and Phase II Testing Protocol	350	54	
		Window Wall Attenuation & Alternate Ventilation	350	4, 18, 21, 38, 54, 60, 61, 62, 63, 68, 69, 71, 73	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	353	42, 47, 75, 79, 80, 82, 83	
		Air Quality - HVAC fuel limited to natural gas	353	34	
		Exhaust stack location limitations	353	42, 47, 75, 79, 80, 82, 83	
		Hazardous Materials* Phase I and Phase II Testing Protocol	353	75	
		Window Wall Attenuation & Alternate Ventilation	353	28, 29, 30, 34, 42, 47, 75, 79, 80, 82, 83	
			354	1, 18, 19, 25, 37, 38	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	355	54	
		Exhaust stack location limitations	355	54	
		Window Wall Attenuation & Alternate Ventilation	355	45, 51, 52, 53, 54, 57, 61, 65	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	372	30, 31, 32	
		Air Quality - HVAC fuel limited to natural gas	372	33	
		Exhaust stack location limitations	372	30, 31, 32	
		Hazardous Materials* Phase I and Phase II Testing Protocol	372	33	
		Window Wall Attenuation & Alternate Ventilation	372	3, 4, 5, 34, 36, 37, 41, 42, 43, 44, 47, 48, 49, 52	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	373	13,16,17,62	
		Air Quality - HVAC fuel limited to natural gas	373	14,15,61,63	
		Exhaust stack location limitations	373	13,16,17,62	
		Window Wall Attenuation & Alternate Ventilation	373	2,36,38	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	374	47	
		Air Quality - HVAC fuel limited to natural gas	374	31	
		Exhaust stack location limitations	374	47	
		Window Wall Attenuation & Alternate Ventilation	374	34,37	
		Air Quality - HVAC fuel limited to natural gas	375	29,32	
		Window Wall Attenuation & Alternate Ventilation	375	41	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	376	27	
		Air Quality - HVAC fuel limited to natural gas	376	13,21,22,24,26,43,44,63	
		Exhaust stack location limitations	376	44,63	
		Hazardous Materials* Phase I and Phase II Testing Protocol	376	22,23,24	
		Window Wall Attenuation & Alternate Ventilation	376	1,2,32,33,63	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	377	10,49,51,52,53,54,61,64,65,66	
		Air Quality - HVAC fuel limited to natural gas	377	50	
		Exhaust stack location limitations	377	10,49,51,52,53,54,61,64,65,66	
		Hazardous Materials* Phase I and Phase II Testing Protocol	377	64	
		Window Wall Attenuation & Alternate Ventilation	377	1,10,42	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	378	28,29,30,43	
		Exhaust stack location limitations	378	28,29,30,43	
		Window Wall Attenuation & Alternate Ventilation	378	28,29,30,32,34,40,43	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	379	21	
		Exhaust stack location limitations	379	21	
		Window Wall Attenuation & Alternate Ventilation	379	21,44	
			384	19,21,33	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	385	24,30	
		Exhaust stack location limitations	385	24,30	
		Window Wall Attenuation & Alternate Ventilation	385	4	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	386	1,61	
		Air Quality - HVAC fuel limited to natural gas	386	62	
		Exhaust stack location limitations	386	1	
		Window Wall Attenuation & Alternate Ventilation	386	5,7,8	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	387	42	
		Window Wall Attenuation & Alternate Ventilation	387	33,34,35,135	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	389	51,52	
		Exhaust stack location limitations	389	51	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	390	23,58	
		Air Quality - HVAC fuel limited to natural gas	390	52	
		Exhaust stack location limitations	390	23,52,58	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	390	34, 39	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	391	19, 51	
		Air Quality - HVAC fuel limited to natural gas	391	10, 13	
		Exhaust stack location limitations	391	51	
		Window Wall Attenuation & Alternate Ventilation	391	7, 33	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	392	39, 40, 43	
		Air Quality - HVAC fuel limited to natural gas	392	16	
		Exhaust stack location limitations	392	39, 40, 43	
		Window Wall Attenuation & Alternate Ventilation	392	32, 35, 40, 43	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	393	9, 59, 61	
		Exhaust stack location limitations	393	9, 59, 61	
		Window Wall Attenuation & Alternate Ventilation	393	59, 61	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	394	28, 32, 34	
		Exhaust stack location limitations	394	28, 32, 34	
		Window Wall Attenuation & Alternate Ventilation	394	10, 32, 34, 36	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	397	19, 27	
		Exhaust stack location limitations	397	19, 27	
		Air Quality - HVAC fuel limited to natural gas	398	45	
		Window Wall Attenuation & Alternate Ventilation	398	29, 34	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	399	11, 40, 51, 58	
		Exhaust stack location limitations	399	11, 40, 51, 58	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	399	8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	402	41	
		Window Wall Attenuation & Alternate Ventilation	402	41, 42	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	404	9, 23, 46, 47, 52	
		Air Quality - HVAC fuel limited to natural gas	404	11, 48	
		Exhaust stack location limitations	404	9, 23, 52	
		Window Wall Attenuation & Alternate Ventilation	404	23, 46, 47, 52, 53, 56, 58	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	405	19	
		Exhaust stack location limitations	405	19	
		Window Wall Attenuation & Alternate Ventilation	405	19, 39, 41	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	406	19, 23, 24, 48	
		Air Quality - HVAC fuel limited to natural gas	406	52, 55	
		Exhaust stack location limitations	406	19, 23, 24, 48	
		Window Wall Attenuation & Alternate Ventilation	406	19, 23, 24, 29, 36, 45, 48, 52	
			408	4, 24, 26	
			409	17, 20	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	410	33	
		Air Quality - HVAC fuel limited to natural gas	410	32	
		Exhaust stack location limitations	410	33	
		Window Wall Attenuation & Alternate Ventilation	410	13, 16, 24, 32, 33, 34, 51, 52, 64, 67, 68, 69	
			411	12, 15, 16, 19, 41	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	412	21, 61	

* Underground gasoline storage tanks included in category of hazardous materials contamination as of 6/16/94.

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - HVAC fuel limited to natural gas	412	2, 12	
		Window Wall Attenuation & Alternate Ventilation	412	2, 12, 13, 14, 16, 21, 61, 72	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	413	26	
		Exhaust stack location limitations	413	26	
		Window Wall Attenuation & Alternate Ventilation	413	25, 26, 29	
		Air Quality - HVAC fuel limited to natural gas	415	36	
		Window Wall Attenuation & Alternate Ventilation	415	3, 10, 23, 27, 36, 77	
			416	23, 28, 53, 56	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	417	64	
		Exhaust stack location limitations	417	64	
		Window Wall Attenuation & Alternate Ventilation	417	10, 12, 13, 64	
			418	35, 39, 43, 51, 52, 53, 54, 55, 58	
			419	49, 73, 75	
			421	60	
			422	42, 43, 49, 53	
			423	16, 17, 19, 21, 26, 28, 29, 126	
			424	27, 31, 35, 37	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	425	31	
		Air Quality - HVAC fuel limited to natural gas	425	32	
		Exhaust stack location limitations	425	31, 32	
		Window Wall Attenuation & Alternate Ventilation	425	28, 30, 31, 32, 38, 39	
			426	24, 27, 28, 33, 35, 37, 38	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	429	12, 18, 20, 28	
		Air Quality - HVAC fuel limited to natural gas	429	8	
		Exhaust stack location limitations	429	12, 18, 28	
		Window Wall Attenuation & Alternate Ventilation	429	7, 39, 40, 41, 43	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	434	34, 42, 46, 48	
		Air Quality - HVAC fuel limited to natural gas	434	50, 54	
		Exhaust stack location limitations	434	42, 46, 48	
		Window Wall Attenuation & Alternate Ventilation	434	3, 34, 35, 48	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	435	16, 48, 49, 52	
		Air Quality - HVAC fuel limited to natural gas	435	42	
		Exhaust stack location limitations	435	16, 48, 49, 52	
		Window Wall Attenuation & Alternate Ventilation	435	16, 34, 35, 48, 49, 52	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	436	25	
		Air Quality - HVAC fuel limited to natural gas	436	11	
		Exhaust stack location limitations	436	25	
		Window Wall Attenuation & Alternate Ventilation	436	8	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	437	15, 33	
		Air Quality - HVAC fuel limited to natural gas	437	43	
		Exhaust stack location limitations	437	15	
		Window Wall Attenuation & Alternate Ventilation	437	25	
		Air Quality - HVAC fuel limited to natural gas	438	25	
		Window Wall Attenuation & Alternate Ventilation	438	8, 10, 11, 12	
			439	26, 27, 31, 33, 34	
		Air Quality - HVAC fuel limited to natural gas	440	29	
		Window Wall Attenuation & Alternate Ventilation	440	6, 26, 32, 44, 46	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	443	16, 19, 29, 45, 46	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - HVAC fuel limited to natural gas	443	44, 49	
		Exhaust stack location limitations	443	16, 19, 29, 44, 45, 46	
		Window Wall Attenuation & Alternate Ventilation	443	1, 8, 36, 37	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	444	20, 21	
		Exhaust stack location limitations	444	20, 21	
		Hazardous Materials* Phase I and Phase II Testing Protocol	444	21	
		Window Wall Attenuation & Alternate Ventilation	444	3, 5, 12, 42	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	445	2	
		Air Quality - HVAC fuel limited to natural gas	445	16, 17, 64	
		Exhaust stack location limitations	445	2	
		Window Wall Attenuation & Alternate Ventilation	445	3	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	446	3	
		Air Quality - HVAC fuel limited to natural gas	446	4	
		Exhaust stack location limitations	446	3	
		Window Wall Attenuation & Alternate Ventilation	446	6, 7, 29	
			447	5, 32	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	448	16, 40, 42, 46, 47, 48, 50, 51	
		Air Quality - HVAC fuel limited to natural gas	448	4, 18, 45	
		Exhaust stack location limitations	448	16, 40, 42, 46, 47, 48, 50, 51	
		Hazardous Materials* Phase I and Phase II Testing Protocol	448	18	
		Window Wall Attenuation & Alternate Ventilation	448	4	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	449	7,13,23,41,46	
		Air Quality - HVAC fuel limited to natural gas	449	14,20,42,48,57	
		Exhaust stack location limitations	449	7,13,20,23,41,46	
		Hazardous Materials* Phase I and Phase II Testing Protocol	449	20	
		Window Wall Attenuation & Alternate Ventilation	449	5,20,30	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	450	8,37,38,39,45,46,52	
		Air Quality - HVAC fuel limited to natural gas	450	44,48	
		Exhaust stack location limitations	450	37,38,39,45,46,52	
		Window Wall Attenuation & Alternate Ventilation	450	22,23,36,38	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	451	4,15,24,47,48	
		Exhaust stack location limitations	451	4,15,24	
		Window Wall Attenuation & Alternate Ventilation	451	47,48	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	452	20	
		Exhaust stack location limitations	452	20	
		Window Wall Attenuation & Alternate Ventilation	452	20,33,34	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	453	37	
		Exhaust stack location limitations	453	37	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	454	66,68	
		Exhaust stack location limitations	454	68	
		Window Wall Attenuation & Alternate Ventilation	454	39,40,65	
			456	27	
			457	33	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	458	23	
		Window Wall Attenuation & Alternate Ventilation	458	25, 35	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	459	18, 21, 23	
		Exhaust stack location limitations	459	21, 23	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	460	23, 26, 28, 33, 43, 44, 45, 46, 51	
		Air Quality - HVAC fuel limited to natural gas	460	27, 32	
		Exhaust stack location limitations	460	23, 28, 33, 43, 44, 45, 46, 51	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	461	18	
		Exhaust stack location limitations	461	18	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	462	18	
		Exhaust stack location limitations	462	18	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	463	18, 39, 40, 41	
		Air Quality - HVAC fuel limited to natural gas	463	23	
		Exhaust stack location limitations	463	18, 39, 40, 41	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	464	15, 16, 20, 27, 31, 132	
		Air Quality - HVAC fuel limited to natural gas	464	32, 47, 55	
		Exhaust stack location limitations	464	15, 16, 20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	464	31	
		Window Wall Attenuation & Alternate Ventilation	464	27, 31, 132	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	465	58, 59	
		Exhaust stack location limitations	465	58, 59	
		Window Wall Attenuation & Alternate Ventilation	465	53, 58, 59	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	466	12	
		Air Quality - HVAC fuel limited to natural gas	466	15, 20	
		Exhaust stack location limitations	466	12	
		Window Wall Attenuation & Alternate Ventilation	466	12	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	467	16, 20, 49	
		Air Quality - HVAC fuel limited to natural gas	467	21, 48	
		Exhaust stack location limitations	467	20, 48	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	468	26, 49, 50, 54	
		Air Quality - HVAC fuel limited to natural gas	468	48	
		Exhaust stack location limitations	468	48, 49, 50, 54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	468	54	
		Window Wall Attenuation & Alternate Ventilation	468	26, 54	
E-217 10/23/2008	08DCP070R 080426ZMR 21c	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5	7, 10, 39, 42, 45, 87, 92, 95	
		Air Quality - HVAC fuel limited to natural gas	5	103	
		Exhaust stack location limitations	5	7, 10, 39, 42, 45, 87, 92, 95	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	7	63, 81, 86	
		Exhaust stack location limitations	7	63, 81, 86	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	8	86, 92, 99	
		Air Quality - Natural Gas Heat & Hot Water	8	16, 60	
		Exhaust stack location limitations	8	86, 92, 99	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	11	3, 4, 7, 8	
		Exhaust stack location limitations	11	3, 4, 7, 8	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	16	50, 54	
		Exhaust stack location limitations	16	50, 54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	498	40	
E-218 10/7/2008	08DCP021Q 080429ZMQ 9b	Hazardous Materials* Phase I and Phase II Testing Protocol	342	2	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	367	33	
		Exhaust stack location limitations	367	33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	367	15, 17, 23, 27, 33, 38, 40, 42	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	368	9, 10, 11, 29	
		Exhaust stack location limitations	368	9, 10, 11	
		Hazardous Materials* Phase I and Phase II Testing Protocol	368	1, 9, 10, 11, 15, 17, 18, 21, 22, 24, 26, 29, 34, 36	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	369	20, 22, 119, 121	
		Hazardous Materials* Phase I and Phase II Testing Protocol	369	2, 3, 14, 15, 20, 22, 23, 24, 32, 33, 113, 119, 121, 211	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	370	3, 20, 26, 28	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Exhaust stack location limitations	370	3,20,26,28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	370	3,4,6,7,12,20,26,28,29,34,35,36	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	371	27	
		Hazardous Materials* Phase I and Phase II Testing Protocol	371	15,17,19,23,27,29,33,34,38	
			372	3,4,7,21,22,23,33,35	
		Window Wall Attenuation & Alternate Ventilation	372	21,22,23,33,35	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	373	1,6,45,47	
		Hazardous Materials* Phase I and Phase II Testing Protocol	373	1,6,45,47	
		Window Wall Attenuation & Alternate Ventilation	373	1,6	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	374	12,33	
		Exhaust stack location limitations	374	12,33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	374	8,12,18,20,23,33,46,47,48,49,50,51	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	375	1,5,24,29,30	
		Exhaust stack location limitations	375	1,5,24,29,30	
		Hazardous Materials* Phase I and Phase II Testing Protocol	375	1,5,18,20,24,29,30,33	
			376	1	
			377	1,5,9,13,23,40	
			378	1	
			379	1	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	380	7,8,9,11	
		Exhaust stack location limitations	380	7,8,9	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	380	5, 6, 7, 8, 9, 11, 13	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	381	9, 11, 12	
		Exhaust stack location limitations	381	9, 11, 12	
		Hazardous Materials* Phase I and Phase II Testing Protocol	381	5, 9, 11, 12, 16, 21, 26, 27	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	382	8, 11, 13, 14, 15, 17, 19	
		Exhaust stack location limitations	382	8, 11, 13, 14, 15, 17, 19	
		Hazardous Materials* Phase I and Phase II Testing Protocol	382	8, 11, 13, 14, 15, 17, 19, 21, 22, 24, 27, 29, 127	
		Window Wall Attenuation & Alternate Ventilation	382	8, 11, 13, 14, 15	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	383	1, 2, 5, 33	
		Exhaust stack location limitations	383	1, 2, 5, 33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	383	1, 2, 5, 9, 11, 12, 14, 16, 17, 19, 20, 22, 24, 26, 33	
		Window Wall Attenuation & Alternate Ventilation	383	14, 16, 17, 19, 20, 22, 24, 26	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	384	5, 6, 7, 8, 9, 11, 28	
		Exhaust stack location limitations	384	5, 6, 7, 8, 9, 11, 28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	384	5, 6, 7, 8, 9, 11, 22, 28	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	385	2, 3	
		Exhaust stack location limitations	385	2, 3	
		Hazardous Materials* Phase I and Phase II Testing Protocol	385	1, 2, 3, 4, 5, 18, 21, 22, 32	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	386	3, 4, 7, 19, 20, 30, 31, 32	
		Exhaust stack location limitations	386	3, 4, 7, 19, 20, 30, 31, 32	
		Hazardous Materials* Phase I and Phase II Testing Protocol	386	3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 19, 20, 23, 25, 30, 31, 32	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	387	7, 8, 9	
		Exhaust stack location limitations	387	7, 8, 9	
		Hazardous Materials* Phase I and Phase II Testing Protocol	387	2, 4, 5, 6, 7, 8, 9, 17, 19, 24, 25, 28, 32	
			388	18, 19, 20	
			394	45, 46, 47, 48	
			395	1, 2, 3, 4, 5, 6, 17, 23, 26, 30, 31, 33, 35, 40, 126	
			396	18, 21, 22, 23, 24, 39	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	397	2, 11, 12, 17, 18, 21, 22, 28, 29	
		Exhaust stack location limitations	397	2, 11, 12, 17, 18, 21, 22, 28, 29	
		Hazardous Materials* Phase I and Phase II Testing Protocol	397	1, 2, 5, 7, 10, 11, 12, 17, 18, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 33, 35	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	398	1, 19, 30, 31, 32, 34, 35, 38, 39	
		Exhaust stack location limitations	398	1, 19, 30, 38, 39	
		Hazardous Materials* Phase I and Phase II Testing Protocol	398	1, 19, 22, 24, 27, 30, 31, 32, 34, 35, 38, 39	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	399	1, 3, 6, 7, 9, 13, 26	
		Exhaust stack location limitations	399	1, 3, 6, 7, 9, 13, 26	
		Hazardous Materials* Phase I and Phase II Testing Protocol	399	1, 3, 6, 7, 9, 13, 26, 31, 34	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	400	5	
		Exhaust stack location limitations	400	5	
		Hazardous Materials* Phase I and Phase II Testing Protocol	400	5	
		Window Wall Attenuation & Alternate Ventilation	400	5	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	402	1, 32, 35	
		Hazardous Materials* Phase I and Phase II Testing Protocol	402	1, 16, 18, 28, 30, 32, 35	
		Window Wall Attenuation & Alternate Ventilation	402	1, 32, 35	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	405	9, 10, 29, 41	
		Exhaust stack location limitations	405	9, 10, 29, 41	
		Hazardous Materials* Phase I and Phase II Testing Protocol	405	5, 6, 7, 9, 10, 13, 16, 17, 26, 29, 31, 32, 33, 34, 36, 37, 41	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	406	12, 29	
		Exhaust stack location limitations	406	12, 29	
		Hazardous Materials* Phase I and Phase II Testing Protocol	406	1, 2, 8, 9, 10, 11, 12, 24, 29, 38	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	407	9, 11, 13, 16, 17, 19, 27, 29	
		Exhaust stack location limitations	407	11, 13, 16, 17, 19, 27, 29	
		Hazardous Materials* Phase I and Phase II Testing Protocol	407	5, 9, 10, 11, 13, 16, 17, 19, 21, 27, 29, 33, 34, 35, 36	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	408	9, 14, 16, 31, 32, 35, 37, 38, 109	
		Exhaust stack location limitations	408	9, 14, 16, 31, 32, 37, 38, 109	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Hazardous Materials* Phase I and Phase II Testing Protocol	408	1, 5, 9, 14, 16, 21, 23, 24, 25, 26, 28, 29, 31, 32, 33, 34, 35, 37, 38, 109	
			599	40, 41, 46, 48	
		Window Wall Attenuation & Alternate Ventilation	599	40, 41, 46, 48	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	600	34, 39, 49, 50, 116	
		Exhaust stack location limitations	600	34, 39, 49, 50, 116	
		Hazardous Materials* Phase I and Phase II Testing Protocol	600	1, 2, 3, 4, 5, 6, 7, 8, 12, 14, 16, 19, 20, 22, 23, 24, 25, 34, 39, 41, 43, 48, 49, 50, 111, 116, 148	
		Window Wall Attenuation & Alternate Ventilation	600	5, 6, 7, 8, 12, 14, 16, 19, 20, 22, 23, 24, 25, 111	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	601	17, 18, 19, 20, 25, 26	
		Exhaust stack location limitations	601	17, 18, 19, 20, 25, 26	
		Hazardous Materials* Phase I and Phase II Testing Protocol	601	17, 18, 19, 20, 25, 26, 27, 28, 29, 30	
E-219 9/4/2008	08DCP073Q 080462ZMQ 19a 19b 19c 19d	Hazardous Materials* Phase I and Phase II Testing Protocol	12956	29	
		Window Wall Attenuation & Alternate Ventilation	12956	29	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	12958	50, 111, 114	
		Exhaust stack location limitations	12958	50, 111, 114	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12958	50, 111, 114	
		Window Wall Attenuation & Alternate Ventilation	12958	50, 111, 114	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12960	1	
		Window Wall Attenuation & Alternate Ventilation	12960	1	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	12962	51,84,85	
		Exhaust stack location limitations	12962	51,84,85	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12962	51,84,85	
		Window Wall Attenuation & Alternate Ventilation	12962	51,84,85	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12963	308	
		Window Wall Attenuation & Alternate Ventilation	12963	308	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	13010	18,49	
		Exhaust stack location limitations	13010	18,49	
		Hazardous Materials* Phase I and Phase II Testing Protocol	13010	18,49	
		Window Wall Attenuation & Alternate Ventilation	13010	18,49	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	13011	12,46	
		Exhaust stack location limitations	13011	12,46	
		Hazardous Materials* Phase I and Phase II Testing Protocol	13011	12,46	
			13012	39	
		Window Wall Attenuation & Alternate Ventilation	13012	39	
		Hazardous Materials* Phase I and Phase II Testing Protocol	13098	21,31	
		Window Wall Attenuation & Alternate Ventilation	13098	21,31	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	13100	22,26,37	
		Exhaust stack location limitations	13100	22,26,37	
		Hazardous Materials* Phase I and Phase II Testing Protocol	13100	22,26,37	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	13100	22,26,37	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	13102	10,16	
		Exhaust stack location limitations	13102	10,16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	13102	10,16	
		Window Wall Attenuation & Alternate Ventilation	13102	10,16	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	13103	18,21	
		Exhaust stack location limitations	13103	18,21	
		Hazardous Materials* Phase I and Phase II Testing Protocol	13103	18,21	
		Window Wall Attenuation & Alternate Ventilation	13103	18,21	
		Hazardous Materials* Phase I and Phase II Testing Protocol	13105	33,41	
		Window Wall Attenuation & Alternate Ventilation	13105	33,41	
E-220 9/24/2008	08DCP074Q	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5145	90	
	080457ZMQ	Exhaust stack location limitations	5145	90	
	10b 10c 10d				
E-221 3/11/2009	08DCP033K	Air Quality - HVAC fuel limited to natural gas	452	1,15	
	090047ZMK		458	1	
	16c				
E-222 3/24/2009	09DCP013Q	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3234	45	
	090104ZMQ	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	3234	39	
	14a	Exhaust stack location limitations	3234	39,45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3234	39,45	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	3234	39, 45	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3236	1, 18	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	3236	22	
		Exhaust stack location limitations	3236	1, 18, 22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3236	1, 18, 22	
		Window Wall Attenuation & Alternate Ventilation	3236	1, 18, 22	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3237	33	
		Air Quality - HVAC fuel limited to natural gas	3237	40	
		Exhaust stack location limitations	3237	33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3237	33, 40	
		Window Wall Attenuation & Alternate Ventilation	3237	33, 40	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3238	23	
		Air Quality - HVAC fuel limited to natural gas	3238	42	
		Exhaust stack location limitations	3238	23	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3238	23, 42, 44	
		Window Wall Attenuation & Alternate Ventilation	3238	23, 42, 44	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3239	8, 9, 25, 32	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	3239	38	
		Air Quality - HVAC fuel limited to natural gas	3239	15, 16, 17, 20, 21, 23, 29	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Exhaust stack location limitations	3239	8, 9, 25, 32, 38	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3239	8, 9, 15, 16, 17, 20, 21, 23, 25, 29, 32, 38	
		Window Wall Attenuation & Alternate Ventilation	3239	8, 9, 15, 16, 17, 20, 21, 23, 25, 29, 32, 38	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	3256	38	
		Exhaust stack location limitations	3256	38	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3256	9, 38	
		Window Wall Attenuation & Alternate Ventilation	3256	9, 38	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3257	19, 21	
		Window Wall Attenuation & Alternate Ventilation	3257	19, 21	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3258	14, 16, 17, 18, 20, 28	
		Exhaust stack location limitations	3258	14, 16, 17, 18, 20, 28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3258	14, 16, 17, 18, 20, 28	
		Window Wall Attenuation & Alternate Ventilation	3258	14, 16, 17, 18, 20, 28	
E-223 3/24/2009	08DME010X 090146ZMX 1d	Hazardous Materials* Phase I and Phase II Testing Protocol	3266	21, 23, 155, 159	
		Window Wall Attenuation & Alternate Ventilation	3266	13	
E-224 4/22/2009	07DCP056K 070396ZMK 17b	Air Quality - HVAC fuel limited to natural gas	4837	22, 23, 27, 29, 31, 33, 38, 44	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4837	44	
		Window Wall Attenuation & Alternate Ventilation	4837	22, 23, 27, 29, 31, 33, 38, 44	
E-225 9/30/2009	09DCP024X 090365ZMX	Exhaust stack location limitations	2421	1, 16, 17, 18, 20, 26, 27, 50, 51, 52, 53, 54, 55, 56, 75	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
	3b 6a	Hazardous Materials* Phase I and Phase II Testing Protocol	2421	1,16,17,18,20,26,27,50,51,52,53,54,55,56,57,75	
		Window Wall Attenuation & Alternate Ventilation	2421	1,16,17,18,20,26,27,50,51,52,53,54,55,56,57,75	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2443	90,94	
		Window Wall Attenuation & Alternate Ventilation	2443	90,94	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2459	46,49,50,53,54	
		Window Wall Attenuation & Alternate Ventilation	2459	46,49,50,53,54	
		Exhaust stack location limitations	2460	25	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2460	25	
		Window Wall Attenuation & Alternate Ventilation	2460	25	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2474	40	
		Window Wall Attenuation & Alternate Ventilation	2474	40	
		Exhaust stack location limitations	2483	32,45,68	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2483	5,32,34,40,44,45,68	
		Window Wall Attenuation & Alternate Ventilation	2483	5,32,34,40,44,45,68	
		Exhaust stack location limitations	2484	33,35	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2484	5,9,33,35	
		Window Wall Attenuation & Alternate Ventilation	2484	5,9,33,35	
E-226	09HPD021K	Hazardous Materials* Phase I and Phase II Testing Protocol	7051	48,54	
5/22/2009	090250ZMK	Window Wall Attenuation & Alternate Ventilation	7051	48,54	
	28d				
E-227	08DCP071X		2318	5,7,9,18,19,22	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
6/30/2009	090303ZMX 6a	Hazardous Materials* Phase I and Phase II Testing Protocol	2320	5, 6, 7, 8, 9, 10, 11, 41, 42, 43, 45, 46, 47, 50, 51, 66, 72, 73, 74, 77, 79	
			2322	28, 81, 101	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2323	43	
		Exhaust stack location limitations	2323	43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2323	13, 43	
		Window Wall Attenuation & Alternate Ventilation	2323	13, 28, 43	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2333	1, 6, 10, 17, 31, 33, 50, 54	
		Exhaust stack location limitations	2333	1, 6, 10, 17, 31, 33, 50, 54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2333	1, 6, 10, 12, 17, 31, 33, 50, 54	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2334	38, 39, 40, 41, 43, 45, 59, 66	
		Exhaust stack location limitations	2334	38, 39, 40, 41, 43, 45, 59, 66	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2334	38, 39, 40, 41, 43, 45, 59, 61, 62, 63, 66	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2335	6, 58	
		Exhaust stack location limitations	2335	6, 58	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2335	6, 57, 58	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2340	11	
		Exhaust stack location limitations	2340	11	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2340	1, 3, 8, 11, 56, 58, 215, 218, 221	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2341	6,10,28,31,34,37,40,42	
		Exhaust stack location limitations	2341	6,10,28,31,34,37,40,42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2341	6,10,23,28,31,34,37,40,42	
		Window Wall Attenuation & Alternate Ventilation	2341	6,10,23,28,31,34,37,40,42	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2344	1,11,17,27,60,75,83	
		Exhaust stack location limitations	2344	1,11,17,27,60,75,83	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2344	1,11,17,27,52,60,75,83,110,112	
		Window Wall Attenuation & Alternate Ventilation	2344	1,11,17,27,52	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2345	1,5,10,12,14,18,22,26,49	
		Exhaust stack location limitations	2345	1,5,10,12,14,18,22,26,49	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2345	1,5,10,12,14,18,22,26,49	
		Window Wall Attenuation & Alternate Ventilation	2345	1,5,14,18,22,26,49	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2349	15,46,47,100	
		Exhaust stack location limitations	2349	15,46,47,100	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2349	3,4,15,38,46,47,90,100,112	
		Window Wall Attenuation & Alternate Ventilation	2349	3,4,15,38,46,47,90,100,112	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2350	5,11,16,34,63	
		Exhaust stack location limitations	2350	5,11,16,34,63	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2350	1,5,11,16,34,63	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	2350	1	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2351	1, 3, 12, 20, 22, 25, 35	
		Exhaust stack location limitations	2351	1, 3, 12, 20, 22, 25, 35	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2351	1, 3, 12, 20, 22, 25, 35	
		Window Wall Attenuation & Alternate Ventilation	2351	1, 3, 12, 20	
E-229 7/29/2009	08DME007K 090272ZMK 28d	Hazardous Materials* Phase I and Phase II Testing Protocol	7060	6, 10, 11, 12, 41, 42, 43	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	7061	6, 8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7061	1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 14, 20, 27	
			7062	1, 4, 5, 6, 7, 8, 9, 10, 11, 14, 25, 28, 34	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	7063	12	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7063	1, 2, 3, 4, 6, 8, 9, 11, 12, 32, 33, 34, 35, 38, 39, 40, 41	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	7064	45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7064	1, 2, 4, 5, 7, 14, 16, 27, 28, 31, 32, 35, 37, 38, 43, 45	
			7071	123, 130	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	7072	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7072	1	
			7266	250	
			7268	213, 218	
E-230 6/30/2009	09DCP052K 090313ZMK	Hazardous Materials* Phase I and Phase II Testing Protocol	7998	1	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
	17d 23a 23b 23c	Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	7999	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7999	1	
			8000	1	
			8001	1, 4, 6, 8	
			8002	5, 7	
			8004	3, 7	
			8005	2	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	8013	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8013	1	
			8014	1	
			8017	36, 44	
			8021	37, 38	
			8023	39	
			8024	38, 40	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	8146	58	
		Air Quality - HVAC fuel limited to natural gas	8146	60	
		Exhaust stack location limitations	8146	58	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8146	19, 58, 60	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	8147	14, 16, 18	
		Exhaust stack location limitations	8147	14, 16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8147	6, 14, 18	
		Air Quality - HVAC fuel limited to natural gas	8165	48, 52, 147, 153	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8165	52, 147, 153	
			8166	31	
			8179	1, 15	
			8184	52, 53	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	8185	22, 24, 32	
		Air Quality - HVAC fuel limited to natural gas	8185	25	
		Exhaust stack location limitations	8185	22, 24, 32	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8185	22, 24, 25, 32	
			8204	42	
			8210	37	
			8212	44	
			8213	37	
		Air Quality - HVAC fuel limited to natural gas	8235	2, 10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8235	2, 10	
			8237	1	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	8239	3, 6	
		Exhaust stack location limitations	8239	3, 6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8239	3, 6	
			8240	1	
			8241	1	
			8259	36	
			8260	38, 39, 40	
			8261	42	
E-231 7/29/2009	09DCP053K 090310ZMK 13d	Hazardous Materials* Phase I and Phase II Testing Protocol	1	50	
		Window Wall Attenuation & Alternate Ventilation	1	50	
		Hazardous Materials* Phase I and Phase II Testing Protocol	18	1	
		Window Wall Attenuation & Alternate Ventilation	18	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	19	1	
		Window Wall Attenuation & Alternate Ventilation	19	1	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	20	29	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	20	12, 14, 21	
		Exhaust stack location limitations	20	12, 14, 21, 29	
		Hazardous Materials* Phase I and Phase II Testing Protocol	20	1, 12, 14, 21, 29	
			29	16	
		Window Wall Attenuation & Alternate Ventilation	29	16	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	30	1, 4, 21	
		Exhaust stack location limitations	30	1, 4, 21	
		Hazardous Materials* Phase I and Phase II Testing Protocol	30	1, 4, 6, 7, 19, 20, 22, 23, 24	
		Window Wall Attenuation & Alternate Ventilation	30	1, 4, 6, 7, 19, 20, 22, 23, 24	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	31	1, 14	
		Exhaust stack location limitations	31	1, 14	
		Hazardous Materials* Phase I and Phase II Testing Protocol	31	1, 14, 30	
			32	1, 55, 56	
			40	1, 13	
		Window Wall Attenuation & Alternate Ventilation	40	1	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	41	13, 42, 44	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	41	1, 2	
		Exhaust stack location limitations	41	1, 2, 13, 42, 44	
		Hazardous Materials* Phase I and Phase II Testing Protocol	41	1, 2, 5, 13, 42, 44	
		Window Wall Attenuation & Alternate Ventilation	41	1, 2, 5, 13, 42, 44	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Hazardous Materials* Phase I and Phase II Testing Protocol	42	1	
E-232 7/29/2009	09DCP056K 090334ZMK 12c 13a 13b	Hazardous Materials* Phase I and Phase II Testing Protocol	2487	42, 43	
		Window Wall Attenuation & Alternate Ventilation	2487	42, 43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2488	3, 4, 6, 7	
		Window Wall Attenuation & Alternate Ventilation	2488	3, 4, 6, 7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2495	48	
		Window Wall Attenuation & Alternate Ventilation	2495	48	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2496	1, 3, 6	
		Window Wall Attenuation & Alternate Ventilation	2496	1, 3, 6	
			2502	2	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2504	43, 44, 45	
		Window Wall Attenuation & Alternate Ventilation	2504	43, 44, 45	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2505	3, 4, 5, 6, 7, 8	
		Exhaust stack location limitations	2505	3, 4, 5, 6, 7, 8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2505	2, 3, 4, 5, 6, 7, 8	
		Window Wall Attenuation & Alternate Ventilation	2505	3, 4, 5, 6, 7, 8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2513	2, 3, 4, 5, 6, 8	
		Window Wall Attenuation & Alternate Ventilation	2513	2, 3, 4, 5, 6, 8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2523	1, 2, 4, 7	
		Window Wall Attenuation & Alternate Ventilation	2523	1, 2, 4, 7	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Hazardous Materials* Phase I and Phase II Testing Protocol	2532	42, 43, 45, 46	
		Window Wall Attenuation & Alternate Ventilation	2532	42, 43, 45, 46	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2533	3	
		Window Wall Attenuation & Alternate Ventilation	2533	3	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2540	41	
		Window Wall Attenuation & Alternate Ventilation	2540	41	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2541	4	
		Window Wall Attenuation & Alternate Ventilation	2541	4	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2550	45, 46, 47	
		Window Wall Attenuation & Alternate Ventilation	2550	45, 46, 47	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2551	3, 4, 5, 6, 7, 8	
		Window Wall Attenuation & Alternate Ventilation	2551	3, 4, 5, 6, 7, 8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2559	37, 45, 46	
		Window Wall Attenuation & Alternate Ventilation	2559	18, 19, 23, 37, 45, 46	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2563	1	
			2566	4	
		Window Wall Attenuation & Alternate Ventilation	2566	4	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2569	2	
		Window Wall Attenuation & Alternate Ventilation	2569	2	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2575	5	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	2575	5	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2599	18,19,23,28	
		Window Wall Attenuation & Alternate Ventilation	2599	28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2622	5,7,8,9,10,11,20,21,22,23,24	
		Window Wall Attenuation & Alternate Ventilation	2622	5,7,8,9,10,11,20,21,22,23,24	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2649	11,12,13,14,15,16,18,19,20,21,22,23,24,29,30,31,32	
		Window Wall Attenuation & Alternate Ventilation	2649	11,12,13,14,15,16,18,19,20,21,22,23,24,29,30,31,32	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2682	5,10,13,14,29,31,112	
		Window Wall Attenuation & Alternate Ventilation	2682	5,10,13,14,29,31,112	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2683	28	
		Window Wall Attenuation & Alternate Ventilation	2683	28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2751	4,5	
		Window Wall Attenuation & Alternate Ventilation	2751	4,5	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2756	25,33	
		Window Wall Attenuation & Alternate Ventilation	2756	25,33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2757	24,25	
		Window Wall Attenuation & Alternate Ventilation	2757	24,25	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2758	4,39,41	
		Window Wall Attenuation & Alternate Ventilation	2758	4,39,41	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2760	28	
		Exhaust stack location limitations	2760	28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2760	4, 6, 28, 35, 36, 37	
		Window Wall Attenuation & Alternate Ventilation	2760	4, 6, 28, 34, 36, 37	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2761	15, 16, 17, 18	
		Exhaust stack location limitations	2761	15, 16, 17, 18	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2761	3, 5, 6, 15, 16, 17, 18, 21, 22, 25, 26, 34, 35, 64	
		Window Wall Attenuation & Alternate Ventilation	2761	3, 5, 6, 15, 16, 17, 18, 21, 22, 25, 26, 34, 35, 64	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2762	3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18	
		Window Wall Attenuation & Alternate Ventilation	2762	3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2763	11, 13, 16, 17, 18	
		Window Wall Attenuation & Alternate Ventilation	2763	1, 11, 13, 16, 17, 18	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2764	3, 13, 14, 15, 16, 17, 18, 19, 25	
		Window Wall Attenuation & Alternate Ventilation	2764	13, 25	
			2765	3, 14, 15, 16, 17, 18, 19	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2767	1, 3, 4	
		Window Wall Attenuation & Alternate Ventilation	2767	1, 3, 4	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2771	5, 7	
		Window Wall Attenuation & Alternate Ventilation	2771	5, 7	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	2772	11,13,15,18,20,29	
		Window Wall Attenuation & Alternate Ventilation	2772	11,13,15,18,20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2773	5,6,7,8	
		Window Wall Attenuation & Alternate Ventilation	2773	5,6,7,8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2776	24	
		Window Wall Attenuation & Alternate Ventilation	2776	24	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2777	5	
		Window Wall Attenuation & Alternate Ventilation	2777	5	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2779	34,35,36,37	
		Exhaust stack location limitations	2779	34,35,36,37	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2779	1,2,3,4,27,31,33,34,35,36,37,38,44,45,46,48,49	
		Window Wall Attenuation & Alternate Ventilation	2779	1,2,3,4,27,31,33,34,35,36,37,38,44,45,46,48,49	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2780	1,31,32,33,34,35,36,37,38	
		Exhaust stack location limitations	2780	1,31,32,33,34,35,36,37,38	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2780	1,28,30,31,32,33,34,35,36,37,38	
		Window Wall Attenuation & Alternate Ventilation	2780	1,28,30,31,32,33,34,35,36,37,38	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2781	36,37,38	
		Exhaust stack location limitations	2781	36,37,38	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	2781	30, 31, 32, 33, 34, 35, 36, 38, 41	
		Window Wall Attenuation & Alternate Ventilation	2781	30, 31, 33, 34, 35, 36, 38	
			2782	30, 32, 34, 35, 40, 41	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2783	36, 39, 43	
		Window Wall Attenuation & Alternate Ventilation	2783	36, 39, 43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2784	1, 30, 31	
		Window Wall Attenuation & Alternate Ventilation	2784	1, 30, 31, 32	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2785	11, 12, 13, 14, 16, 18, 19, 21, 22, 26, 27	
		Window Wall Attenuation & Alternate Ventilation	2785	11, 12, 13, 14, 16, 18, 19, 21, 22, 26, 27	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2786	19, 20	
		Window Wall Attenuation & Alternate Ventilation	2786	19, 20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2787	9, 10, 21	
		Window Wall Attenuation & Alternate Ventilation	2787	9, 10, 21	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2788	15, 19, 20	
		Window Wall Attenuation & Alternate Ventilation	2788	15, 19, 20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2789	10, 21, 22	
		Window Wall Attenuation & Alternate Ventilation	2789	10, 21, 22	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	2790	5, 111	
		Exhaust stack location limitations	2790	5, 111	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Hazardous Materials* Phase I and Phase II Testing Protocol	2790	5,12,13,15,16,17,111	
		Window Wall Attenuation & Alternate Ventilation	2790	5,12,13,15,16,17,111	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2791	6	
		Window Wall Attenuation & Alternate Ventilation	2791	6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2893	25,30	
		Window Wall Attenuation & Alternate Ventilation	2893	25,30	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2919	4	
		Window Wall Attenuation & Alternate Ventilation	2919	4	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2922	34,38,39,40,41,42,43,44,45,46,47	
		Window Wall Attenuation & Alternate Ventilation	2922	34,38,39,40,41,42,43,44,45,46,47	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3022	3,4	
		Window Wall Attenuation & Alternate Ventilation	3022	3,4	
E-233 7/29/2009	09DCP058K 090336ZMK 16d 17b 22c 23a	Hazardous Materials* Phase I and Phase II Testing Protocol	5070	19	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5082	47,55	
		Exhaust stack location limitations	5082	47,55	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5082	47,55	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5089	1,105	
		Exhaust stack location limitations	5089	1,105	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	5089	1, 48, 65, 105	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5102	28, 33, 35, 36	
		Exhaust stack location limitations	5102	28, 33, 35, 36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5102	20, 28, 33, 35, 36, 39, 41, 46, 47, 48, 51, 52, 53	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5103	23, 26, 32, 36	
		Exhaust stack location limitations	5103	23, 26, 32, 36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5103	1, 8, 23, 26, 32, 36, 42	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5109	4, 8, 15	
		Exhaust stack location limitations	5109	4, 8, 15	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5109	4, 8, 15, 20	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5112	1	
		Exhaust stack location limitations	5112	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5112	1	
			5113	24	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5125	51, 56, 58, 60	
		Exhaust stack location limitations	5125	51, 56, 58, 60	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5125	11, 20, 51, 56, 58, 60	
			5126	7, 9	
			5152	12	
			5164	13, 15	
			5165	58, 59, 61, 67, 69	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5186	4, 10, 16, 24	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Exhaust stack location limitations	5186	4,10,16,24	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5186	4,10,16,24	
			5188	6,13,14	
			5224	135	
			5225	49,56	
			5227	1,3,5,13,15,16	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5229	11,15,17	
		Exhaust stack location limitations	5229	11,15,17	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5229	11,15,17	
			5231	78	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5232	27,28,35,37	
		Exhaust stack location limitations	5232	27,28,35,37	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5232	27,28,35,37	
			5249	51,52,53,59	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	5251	5,7,8,11,14,15,59	
		Exhaust stack location limitations	5251	5,7,8,11,14,15,59	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5251	5,7,8,11,14,15,59	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	6696	16,78,79,81,82	
		Exhaust stack location limitations	6696	16,78,79,81,82	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	6698	6,9	
		Exhaust stack location limitations	6698	6,9	
		Hazardous Materials* Phase I and Phase II Testing Protocol	6886	48	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	7557	1,47,52,56,58,60,62,68,101,124,128,142,143	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	Effective Date	Satisfaction Date	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
						Exhaust stack location limitations	7557	1, 47, 52, 56, 58, 60, 62, 68, 101, 124, 128, 142, 143	
						Hazardous Materials* Phase I and Phase II Testing Protocol	7557	1, 47, 52, 56, 58, 60, 62, 68, 101, 124, 128, 142, 143	
						Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	7558	1, 11, 32, 35, 43	
						Exhaust stack location limitations	7558	1, 11, 32, 35, 43	
						Hazardous Materials* Phase I and Phase II Testing Protocol	7558	11, 32, 35, 43, 50, 51, 52	
							7756	1, 71	
E-234			03DCP013Q			Air Quality - HVAC fuel limited to natural gas	8401	550	
10/14/2009			030129ZMQ			Window Wall Attenuation & Alternate Ventilation	8401	550	
				11d					
E-235			09DCP064Q			Hazardous Materials* Phase I and Phase II Testing Protocol	2713	70, 72, 73	
7/29/2009			090382ZMQ			Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2770	1, 13, 16, 31, 34	
				13c 13d 14a 14b 17c		Exhaust stack location limitations	2770	1, 13, 16, 31, 34	
						Hazardous Materials* Phase I and Phase II Testing Protocol	2770	1, 13, 16, 31, 34	
						Window Wall Attenuation & Alternate Ventilation	2770	1, 31, 34	
						Hazardous Materials* Phase I and Phase II Testing Protocol	2771	21, 38	
						Window Wall Attenuation & Alternate Ventilation	2771	21, 38	
						Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3000	26	
						Exhaust stack location limitations	3000	26	
						Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3014	26	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Exhaust stack location limitations	3014	26	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3594	7	
			3639	1	
		Window Wall Attenuation & Alternate Ventilation	3639	1	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3675	1, 3, 4, 5, 60, 61	
		Air Quality - HVAC fuel limited to natural gas	3675	10	
		Exhaust stack location limitations	3675	1, 3, 4, 5, 60, 61	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3675	1, 3, 4, 5, 10, 60, 61	
			3686	46	
			3692	1	
			3707	28	
			3708	33	
			3709	25	
			3710	22	
E-236 9/30/2009	09DCP075K 090387ZMK 16b 16d 22a 22c	Hazardous Materials* Phase I and Phase II Testing Protocol	673	1	
			677	3	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	681	1, 6	
		Exhaust stack location limitations	681	1, 6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	681	1, 6	
			685	2, 3, 6, 7	
			708	42	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	714	1, 6	
		Exhaust stack location limitations	714	1, 6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	714	1, 6	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	719	6	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Exhaust stack location limitations	719	6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	719	6	
			756	3, 4	
			783	6	
			798	41	
			799	6	
			806	35	
			807	1, 2	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	915	1, 2, 3, 4	
		Exhaust stack location limitations	915	1, 2, 3, 4	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	919	12, 13, 16	
		Exhaust stack location limitations	919	12, 13, 16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	919	16	
			5790	35	
			5799	34	
			5800	1	
			5809	1, 3	
			5818	5	
E-237 10/14/2009	06DCP084X 060288ZMX 4d	Air Quality - HVAC fuel limited to natural gas	5643	235	
E-238 12/22/2009	09HPD019K 090413ZMK 13b	Air Quality - #4 Fuel Oil for space heating and hot water systems	2238	41	
		Air Quality - Natural Gas Heat & Hot Water	2238	27, 49	
		Exhaust stack location limitations	2238	27, 49	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2238	27, 41, 49	
		Window Wall Attenuation & Alternate Ventilation	2238	27, 41	
		Air Quality - Natural Gas Heat & Hot Water	2242	2, 3, 22, 45, 46, 47, 53, 54	
		Exhaust stack location limitations	2242	2, 3, 45, 46, 47	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	2242	2, 3, 22, 45, 46, 47, 53, 54	
		Air Quality - #4 Fuel Oil for space heating and hot water systems	2245	35, 40, 42, 43, 44, 47, 48, 136, 149	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2245	35, 40, 42, 43, 44, 47, 48, 136	
		Window Wall Attenuation & Alternate Ventilation	2245	35, 40, 42, 43, 44, 47, 48, 136, 149	
		Air Quality - Natural Gas Heat & Hot Water	2250	4, 6, 7, 8, 10, 11, 12, 14, 25, 27, 28, 29, 32, 33, 36, 37, 38, 40, 41, 46, 48, 129	
		Exhaust stack location limitations	2250	4, 6, 7, 8, 10, 11, 12, 14, 25, 27, 28, 29, 32, 33, 36, 37, 38, 40, 41, 46, 48, 129	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2250	4, 6, 7, 8, 10, 11, 12, 14, 25, 27, 28, 29, 32, 33, 36, 37, 38, 40, 41, 46, 48, 129	
		Window Wall Attenuation & Alternate Ventilation	2250	4, 10, 11, 12, 14, 32, 33, 36, 37, 46, 48, 129	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2266	29, 30	
		Air Quality - Natural Gas Heat & Hot Water	2266	1, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 31, 32, 34, 36, 37, 38, 39, 40, 41, 46	
		Exhaust stack location limitations	2266	1, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 29, 30, 31, 32, 34, 36, 39, 40, 41, 46	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2266	1, 9, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 29, 30, 31, 32, 34, 37, 38, 39, 40, 41, 46	
		Window Wall Attenuation & Alternate Ventilation	2266	1, 9, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 29, 30, 31, 32, 34	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2269	25, 27, 28, 29, 30, 31, 33, 35, 36, 39, 40, 41, 42, 43, 45, 47, 48, 49, 50	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air Quality - Natural Gas Heat & Hot Water	2269	1,14,16,17,18,19,23,24,40,52	
		Exhaust stack location limitations	2269	1,14,16,17,18,19,23,24,25,27,28,29,30,31,33,35,36,39,40,41,42,43,45,47,48,49,50	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2269	1,19,24,25,39,40,42,43	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2272	3,6,9,11	
		Air Quality - Natural Gas Heat & Hot Water	2272	45,46,49,51,52,53,54,55,108,147	
		Exhaust stack location limitations	2272	3,6,9,11,45,46,49,51,52,53,108,147	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2272	3,6,9,45,46,54,55,147	
		Window Wall Attenuation & Alternate Ventilation	2272	45,46,49,51,52,53,54,55,108,147	
		Air Quality - #4 Fuel Oil for space heating and hot water systems	2274	1,5,6,16,24	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2274	1,5,6,16,24	
		Window Wall Attenuation & Alternate Ventilation	2274	1,5,6,16,24	
E-239 12/9/2009	07DCP076M 080039ZMM 6a	Hazardous Materials* Phase I and Phase II Testing Protocol	1969	12,68	
E-240 2/4/2010	09DCP028X 090397ZMX 1d	Window Wall Attenuation & Alternate Ventilation	3360	70,76,176	
E-242 4/29/2010	06DCP083Q 060550ZMQ 14b	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3347	54	
		Air Quality - HVAC fuel limited to natural gas	3347	24	
		Exhaust stack location limitations	3347	24,54	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Hazardous Materials* Phase I and Phase II Testing Protocol	3347	54	
		Window Wall Attenuation & Alternate Ventilation	3347	24	
E-243 6/9/2010	08DCP054X 080157ZMX 3d	Air Quality - HVAC fuel limited to natural gas	2984	46, 67	
		Window Wall Attenuation & Alternate Ventilation	2984	46, 67	
E-244 6/29/2010	08DCP067X 090143ZMX 3c	Window Wall Attenuation & Alternate Ventilation	3273	225	
E-245 5/25/2010	10DCP019Q 100199ZMQ 6b 9a 9b 9c	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	502	5, 7, 9, 19, 22, 23, 46	
		Exhaust stack location limitations	502	5, 7, 9, 19, 22, 23, 46	
		Hazardous Materials* Phase I and Phase II Testing Protocol	502	5, 7, 9, 19, 22, 23, 46	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	503	1, 3, 41, 48	
		Exhaust stack location limitations	503	1, 3, 41, 48	
		Hazardous Materials* Phase I and Phase II Testing Protocol	503	1, 3, 41, 48	
			504	3, 21	
			505	14	
			506	29	
			533	1, 45	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	535	46, 51	
		Exhaust stack location limitations	535	46, 51	
		Hazardous Materials* Phase I and Phase II Testing Protocol	535	46, 51	
			537	43	
			538	46	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	550	7	
		Exhaust stack location limitations	550	7	
			550	7	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	551	17,19	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	567	1,5	
		Exhaust stack location limitations	567	1,5	
		Hazardous Materials* Phase I and Phase II Testing Protocol	567	1,5	
			579	1,5	
			580	20	
			586	35	
			595	19,26,27	
			617	8	
			646	34	
			647	30	
			649	3,5	
			654	59,60,160	
			793	26,42,73	
			797	10	
			799	15,24	
			803	60	
			805	32,36	
			808	1	
			809	35,45	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	831	1,11,20,25,27,29	
		Exhaust stack location limitations	831	1,11,20,25,27,29	
		Hazardous Materials* Phase I and Phase II Testing Protocol	831	1,11,20,25,27,29	
			833	1,2,3,18,19,23,32,123	
			835	4,27	
			837	9,50,52	
			840	52,53	
			842	71,83	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	844	49,52,59,60	
		Exhaust stack location limitations	844	49,52,59,60	
		Hazardous Materials* Phase I and Phase II Testing Protocol	844	40,42,45,46,49,52,59,60,67,146	
			846	53,67	
			855	1,3	
			872	9,11	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-246 7/29/2010	04DCP013Q 030223ZMQ 10a	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	4949	31	
		Air Quality - HVAC fuel limited to natural gas	4949	46	
		Exhaust stack location limitations	4949	31	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4949	31,8900	
		Window Wall Attenuation & Alternate Ventilation	4949	31,46	
E-247 7/29/2010	06DME010Q 100207ZMQ 10a 10b	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	4978	46	
		Air Quality - HVAC fuel limited to natural gas	4978	25	
		Exhaust stack location limitations	4978	25,46	
		Window Wall Attenuation & Alternate Ventilation	4978	25	
E-248 7/29/2010	05DCP093Q 050522ZMQ 9d	Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1600	80,86,99,110,130	
		Exhaust stack location limitations	1600	80,86,99,110,130	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1600	80,86,99,110	
		Window Wall Attenuation & Alternate Ventilation	1600	80,86,99,110,130	
E-249 3/23/2011	10DCP035X 110085ZMX 1d 3c	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3273	100,105,109,114	
		Exhaust stack location limitations	3273	100,105,109,114	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3273	100,105,109,114, 118,122,128	
		Window Wall Attenuation & Alternate Ventilation	3273	85,100,105,109,114, 118,122,128	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3276	1	
		Window Wall Attenuation & Alternate Ventilation	3276	1	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3277	36,40,41,45	
		Exhaust stack location limitations	3277	36,40,41,45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3277	28,36,40,41,45	
		Window Wall Attenuation & Alternate Ventilation	3277	28,36,40,41,45	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3278	31,80,81,82,83,84,85,88	
		Exhaust stack location limitations	3278	31,80,81,82,83,84,85,88	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3278	31,33	
		Window Wall Attenuation & Alternate Ventilation	3278	31,33,80,81,82,83,84,85,88	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3279	50	
		Window Wall Attenuation & Alternate Ventilation	3279	50	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3280	42,45,46,48,49,52,55,58,61,65,67	
		Exhaust stack location limitations	3280	42,45,46,48,49,52,55,58,61,65,67	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3280	37,39,42,45,46,48,58,61,65,67	
		Window Wall Attenuation & Alternate Ventilation	3280	37,39,42,45,46,48,49,52,55,58,61,65,67	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3330	40,42,43,50,51,52,55,57	
		Exhaust stack location limitations	3330	40,42,43,50,51,52,55,57	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3330	40,50,51,52,55,57,68	
		Window Wall Attenuation & Alternate Ventilation	3330	40,42,43,50,51,52,55,57,68	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3331	80	
		Exhaust stack location limitations	3331	80	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3331	57, 75, 80	
		Window Wall Attenuation & Alternate Ventilation	3331	45, 48, 53, 57, 64, 74, 75, 80	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3355	116	
		Window Wall Attenuation & Alternate Ventilation	3355	116, 136	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3356	206, 214	
		Exhaust stack location limitations	3356	206, 214	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3356	200, 206, 214	
		Window Wall Attenuation & Alternate Ventilation	3356	200, 206, 214	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3357	7, 12, 16, 18, 21, 23, 25, 28, 32, 33, 37, 52, 53, 54, 55	
		Exhaust stack location limitations	3357	7, 12, 16, 18, 21, 23, 25, 28, 32, 33, 37, 52, 53, 54, 55	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3357	7, 12, 16, 18, 21, 23, 25, 28, 32, 33, 37, 52, 53, 54, 55	
		Window Wall Attenuation & Alternate Ventilation	3357	7, 12, 15, 16, 18, 21, 23, 25, 28, 32, 33, 37, 52, 53, 54, 55	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3360	50	
		Exhaust stack location limitations	3360	50	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3360	33, 38, 44, 50, 62	
		Window Wall Attenuation & Alternate Ventilation	3360	33, 38, 44, 50, 62	
E-250	10DCP014Q		351	1, 6, 7, 8, 10, 11	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
9/16/2010	100145ZMQ 9a 9b	Hazardous Materials* Phase I and Phase II Testing Protocol	352	1	
E-251 10/13/2010	07DCP001X	Air Quality - HVAC fuel limited to natural gas	2991	5	
	070550ZMX 3d	Hazardous Materials* Phase I and Phase II Testing Protocol	2991	1, 3, 26	
		Window Wall Attenuation & Alternate Ventilation	2991	1, 3, 5, 26	
E-252 10/27/2010	10DCP029K	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	5294	35, 53, 54, 55	
	100345ZMK 22c	Air Quality - HVAC fuel limited to natural gas	5294	18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 36, 39, 45, 46, 50, 62, 65, 66	
		Exhaust stack location limitations	5294	35, 53, 54, 55	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5294	9, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 39, 45, 46, 50, 53, 54, 55, 62, 65, 66	
		Air Quality - HVAC fuel limited to natural gas	5295	45, 46, 52, 56, 60, 68, 70, 71	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5295	42, 45, 52, 56, 60, 68, 70, 71, 73	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	5296	29	
		Air Quality - HVAC fuel limited to natural gas	5296	7, 49, 51, 52, 54, 55, 57, 64, 66, 67, 70, 72	
		Exhaust stack location limitations	5296	29	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5296	1, 7, 29, 46, 49, 51, 54, 55, 57, 60, 64, 66, 67, 70, 72	
		Window Wall Attenuation & Alternate Ventilation	5296	1, 7, 29, 46, 49, 51, 52, 54, 55, 57, 60, 64, 66, 67, 70, 72	
		Air Quality - HVAC fuel limited to natural gas	5299	17	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5299	17	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air Quality - HVAC fuel limited to natural gas	5300	8, 62, 70, 72, 74	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5300	8, 62, 70, 72, 74	
E-253 10/27/2010	10DCP037Q	Air Quality - HVAC fuel limited to natural gas	7732	150	
			7748	400	
	100409ZMQ	Hazardous Materials* Phase I and Phase II Testing Protocol	7780	1	
	10c 10d 11b 15a	Window Wall Attenuation & Alternate Ventilation	7780	1	
		Air Quality - HVAC fuel limited to natural gas	7798	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7798	1	
		Window Wall Attenuation & Alternate Ventilation	7798	1	
		Air Quality - HVAC fuel limited to natural gas	7799	1, 8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7799	1, 8	
		Window Wall Attenuation & Alternate Ventilation	7799	1, 8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7842	12	
		Window Wall Attenuation & Alternate Ventilation	7842	12	
		Hazardous Materials* Phase I and Phase II Testing Protocol	7912	24, 30	
		Window Wall Attenuation & Alternate Ventilation	7912	24, 30	
E-254 10/27/2010	10DCP044M	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	555	18	
	100420ZMM	Air Quality - HVAC fuel limited to natural gas	555	13, 21, 122, 123, 124	
	12c	Exhaust stack location limitations	555	18	
		Air Quality - HVAC fuel limited to natural gas	556	59	
E-255 10/13/2010	10DCP043X 100407ZMX	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2900	72, 73, 83	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
	3c 3d	Exhaust stack location limitations	2900	72, 73, 83	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2900	55, 72, 73, 83	
		Window Wall Attenuation & Alternate Ventilation	2900	72, 73, 83	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2908	37, 43, 47	
		Exhaust stack location limitations	2908	37, 43, 47	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2908	26, 31, 37, 43, 47	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2909	8	
		Exhaust stack location limitations	2909	8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2909	8, 10, 26, 28	
			2917	11	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2923	13, 14, 31	
		Exhaust stack location limitations	2923	13, 14, 31	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2923	13, 14, 27, 30, 31, 35	
			2924	15	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2950	54	
		Exhaust stack location limitations	2950	54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2950	52, 54	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2956	24, 26, 28, 31	
		Exhaust stack location limitations	2956	24, 26, 28, 31	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3027	1, 5, 8, 16, 42, 49, 53, 54	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	3027	1, 5, 8, 16, 42, 49, 53, 54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3028	1, 6, 7, 8, 48, 75	
		Window Wall Attenuation & Alternate Ventilation	3028	1, 6, 7, 8, 48, 75	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3032	25, 37	
		Exhaust stack location limitations	3032	25, 37	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3032	25, 37	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3034	1, 52	
		Exhaust stack location limitations	3034	1, 52	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3034	1, 49, 52	
			3040	24, 26, 42	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3041	16, 18, 21	
		Exhaust stack location limitations	3041	16, 18, 21	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3041	16, 18, 21, 45	
		Window Wall Attenuation & Alternate Ventilation	3041	35, 45	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3042	13	
		Exhaust stack location limitations	3042	13	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3042	13, 22, 28	
		Window Wall Attenuation & Alternate Ventilation	3042	13, 22, 28	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3043	43, 67, 72, 77, 80, 84	
		Exhaust stack location limitations	3043	43, 67, 72, 77, 80, 84	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	3044	82, 88, 93	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3045	44, 49, 51	
		Exhaust stack location limitations	3045	44, 49, 51	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3045	44, 49, 51	
			3047	63, 65	
		Window Wall Attenuation & Alternate Ventilation	3047	63, 65	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3051	34, 40, 41, 49	
		Exhaust stack location limitations	3051	34, 40, 41, 49	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3051	34, 40, 41, 43, 49	
		Window Wall Attenuation & Alternate Ventilation	3051	34, 40, 41, 49	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3052	11	
		Exhaust stack location limitations	3052	11	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3052	11, 14, 15, 17	
		Window Wall Attenuation & Alternate Ventilation	3052	11, 14, 15, 17	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3053	28, 36, 39, 41	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3055	33, 35, 37, 41, 45, 47, 56, 57	
		Exhaust stack location limitations	3055	33, 35, 37, 41, 45, 47, 56, 57	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3055	33, 35, 37, 41, 45, 47, 56, 57	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3057	3	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Exhaust stack location limitations	3057	3	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3057	3	
			3060	8	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3062	1, 3, 19, 20	
		Exhaust stack location limitations	3062	1, 3, 19, 20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3062	1, 3, 20	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3064	100	
		Exhaust stack location limitations	3064	100	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3093	53	
		Exhaust stack location limitations	3093	53	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3106	52, 55	
		Exhaust stack location limitations	3106	52, 55	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3107	44	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	3121	64	
		Exhaust stack location limitations	3121	64	
E-256 10/13/2010	10DCP031M 100277ZMM 3b	Window Wall Attenuation & Alternate Ventilation	2069	21	
E-257 10/13/2010	10DCP039M 100369ZMM 12a	Air Quality - HVAC fuel limited to natural gas	190	43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	190	37, 39, 41, 43	
		Window Wall Attenuation & Alternate Ventilation	190	37, 39, 41, 43	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	194	5,20	
		Air Quality - HVAC fuel limited to natural gas	194	13,14,15,23,24,28,31,36,38	
		Exhaust stack location limitations	194	5,20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	194	5,9,11,13,14,15,16,20,23,24,28,29,31,36,38,42	
		Window Wall Attenuation & Alternate Ventilation	194	5,9,11,13,14,15,16,20,23,24,28,29,31,36,38,42	
		Air Quality - HVAC fuel limited to natural gas	210	1,2,3,4,7,8,9,10,11,12,16,17,19,34	
		Hazardous Materials* Phase I and Phase II Testing Protocol	210	1,2,3,4,5,7,8,9,10,11,12,16,17,18,19,21,34	
		Window Wall Attenuation & Alternate Ventilation	210	1,2,3,4,5,7,8,9,10,11,12,16,17,18,19,21,34	
		Air Quality - HVAC fuel limited to natural gas	211	14,15,16,18,24	
		Hazardous Materials* Phase I and Phase II Testing Protocol	211	14,15,16,18,24,27,28	
		Window Wall Attenuation & Alternate Ventilation	211	14,15,16,18,24,27,28	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	212	7	
		Exhaust stack location limitations	212	7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	212	7,18,70	
		Window Wall Attenuation & Alternate Ventilation	212	7,18,70	
		Hazardous Materials* Phase I and Phase II Testing Protocol	214	3,4,12	
		Window Wall Attenuation & Alternate Ventilation	214	3,4	
		Hazardous Materials* Phase I and Phase II Testing Protocol	215	1	
		Air Quality - HVAC fuel limited to natural gas	217	14,17	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	217	14, 17	
		Window Wall Attenuation & Alternate Ventilation	217	14, 17	
		Hazardous Materials* Phase I and Phase II Testing Protocol	218	6	
		Window Wall Attenuation & Alternate Ventilation	218	6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	219	2, 3	
		Window Wall Attenuation & Alternate Ventilation	219	2, 3	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	220	31	
		Air Quality - HVAC fuel limited to natural gas	220	29	
		Exhaust stack location limitations	220	31	
		Hazardous Materials* Phase I and Phase II Testing Protocol	220	28, 29, 31	
		Window Wall Attenuation & Alternate Ventilation	220	28, 29, 31	
		Air Quality - HVAC fuel limited to natural gas	222	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	222	1	
		Window Wall Attenuation & Alternate Ventilation	222	1	
		Air Quality - HVAC fuel limited to natural gas	223	26, 29, 33, 35	
		Hazardous Materials* Phase I and Phase II Testing Protocol	223	23, 26, 29, 31, 33, 35	
		Window Wall Attenuation & Alternate Ventilation	223	29, 31, 33, 35	
		Air Quality - HVAC fuel limited to natural gas	224	23	
		Hazardous Materials* Phase I and Phase II Testing Protocol	224	21, 23, 32, 33, 36	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	225	6	
		Exhaust stack location limitations	225	6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	225	4, 6	
		Window Wall Attenuation & Alternate Ventilation	225	4, 6	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	595	1, 10, 22	
		Exhaust stack location limitations	595	1, 10, 22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	595	1, 9, 10, 22, 51	
		Window Wall Attenuation & Alternate Ventilation	595	1, 10, 22, 51	
E-258 10/13/2010	09DCP070X	Air Quality - HVAC fuel limited to natural gas	2735	28	
	100036ZMX	Exhaust stack location limitations	2735	28	
	6c	Hazardous Materials* Phase I and Phase II Testing Protocol	2735	17, 19, 20, 28	
		Window Wall Attenuation & Alternate Ventilation	2735	17, 19, 20	
E-259 10/13/2010	08DCP022X	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	2389	28	
	080129ZMX	Exhaust stack location limitations	2389	28	
	3d	Window Wall Attenuation & Alternate Ventilation	2389	20	
E-260 4/6/2011	08DCP017K	Air Quality - HVAC fuel limited to natural gas	1475	55, 56, 57, 58, 59, 60, 61, 62	
	070579ZMK	Hazardous Materials* Phase I and Phase II Testing Protocol	1475	35, 49, 50, 64, 69, 76	
	17b	Window Wall Attenuation & Alternate Ventilation	1475	35, 49, 50, 64, 69, 76	
E-261 3/23/2011	07DCP035K	Air Quality - HVAC fuel limited to natural gas	2415	27, 28, 29, 30, 31, 32, 36, 37	
	070245ZMK	Hazardous Materials* Phase I and Phase II Testing Protocol	2415	16, 19, 24, 26, 38, 119, 136	
	12c				

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Satisfaction Date	Zoning Map No.				
E-262 1/18/2011	11DCP023Y	Air Quality - HVAC fuel limited to natural gas	23	1, 4, 13, 17, 42	
	110069ZMR	Hazardous Materials* Phase I and Phase II Testing Protocol	23	1, 4, 13, 17, 42	
	20d 21c 26c 33c 33d	Air Quality - HVAC fuel limited to natural gas	24	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	24	1	
		Air Quality - HVAC fuel limited to natural gas	47	7, 10, 107	
		Hazardous Materials* Phase I and Phase II Testing Protocol	47	7, 10, 107	
		Window Wall Attenuation & Alternate Ventilation	47	7, 10, 107	
		Air Quality - HVAC fuel limited to natural gas	115	61, 62, 63	
		Hazardous Materials* Phase I and Phase II Testing Protocol	115	61, 62, 63	
		Window Wall Attenuation & Alternate Ventilation	115	61, 62, 63	
		Air Quality - HVAC fuel limited to natural gas	2030	35, 38, 40, 42	
			2072	28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2072	28	
		Air Quality - HVAC fuel limited to natural gas	2102	106, 130	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2102	106	
		Air Quality - HVAC fuel limited to natural gas	2361	12, 14, 17, 22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2361	12, 14, 17, 22	
		Air Quality - HVAC fuel limited to natural gas	5282	67, 69, 73, 75	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5282	67, 69, 73, 75	
		Air Quality - HVAC fuel limited to natural gas	5318	5, 6, 7	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				Lot Remediation Date
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	5318	5, 6, 7	
E-263	09DCP032K	Air Quality - HVAC fuel limited to natural gas	347	50	
4/29/2011	090225ZMK	Exhaust stack location limitations	347	50	
	6a	Hazardous Materials* Phase I and Phase II Testing Protocol	347	54	
		Window Wall Attenuation & Alternate Ventilation	347	50, 54	
E-264	11DCP038K	Air Quality - HVAC fuel limited to natural gas	352	19, 21	
4/29/2011	110118ZMK	Exhaust stack location limitations	352	19, 21	
	16a	Hazardous Materials* Phase I and Phase II Testing Protocol	352	19, 21	
		Window Wall Attenuation & Alternate Ventilation	352	19, 21	
E-265	06DCP112R	Air Quality - HVAC fuel limited to natural gas	1226	1, 3, 5, 7, 11, 57, 70, 77, 78, 83, 87	
5/11/2011	100118ZMR	Hazardous Materials* Phase I and Phase II Testing Protocol	1226	79, 87	
	20c	Window Wall Attenuation & Alternate Ventilation	1226	7, 11, 57	
E-266	11DCP041Q	Hazardous Materials* Phase I and Phase II Testing Protocol	9898	1, 117	
5/11/2011	110145ZMQ		12008	34	
			12022	13, 23	
			12048	77	
			12059	24, 34, 70	
			12142	1, 5	
			12153	1, 9	
			12188	1	
			12212	1	
			12390	121	
			12392	19, 22, 54, 58	
		Window Wall Attenuation & Alternate Ventilation	12392	43, 54, 58	
			12480	9	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12483	2, 51	
	14d 18c 18d 19a 19b	Window Wall Attenuation & Alternate Ventilation	12489	1, 4, 45	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Hazardous Materials* Phase I and Phase II Testing Protocol	12490	1	
		Window Wall Attenuation & Alternate Ventilation	12490	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12515	14, 18	
			12516	45	
		Window Wall Attenuation & Alternate Ventilation	12516	45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12541	50, 52, 55	
		Air Quality - HVAC fuel limited to natural gas	12666	1, 103, 104, 105, 106, 107, 108, 109, 110	
		Hazardous Materials* Phase I and Phase II Testing Protocol	12666	1, 103, 104, 105, 106, 107, 108, 109, 110	
			12983	26, 27, 28, 31, 46, 50	
E-267 6/29/2011	10DCP051Q 100457ZMQ 7d	Exhaust stack location limitations	4539	61	
E-268 6/14/2011	11DCP068M 110177ZMM 8c	Air Quality - HVAC fuel limited to natural gas	1072	10, 21, 42, 44, 45	
		Exhaust stack location limitations	1072	10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1072	1, 10, 21, 42, 44, 45, 50, 59, 61	
		Window Wall Attenuation & Alternate Ventilation	1072	1, 10, 21, 42, 44, 45, 50, 59, 61	
		Air Quality - HVAC fuel limited to natural gas	1074	49, 54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1074	49, 54, 63	
		Window Wall Attenuation & Alternate Ventilation	1074	49, 54, 63	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1076	1, 13	
		Air Quality - HVAC fuel limited to natural gas	1076	9, 55, 56, 57, 59, 60	
		Exhaust stack location limitations	1076	55, 56, 57, 59, 60	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	1076	1, 9, 13, 55, 56, 57, 59, 60	
		Window Wall Attenuation & Alternate Ventilation	1076	1, 9, 13, 55, 56, 57, 59, 60	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1077	1, 61	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1077	1, 61	
		Window Wall Attenuation & Alternate Ventilation	1077	1, 61	
		Air Quality - HVAC fuel limited to natural gas	1078	7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1078	7	
		Window Wall Attenuation & Alternate Ventilation	1078	7	
		Air Quality - HVAC fuel limited to natural gas	1079	3, 61	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1079	3, 61	
		Window Wall Attenuation & Alternate Ventilation	1079	3, 61	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1092	16, 21, 28	
		Window Wall Attenuation & Alternate Ventilation	1092	16	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1093	21, 28	
		Air Quality - HVAC fuel limited to natural gas	1093	31, 33, 36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1093	31, 33, 36	
		Air Quality - HVAC fuel limited to natural gas	1094	11, 12, 17, 27, 29, 36, 37, 38, 44	
		Exhaust stack location limitations	1094	11, 12, 17	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1094	11, 12, 17, 27, 29, 36, 37, 38, 44	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	1094	11,12,17,27,29,36,37,38,44	
		Air Quality - HVAC fuel limited to natural gas	1098	11,15,48,51,54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1098	11,15,20,42,48,51,54	
		Window Wall Attenuation & Alternate Ventilation	1098	11,51,54	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	1099	47,48	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1099	14,17,47,48	
E-269 6/29/2011	07DCP029Q 070210ZMQ 10a	Air Quality - HVAC fuel limited to natural gas	4958	63,65,67	
		Window Wall Attenuation & Alternate Ventilation	4958	63,65,67	
E-271 7/28/2011	10DCP016Q 100175ZMQ 7d	Hazardous Materials* Phase I and Phase II Testing Protocol	4645	3	
E-272 7/28/2011	11DCP080Q 110207ZMQ 9b 9d	Window Wall Attenuation & Alternate Ventilation	129	67	
			138	25	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	140	47	
		Exhaust stack location limitations	140	47	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	141	10	
		Exhaust stack location limitations	141	10	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	152	1,5	
		Exhaust stack location limitations	152	1,5	
		Window Wall Attenuation & Alternate Ventilation	152	5	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	157	28	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Exhaust stack location limitations	157	28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	157	28	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	160	5	
		Exhaust stack location limitations	160	5	
		Window Wall Attenuation & Alternate Ventilation	162	47	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	163	37	
		Exhaust stack location limitations	163	37	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	168	26, 31	
		Exhaust stack location limitations	168	26, 31	
		Hazardous Materials* Phase I and Phase II Testing Protocol	168	26	
			169	22	
		Window Wall Attenuation & Alternate Ventilation	172	1	
			173	1	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	175	7, 12	
		Exhaust stack location limitations	175	7, 12	
		Hazardous Materials* Phase I and Phase II Testing Protocol	175	12	
		Window Wall Attenuation & Alternate Ventilation	175	7, 12	
		Hazardous Materials* Phase I and Phase II Testing Protocol	187	29	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	188	5, 43	
		Exhaust stack location limitations	188	5, 43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	188	43	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	189	5,45	
		Exhaust stack location limitations	189	5,45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	189	5,45	
		Window Wall Attenuation & Alternate Ventilation	189	5,45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	190	5,44	
		Window Wall Attenuation & Alternate Ventilation	190	5,44	
		Hazardous Materials* Phase I and Phase II Testing Protocol	191	44	
		Window Wall Attenuation & Alternate Ventilation	191	44	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	193	25,30	
		Exhaust stack location limitations	193	25,30	
		Hazardous Materials* Phase I and Phase II Testing Protocol	193	25	
		Window Wall Attenuation & Alternate Ventilation	193	25,30	
		Hazardous Materials* Phase I and Phase II Testing Protocol	195	29	
		Window Wall Attenuation & Alternate Ventilation	195	29	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	196	1,42	
		Exhaust stack location limitations	196	1,42	
		Window Wall Attenuation & Alternate Ventilation	196	1,42	
			197	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2281	25	
		Window Wall Attenuation & Alternate Ventilation	2281	25	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-273 9/21/2011	11DCP110K 110252ZMK 16c	Hazardous Materials* Phase I and Phase II Testing Protocol	191	29, 30, 35, 37, 38	
		Window Wall Attenuation & Alternate Ventilation	191	29, 30, 35, 37, 38	
		Hazardous Materials* Phase I and Phase II Testing Protocol	193	50	
			197	40	
		Window Wall Attenuation & Alternate Ventilation	197	40	
		Hazardous Materials* Phase I and Phase II Testing Protocol	198	8	
		Air Quality - #2 Fuel Oil or Natural Gas Heat and Hot Water	389	5, 7, 10	
		Exhaust stack location limitations	389	5, 7, 10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	389	5, 7, 10	
		Window Wall Attenuation & Alternate Ventilation	389	5, 7, 10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	395	3	
		Window Wall Attenuation & Alternate Ventilation	395	3	
E-274 9/8/2011	10DCP038K 110058ZMK 28b 28d	Air Quality - HVAC fuel limited to natural gas	7065	6, 12	
		Exhaust stack location limitations	7065	6, 12	
E-275 6/29/2011	07DCP051R 080482ZMR 33a	Exhaust stack location limitations	6145	13, 16	
E-276 9/21/2011	10DCP004M 100063ZMM 8d	Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	778	13, 16, 18, 25, 27, 29, 30, 31, 34, 47, 66	
		Air Quality - HVAC fuel limited to natural gas	778	46	
		Exhaust stack location limitations	778	13, 16, 18, 25, 27, 29, 30, 31, 34, 47, 66	
		Hazardous Materials* Phase I and Phase II Testing Protocol	778	25, 27, 29, 30, 31, 34, 46, 47, 55	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	778	13,16,18,25,27,29,30,31,34,46,47,55,66	
		Air Quality - #2 Fuel Oil or #4 Fuel Oil or Natural Gas for HVAC systems	779	12,25,26,27,28,31,53,55,56,69	
		Air Quality - HVAC fuel limited to natural gas	779	52	
		Exhaust stack location limitations	779	12,25,26,27,28,31,53,55,56,69	
		Hazardous Materials* Phase I and Phase II Testing Protocol	779	7,8,12,25,26,27,28,31,52,53,55,56,62,69	
		Window Wall Attenuation & Alternate Ventilation	779	7,8,12,25,26,27,28,31,52,53,55,56,62,69	
E-277	10DCP017X	Air Quality - HVAC fuel limited to natural gas	2998	104,113,124	
10/5/2011	100310ZMX	Exhaust stack location limitations	2998	104,113,124	
	3d	Hazardous Materials* Phase I and Phase II Testing Protocol	2998	97,104,113,124	
		Window Wall Attenuation & Alternate Ventilation	2998	97,104,113,124	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3009	25,38,44	
		Air Quality - HVAC fuel limited to natural gas	3009	37	
		Exhaust stack location limitations	3009	25,38,44	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3009	25,37,38,44	
		Window Wall Attenuation & Alternate Ventilation	3009	25,37,38,44	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3010	29,33,40,46	
		Exhaust stack location limitations	3010	29,33,40,46	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3010	26,29,33,40,46	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	3010	26, 29, 33, 40, 46	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3015	34, 50, 56, 62, 87, 89, 110	
		Air Quality - HVAC fuel limited to natural gas	3015	1, 3, 5, 17, 18, 19, 25, 26, 29, 31, 67, 81, 83, 84, 85, 95, 96, 97	
		Exhaust stack location limitations	3015	1, 3, 5, 17, 18, 19, 25, 26, 29, 31, 34, 50, 56, 62, 67, 83, 84, 85, 87, 89, 97, 110	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3015	1, 3, 5, 17, 18, 19, 25, 26, 29, 31, 34, 50, 56, 62, 67, 81, 83, 84, 85, 87, 89, 95, 96, 97, 110	
		Window Wall Attenuation & Alternate Ventilation	3015	1, 3, 5, 17, 18, 19, 25, 26, 34, 50, 56, 62, 67, 81, 83, 84, 85, 87, 89, 95, 96, 97, 110	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	3016	38, 42, 50	
		Air Quality - HVAC fuel limited to natural gas	3016	33, 35, 36, 37, 71	
		Exhaust stack location limitations	3016	36, 37, 38, 42, 50, 71	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3016	33, 35, 36, 37, 38, 42, 50, 71	
		Window Wall Attenuation & Alternate Ventilation	3016	33, 35, 36, 37, 38, 42, 50, 71	
E-278 8/17/2011	11DCP101M	Air Quality - HVAC fuel limited to natural gas	1600	20	
	110243ZMM 6b	Exhaust stack location limitations	1600	20	
E-279 10/5/2011	11DCP148X	Hazardous Materials* Phase I and Phase II Testing Protocol	4613	8, 43, 48	
	110384ZMX 1d 2a 2b	Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4635	22, 24, 26, 28, 34, 133	
		Exhaust stack location limitations	4635	22, 24, 26, 28, 34, 133	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	4635	22, 24, 34, 133	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4637	30, 34, 36	
		Exhaust stack location limitations	4637	30, 34, 36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4637	30, 34, 36	
		Window Wall Attenuation & Alternate Ventilation	4637	30, 34, 36	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4639	26	
		Air Quality - HVAC fuel limited to natural gas	4639	17	
		Exhaust stack location limitations	4639	26	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4639	17, 26	
		Window Wall Attenuation & Alternate Ventilation	4639	17, 26	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4643	37	
		Exhaust stack location limitations	4643	37	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4643	1, 37	
		Window Wall Attenuation & Alternate Ventilation	4643	1, 37, 43, 48	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4645	34, 36, 39, 42	
		Air Quality - HVAC fuel limited to natural gas	4645	25	
		Exhaust stack location limitations	4645	34, 36, 39, 42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4645	4, 6, 25, 34, 36, 39, 42	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4647	46,74,79,87,90	
		Air Quality - HVAC fuel limited to natural gas	4647	43	
		Exhaust stack location limitations	4647	46,74,79,87,90	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4647	43,46,54,55	
		Window Wall Attenuation & Alternate Ventilation	4647	43,46,54,55,74,79,87,90	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4649	13,26,28,30	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4651	91	
		Exhaust stack location limitations	4651	91	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4651	67,70,91	
		Window Wall Attenuation & Alternate Ventilation	4651	67,70,91	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4655	6	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4657	94	
		Air Quality - HVAC fuel limited to natural gas	4657	88,89	
		Exhaust stack location limitations	4657	94	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4657	4,17,42,67,69,71,72,88,89,90,94,96	
		Window Wall Attenuation & Alternate Ventilation	4657	4,17,42,67,69,71,72,90,94,96	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4658	1	
		Window Wall Attenuation & Alternate Ventilation	4658	1	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	4659	22, 25, 75, 78	
		Window Wall Attenuation & Alternate Ventilation	4659	75, 78	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4660	19, 20, 25, 47, 48, 53, 54	
			4661	1	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4662	6, 28, 30	
		Exhaust stack location limitations	4662	6, 28, 30	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4662	6, 24, 25, 28, 46, 48	
		Window Wall Attenuation & Alternate Ventilation	4662	6, 28, 30	
		Air Quality - HVAC fuel limited to natural gas	4663	24, 26	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4663	10, 11, 12, 24, 26	
		Window Wall Attenuation & Alternate Ventilation	4663	10, 11, 12	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4664	42, 44	
			4665	41, 42, 49, 52, 53, 55	
		Window Wall Attenuation & Alternate Ventilation	4665	49, 52, 53, 55	
		Air Quality - HVAC fuel limited to natural gas	4670	5	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4670	2, 5	
		Window Wall Attenuation & Alternate Ventilation	4670	2, 5	
		Air Quality - HVAC fuel limited to natural gas	4671	3, 9, 10, 64, 66, 67	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4671	3, 4, 9, 10, 64, 66, 67	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4681	7	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Exhaust stack location limitations	4681	7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4681	1, 7, 20, 72	
		Window Wall Attenuation & Alternate Ventilation	4681	1, 7, 20, 72	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4682	39, 41	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4684	32	
		Exhaust stack location limitations	4684	32	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4693	1, 4, 6, 20, 21, 33	
		Exhaust stack location limitations	4693	1, 4, 6, 20, 21, 33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4693	4, 20, 21, 33	
		Window Wall Attenuation & Alternate Ventilation	4693	4, 20, 21, 33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4695	70	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4705	5, 32, 33	
		Exhaust stack location limitations	4705	5, 32, 33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4705	5, 11, 26, 29, 32, 33	
		Window Wall Attenuation & Alternate Ventilation	4705	5, 11, 26, 29	
		Air Quality - HVAC fuel limited to natural gas	4820	11	
		Window Wall Attenuation & Alternate Ventilation	4820	11	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4824	7, 25, 26, 29, 31, 73, 75	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Exhaust stack location limitations	4824	7,25,26,29,31,73,75	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4824	7,25,26,29,31,73,75	
		Window Wall Attenuation & Alternate Ventilation	4824	7	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4825	63,66	
		Exhaust stack location limitations	4825	63,66	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4825	7,9,12,17,19,20,47,48,63,66	
		Window Wall Attenuation & Alternate Ventilation	4825	12,79	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4826	77,79,80	
		Exhaust stack location limitations	4826	77,79,80	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4826	26,27,28,77,79,80	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4827	3	
		Exhaust stack location limitations	4827	3	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4827	3	
		Window Wall Attenuation & Alternate Ventilation	4827	3	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4828	16	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4829	1,26	
		Exhaust stack location limitations	4829	1,26	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4829	1,11,16,21,26	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	4829	1,11,26	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4831	11	
		Exhaust stack location limitations	4831	11	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4831	11	
		Window Wall Attenuation & Alternate Ventilation	4831	11	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4832	1	
		Exhaust stack location limitations	4832	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4832	1	
		Window Wall Attenuation & Alternate Ventilation	4832	1	
		Air Quality - HVAC fuel limited to natural gas	4833	41	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4833	41	
		Air Quality - HVAC fuel limited to natural gas	4834	40,58,60	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4834	7,40,58,60,82	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4835	1,6	
		Exhaust stack location limitations	4835	1,6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4835	1,6,36,37,39,43,45,49	
		Window Wall Attenuation & Alternate Ventilation	4835	1,6,36,37,39,43,45,49	
			4836	42	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	4837	41	
		Window Wall Attenuation & Alternate Ventilation	4837	41	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4838	44, 47	
		Window Wall Attenuation & Alternate Ventilation	4838	44, 47	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4840	42, 48	
		Window Wall Attenuation & Alternate Ventilation	4840	42, 48	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4841	43, 44	
		Window Wall Attenuation & Alternate Ventilation	4841	43, 44	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4842	38	
		Exhaust stack location limitations	4842	38	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4842	38, 45, 50	
		Window Wall Attenuation & Alternate Ventilation	4842	38, 45, 50	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4843	34, 45	
		Exhaust stack location limitations	4843	34, 45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4843	34, 45	
		Window Wall Attenuation & Alternate Ventilation	4843	34, 45	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4844	35, 42	
		Exhaust stack location limitations	4844	35, 42	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	4844	35, 42	
		Window Wall Attenuation & Alternate Ventilation	4844	35, 42	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4845	36, 42	
		Exhaust stack location limitations	4845	36, 42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4845	36, 42, 48	
		Window Wall Attenuation & Alternate Ventilation	4845	36, 42, 48	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4846	70, 79, 85	
		Exhaust stack location limitations	4846	70, 79, 85	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4846	42, 64, 65, 70, 79, 85	
		Window Wall Attenuation & Alternate Ventilation	4846	64, 65, 70, 79, 85	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4849	1	
		Exhaust stack location limitations	4849	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4849	1	
			4851	79	
			4852	1, 6	
			4853	9, 11	
			4856	7, 13	
			4857	1, 5, 10, 49, 59, 63, 85, 89	
		Window Wall Attenuation & Alternate Ventilation	4857	1, 49, 59, 63, 85, 89	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4860	51, 56	
		Exhaust stack location limitations	4860	51, 56	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	4860	51, 56	
			4862	55, 58	
			4865	44, 47	
			4868	30, 54, 55, 62	
		Window Wall Attenuation & Alternate Ventilation	4868	54, 55, 62	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4871	1	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4872	1, 75	
		Exhaust stack location limitations	4872	1, 75	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4872	1, 75	
			4874	1	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4877	1, 73	
		Exhaust stack location limitations	4877	1, 73	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4877	1, 73	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4900	33	
		Exhaust stack location limitations	4900	33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4900	15, 24, 33	
			4903	42	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	4997	38, 42	
		Exhaust stack location limitations	4997	38, 42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	4997	1, 2, 3, 6, 8, 38, 42	
		Window Wall Attenuation & Alternate Ventilation	4997	1, 2, 3, 6, 8, 38, 42	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	5000	33, 42, 43	
		Exhaust stack location limitations	5000	33, 42, 43	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5000	33, 42, 43	
		Window Wall Attenuation & Alternate Ventilation	5000	33, 42, 43	
E-280 9/21/2011	10DCP002K 110047ZMK 28a 28c	Development shall be allowed only after a hazardous materials Restrictive Declaration has been recorded and executed	6491	207, 292	
E-281 7/25/2012	12DCP106Q 120195ZMQ 14b 14d 17c 18a 18c	Hazardous Materials* Phase I and Phase II Testing Protocol	8835	1	
		Window Wall Attenuation & Alternate Ventilation	8835	1	
		Air Quality - HVAC fuel limited to natural gas	8840	154	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8840	154	
			8847	147, 148, 155, 156	
		Window Wall Attenuation & Alternate Ventilation	8847	147, 148, 155, 156	
		Air Quality - HVAC fuel limited to natural gas	8853	112, 113, 114, 115, 116, 117, 143	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8853	108, 109, 112, 113, 114, 115, 116, 117, 143	
			8853	108, 109, 112, 113, 114, 115, 116, 117, 143	
		Window Wall Attenuation & Alternate Ventilation	8861	91	
			8868	34	
			8869	35	
		Window Wall Attenuation & Alternate Ventilation	8869	35	
		Air Quality - HVAC fuel limited to natural gas	8883	84, 88, 89, 90, 98, 99, 100	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8883	84, 88, 89, 90, 98, 99, 100	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
				Window Wall Attenuation & Alternate Ventilation	8883	84,100	
				Air Quality - HVAC fuel limited to natural gas	8899	1,15,16,18,19	
				Hazardous Materials* Phase I and Phase II Testing Protocol	8899	1,6,15,16,18,19	
				Window Wall Attenuation & Alternate Ventilation	8899	1,6	
				Hazardous Materials* Phase I and Phase II Testing Protocol	8908	4,7	
					8919	14,15,21,29	
				Window Wall Attenuation & Alternate Ventilation	8919	21,29	
				Air Quality - HVAC fuel limited to natural gas	8922	5	
				Hazardous Materials* Phase I and Phase II Testing Protocol	8922	3,5	
				Window Wall Attenuation & Alternate Ventilation	8922	3,5	
				Hazardous Materials* Phase I and Phase II Testing Protocol	8931	3,4,5,6	
				Window Wall Attenuation & Alternate Ventilation	8931	3,4,5,6	
				Hazardous Materials* Phase I and Phase II Testing Protocol	8932	11	
				Window Wall Attenuation & Alternate Ventilation	8932	11	
				Hazardous Materials* Phase I and Phase II Testing Protocol	8933	74,75,77	
					8934	8	
				Window Wall Attenuation & Alternate Ventilation	8934	8	
				Air Quality - HVAC fuel limited to natural gas	8938	3,4,5,6	
				Hazardous Materials* Phase I and Phase II Testing Protocol	8938	3,4,5,6	
					9177	59	
				Window Wall Attenuation & Alternate Ventilation	9177	59	
				Hazardous Materials* Phase I and Phase II Testing Protocol	9286	8,123	
				Window Wall Attenuation & Alternate Ventilation	9286	8,123	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	9315	23	
		Window Wall Attenuation & Alternate Ventilation	9315	23	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9317	21	
		Window Wall Attenuation & Alternate Ventilation	9317	21	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9320	121,124	
		Air Quality - HVAC fuel limited to natural gas	9324	30, 35, 36, 37, 38	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9324	30, 35, 36, 37, 38	
		Window Wall Attenuation & Alternate Ventilation	9324	30	
		Air Quality - HVAC fuel limited to natural gas	9349	37	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9349	31, 37	
		Window Wall Attenuation & Alternate Ventilation	9349	31	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9350	32	
		Air Quality - HVAC fuel limited to natural gas	9351	40	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9351	40	
		Window Wall Attenuation & Alternate Ventilation	9351	40	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9352	28	
		Window Wall Attenuation & Alternate Ventilation	9352	28	
		Air Quality - HVAC fuel limited to natural gas	9354	33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9354	33	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	9354	33	
		Air Quality - HVAC fuel limited to natural gas	9388	3	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9388	3, 5	
		Window Wall Attenuation & Alternate Ventilation	9388	5	
		Air Quality - HVAC fuel limited to natural gas	9389	1, 4	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9389	1, 4	
		Window Wall Attenuation & Alternate Ventilation	9389	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9392	3, 5, 6, 7, 8	
			9393	1	
			9396	8	
			9398	1	
		Window Wall Attenuation & Alternate Ventilation	9398	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9399	2	
			9400	3, 4, 6	
		Air Quality - HVAC fuel limited to natural gas	9401	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9401	1, 6	
		Window Wall Attenuation & Alternate Ventilation	9401	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9434	2	
		Window Wall Attenuation & Alternate Ventilation	9434	2, 6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9436	1, 3	
		Window Wall Attenuation & Alternate Ventilation	9436	1, 3	
E-282 9/12/2012	10DCP001K	Air Quality - HVAC fuel limited to natural gas	2245	1, 5, 8, 55, 58, 62, 108, 154	
	100041ZMK	Exhaust stack location limitations	2245	1, 5, 8, 55, 58, 62, 108, 154	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
	13b	Hazardous Materials* Phase I and Phase II Testing Protocol	2245	1, 5, 8, 62, 108, 154	
		Window Wall Attenuation & Alternate Ventilation	2245	1, 5, 8, 55, 58, 62, 108, 154	
E-283 9/12/2012	11DCP150K	Air Quality - HVAC fuel limited to natural gas	2261	1	
	110390ZMK	Hazardous Materials* Phase I and Phase II Testing Protocol	2261	1	
	12d	Window Wall Attenuation & Alternate Ventilation	2261	1	
E-284 11/13/2012	12DCP070M	Hazardous Materials* Phase I and Phase II Testing Protocol	1953	54	
	120309ZMM	Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	1966	41, 77, 95	
	3b 5c 6a	Exhaust stack location limitations	1966	41, 77, 95	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1966	41, 77, 78, 80, 81, 82, 83, 95, 107, 108	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	1967	66, 85	
		Air Quality - HVAC fuel limited to natural gas	1967	45, 50, 60, 89	
		Exhaust stack location limitations	1967	45, 50, 60, 66, 85, 89	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1967	9, 10, 12, 45, 50, 60, 66, 85, 89	
			1968	16	
			1970	9	
			1988	14, 18	
			2050	150	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2051	37, 56, 58, 59	
		Exhaust stack location limitations	2051	37, 56, 58, 59	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2051	56, 57, 58, 59	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Satisfaction Date	Zoning Map No.				
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2054	69	
		Exhaust stack location limitations	2054	69	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2054	69	
			2060	10	
			2065	6, 10	
			2069	20	
		Window Wall Attenuation & Alternate Ventilation	2069	20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2070	8, 12	
		Window Wall Attenuation & Alternate Ventilation	2070	8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2071	42, 141	
			2072	38	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	2076	25, 45, 125	
		Air Quality - HVAC fuel limited to natural gas	2076	40, 41	
		Exhaust stack location limitations	2076	25, 40, 41, 45, 125	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2076	25, 27, 40, 41, 45, 61, 125, 127	
			2077	6, 14, 24	
		Window Wall Attenuation & Alternate Ventilation	2077	14	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2078	17, 55	
			2091	36	
			2092	21, 26	
E-285 10/11/2012	12DCP156Y	Air Quality - HVAC fuel limited to natural gas	1479	8, 11	
	120294ZMK	Hazardous Materials* Phase I and Phase II Testing Protocol	1479	8, 11	
	12d 13b 16c 17a	Window Wall Attenuation & Alternate Ventilation	1479	8, 11	
		Air Quality - HVAC fuel limited to natural gas	1480	16, 17, 23, 34, 36, 38, 40, 41, 42, 55, 56	
		Exhaust stack location limitations	1480	23, 55, 56	

* Underground gasoline storage tanks included in category of hazardous materials contamination as of 6/16/94.

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	1480	16,17,23,34,36,38,40,41,42,55,56	
		Window Wall Attenuation & Alternate Ventilation	1480	16,17,23,34,36,38,40,41,42,55,56	
		Air Quality - HVAC fuel limited to natural gas	1578	5,14,17	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1578	5,14,17	
		Window Wall Attenuation & Alternate Ventilation	1578	5,14,17	
		Air Quality - HVAC fuel limited to natural gas	1579	22,25,50,51,53	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1579	22,25,50,51,53	
		Window Wall Attenuation & Alternate Ventilation	1579	22,25,50,51,53	
		Air Quality - HVAC fuel limited to natural gas	1582	15	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1582	15	
		Window Wall Attenuation & Alternate Ventilation	1582	15	
		Air Quality - HVAC fuel limited to natural gas	1584	1,4,11,39,50,51	
		Exhaust stack location limitations	1584	39,50,51	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1584	1,4,11,39,50,51	
		Window Wall Attenuation & Alternate Ventilation	1584	1,4,11,39,50,51	
		Air Quality - HVAC fuel limited to natural gas	1585	31,32,33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1585	31,32,33	
		Window Wall Attenuation & Alternate Ventilation	1585	31,32,33	
		Air Quality - HVAC fuel limited to natural gas	1586	3,6,8,10,11,12,14,24,27,31,51,52,53,56	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1586	3,6,8,10,11,12,14,24,27,31,51,52,53,56	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	1586	3, 6, 8, 10, 11, 12, 14, 24, 27, 31, 51, 52, 53, 56	
		Air Quality - HVAC fuel limited to natural gas	1593	23	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1593	23	
		Window Wall Attenuation & Alternate Ventilation	1593	23	
		Air Quality - HVAC fuel limited to natural gas	1600	1, 13, 14, 15, 28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1600	1, 13, 14, 15, 28	
		Window Wall Attenuation & Alternate Ventilation	1600	1, 13, 14, 15, 28	
		Air Quality - HVAC fuel limited to natural gas	1605	23, 24, 25, 26	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1605	23, 24, 25, 26	
		Air Quality - HVAC fuel limited to natural gas	1608	27, 34	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1608	27, 34	
		Window Wall Attenuation & Alternate Ventilation	1608	27, 34	
		Air Quality - HVAC fuel limited to natural gas	1609	5	
		Window Wall Attenuation & Alternate Ventilation	1609	5	
		Air Quality - HVAC fuel limited to natural gas	1613	9, 16, 17, 23	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1613	9, 16, 17, 23	
		Window Wall Attenuation & Alternate Ventilation	1613	9, 16, 17, 23	
		Air Quality - HVAC fuel limited to natural gas	1618	22, 35, 40	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1618	22, 35, 40	
		Window Wall Attenuation & Alternate Ventilation	1618	22, 35, 40	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - HVAC fuel limited to natural gas	1623	25, 41, 42, 53, 57, 70, 73	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1623	25, 41, 42, 53, 57, 70, 73	
		Window Wall Attenuation & Alternate Ventilation	1623	25, 41, 42, 53, 57, 70, 73	
		Air Quality - HVAC fuel limited to natural gas	1628	21, 22, 23, 30, 34, 38, 42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1628	21, 22, 23, 30, 34, 38, 42	
		Window Wall Attenuation & Alternate Ventilation	1628	21, 22, 23, 30, 34, 38, 42	
		Air Quality - HVAC fuel limited to natural gas	1747	1, 7, 10, 19, 20, 21, 22, 23, 24, 34, 51, 53, 62, 64, 67	
		Exhaust stack location limitations	1747	7, 10, 19, 20, 21, 22, 23, 24, 51, 53, 62, 64, 67	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1747	1, 7, 10, 19, 20, 21, 22, 23, 24, 34, 51, 53, 62, 64, 67	
		Window Wall Attenuation & Alternate Ventilation	1747	1, 7, 10, 19, 20, 21, 22, 23, 24, 34, 51, 53, 62, 64, 67	
		Air Quality - HVAC fuel limited to natural gas	1754	32, 33, 34, 35	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1754	32, 33, 34, 35	
		Window Wall Attenuation & Alternate Ventilation	1754	32, 33, 34, 35	
		Air Quality - HVAC fuel limited to natural gas	1756	23, 24, 25, 33, 37, 42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1756	23, 24, 25, 33, 37, 42	
		Window Wall Attenuation & Alternate Ventilation	1756	23, 24, 25, 33, 37, 42	
		Air Quality - HVAC fuel limited to natural gas	1757	27, 33, 34, 35, 134	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1757	27, 33, 34, 35, 134	
		Window Wall Attenuation & Alternate Ventilation	1757	27, 33, 34, 35, 134	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - HVAC fuel limited to natural gas	1759	2, 3, 4, 7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1759	2, 3, 4, 7	
		Air Quality - HVAC fuel limited to natural gas	1771	5, 7, 8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1771	5, 7, 8	
		Air Quality - HVAC fuel limited to natural gas	1778	9	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1778	9	
		Window Wall Attenuation & Alternate Ventilation	1778	9	
		Air Quality - HVAC fuel limited to natural gas	1783	8, 9	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1783	8, 9	
		Window Wall Attenuation & Alternate Ventilation	1783	8, 9	
		Air Quality - HVAC fuel limited to natural gas	1785	1, 3, 5	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1785	1, 3, 5	
		Air Quality - HVAC fuel limited to natural gas	1788	2, 4, 5	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1788	2, 4, 5	
		Window Wall Attenuation & Alternate Ventilation	1788	2, 4, 5	
		Air Quality - HVAC fuel limited to natural gas	1791	42, 43, 44, 45, 47, 48, 51, 52, 53, 54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1791	42, 43, 44, 45, 47, 48, 51, 52, 53, 54	
		Window Wall Attenuation & Alternate Ventilation	1791	42, 43, 44, 45, 47, 48, 51, 52, 53, 54	
		Air Quality - HVAC fuel limited to natural gas	1900	67, 68, 69, 70	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1900	67, 68, 69, 70	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	1900	67, 68, 69, 70	
		Air Quality - HVAC fuel limited to natural gas	1910	23, 24, 25	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1910	23, 24, 25	
		Window Wall Attenuation & Alternate Ventilation	1910	23, 24, 25	
		Air Quality - HVAC fuel limited to natural gas	1914	22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1914	22	
		Window Wall Attenuation & Alternate Ventilation	1914	22	
		Air Quality - HVAC fuel limited to natural gas	1926	1, 74, 75, 76, 77, 78, 79, 80	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1926	1, 7, 74, 75, 76, 77, 78, 79, 80	
		Window Wall Attenuation & Alternate Ventilation	1926	1, 74, 75, 76, 77, 78, 79, 80	
		Air Quality - HVAC fuel limited to natural gas	1928	34	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1928	34	
		Window Wall Attenuation & Alternate Ventilation	1928	34	
		Air Quality - HVAC fuel limited to natural gas	1950	30, 31, 33	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1950	30, 31, 33	
		Window Wall Attenuation & Alternate Ventilation	1950	30, 31, 33	
		Air Quality - HVAC fuel limited to natural gas	1954	22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1954	22	
		Window Wall Attenuation & Alternate Ventilation	1954	22	
		Air Quality - HVAC fuel limited to natural gas	1971	28	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Hazardous Materials* Phase I and Phase II Testing Protocol	1971	28	
		Window Wall Attenuation & Alternate Ventilation	1971	28	
E-286	12DCP020M	Air Quality - Natural Gas Heat & Hot Water	1105	1, 5, 14, 19, 36, 43	
2/6/2013	120396ZMM 010148ZMM	Exhaust stack location limitations	1105	1, 5, 14, 19, 36, 43	
	8c	Hazardous Materials* Phase I and Phase II Testing Protocol	1105	36	
		Window Wall Attenuation & Alternate Ventilation	1105	1, 5, 14, 19, 36, 43	
E-287	10DCP024K	Air Quality - HVAC fuel limited to natural gas	2576	7, 20, 23	
12/10/2012	100218ZMK	Exhaust stack location limitations	2576	7, 20, 23	
	13a	Hazardous Materials* Phase I and Phase II Testing Protocol	2576	7	
		Window Wall Attenuation & Alternate Ventilation	2576	7, 20, 23	
E-288	12DCP045M	Hazardous Materials* Phase I and Phase II Testing Protocol	227	63, 69, 70, 76, 80	
3/20/2013	120380ZMM	No operable window or air intakes limitations	227	63, 69, 70, 76, 80	
	12a	Window Wall Attenuation & Alternate Ventilation	227	63, 69, 70, 76, 80	
		Air Quality - HVAC fuel limited to natural gas	477	35, 42, 44, 72, 73, 74, 75, 76	
		Exhaust stack location limitations	477	72, 73, 74, 75	
		Hazardous Materials* Phase I and Phase II Testing Protocol	477	35, 42, 44, 57, 64, 66, 72, 73, 74, 75, 76	
		Window Wall Attenuation & Alternate Ventilation	477	35, 42, 44, 57, 64, 66, 72, 73, 74, 75, 76	
		Air Quality - HVAC fuel limited to natural gas	491	1, 3, 26, 27, 7502	
		Exhaust stack location limitations	491	1, 3, 27	
		Hazardous Materials* Phase I and Phase II Testing Protocol	491	1, 3, 26, 27, 7502	
		Window Wall Attenuation & Alternate Ventilation	491	1, 3, 7502	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Air Quality - HVAC fuel limited to natural gas	505	1,14,26	
		Exhaust stack location limitations	505	1,14,26	
		Hazardous Materials* Phase I and Phase II Testing Protocol	505	1,14,26	
		No operable window or air intakes limitations	505	1	
		Window Wall Attenuation & Alternate Ventilation	505	1,14,26	
		Air Quality - HVAC fuel limited to natural gas	578	70,75,77,78,79	
		Exhaust stack location limitations	578	70,75,77,78,79	
		Hazardous Materials* Phase I and Phase II Testing Protocol	578	70,75,77,78,79	
		Window Wall Attenuation & Alternate Ventilation	578	70	
		Air Quality - HVAC fuel limited to natural gas	579	5,35,47	
		Con Edison steam only	579	60,68,70,74	
		Exhaust stack location limitations	579	5,35	
		Hazardous Materials* Phase I and Phase II Testing Protocol	579	1,2,3,5,35,44,47,60,68,70,74	
		Window Wall Attenuation & Alternate Ventilation	579	1,2,3,5,35,44,47,60,68,70,74	
		Con Edison steam only	580	11,52	
		Hazardous Materials* Phase I and Phase II Testing Protocol	580	11,19,52,60	
		No operable window or air intakes limitations	580	52,60	
		Window Wall Attenuation & Alternate Ventilation	580	19,52,60	
		Air Quality - HVAC fuel limited to natural gas	597	37,45,46,51	
		Con Edison steam only	597	10	
		Department of Building Mechanical Code Provisions	597	32,33,50,52	
		Exhaust stack location limitations	597	45,46,51	
		Hazardous Materials* Phase I and Phase II Testing Protocol	597	1,5,7,10,32,33,37,39,45,46,50,51,52	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		No operable window or air intakes limitations	597	37, 39, 52	
		Window Wall Attenuation & Alternate Ventilation	597	1, 5, 7, 32, 33, 37, 39, 45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	598	42, 48	
		No operable window or air intakes limitations	598	42, 48	
		Window Wall Attenuation & Alternate Ventilation	598	42, 48	
E-289 2/27/2013	11DCP022K 090154ZMK 22d	Window Wall Attenuation & Alternate Ventilation	5516	34	
E-290 3/13/2013	07DCP050Q 070352ZMQ 10b	Air Quality - HVAC fuel limited to natural gas	5076	5, 7, 9, 11, 14, 16, 18, 20, 29, 31, 43, 61, 65, 67, 69, 75, 160	
		Exhaust stack location limitations	5076	5, 7, 9, 11, 14, 16, 18, 20, 29, 31, 43, 61, 65, 67, 69, 75, 160	
		Hazardous Materials* Phase I and Phase II Testing Protocol	5076	1, 5, 7, 9, 11, 14, 16, 18, 20, 29, 31, 43, 61, 65, 67, 69, 75, 160	
		Window Wall Attenuation & Alternate Ventilation	5076	5, 7, 9, 11, 14, 16, 18, 20, 29, 31, 43, 61, 65, 67, 69, 75, 160	
E-292 5/22/2013	11DCP143X 130064ZMX 130065ZRX 6a	Hazardous Materials* Phase I and Phase II Testing Protocol	2353	1	
		Window Wall Attenuation & Alternate Ventilation	2353	1	
E-293 3/20/2013	12DCP053M 120325ZSM 12a	Air Quality - HVAC fuel limited to natural gas	475	48	
		Hazardous Materials* Phase I and Phase II Testing Protocol	475	48	
		Window Wall Attenuation & Alternate Ventilation	475	48	
E-295 5/8/2013	12DCP108M 080104ZSM 12a	Air Quality - HVAC fuel limited to natural gas	486	36	
		Exhaust stack location limitations	486	36	
		Window Wall Attenuation & Alternate Ventilation	486	36	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-296 4/24/2013	12DCP125R N130084ZAR 20d	Hazardous Materials* Phase I and Phase II Testing Protocol	1053	138,166,176,179,200	
E-297 6/12/2013	12DCP160K M840631 (B) ZMK 29a	Hazardous Materials* Phase I and Phase II Testing Protocol	8839 8840 8841	11,14,53 70,77,84 8900	
E-298 7/24/2013	13DCP067K 130161ZMK 17c	Hazardous Materials* Phase I and Phase II Testing Protocol Window Wall Attenuation & Alternate Ventilation	4005 4005	28 28	
E-299 6/24/2013	13DCP093Q 130188ZMQ 11b 11d	Air Quality - HVAC fuel limited to natural gas Window Wall Attenuation & Alternate Ventilation Hazardous Materials* Phase I and Phase II Testing Protocol Window Wall Attenuation & Alternate Ventilation Air Quality - HVAC fuel limited to natural gas Hazardous Materials* Phase I and Phase II Testing Protocol Window Wall Attenuation & Alternate Ventilation Hazardous Materials* Phase I and Phase II Testing Protocol Window Wall Attenuation & Alternate Ventilation Air Quality - HVAC fuel limited to natural gas Hazardous Materials* Phase I and Phase II Testing Protocol Window Wall Attenuation & Alternate Ventilation Hazardous Materials* Phase I and Phase II Testing Protocol Window Wall Attenuation & Alternate Ventilation	7934 7934 8596 8596 8607 8607 8607 8666 8666 8667 8667 8667 8766 8766	1 1 33 33 185 180,185 180,185 42 42 25 1,25 1,25 1 1	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air Quality - HVAC fuel limited to natural gas	8769	3	
		Window Wall Attenuation & Alternate Ventilation	8769	3	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8771	8	
		Window Wall Attenuation & Alternate Ventilation	8771	8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8773	1	
		Window Wall Attenuation & Alternate Ventilation	8773	1	
		Air Quality - HVAC fuel limited to natural gas	8777	25	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8777	25	
		Window Wall Attenuation & Alternate Ventilation	8777	25	
		Air Quality - HVAC fuel limited to natural gas	8782	64,71	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8782	59,64,71	
		Window Wall Attenuation & Alternate Ventilation	8782	59,64,71	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8788	1	
		Window Wall Attenuation & Alternate Ventilation	8788	1	
		Air Quality - HVAC fuel limited to natural gas	8790	31,34	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8790	31,34	
		Window Wall Attenuation & Alternate Ventilation	8790	31,34	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8791	34	
		Window Wall Attenuation & Alternate Ventilation	8791	34	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8792	31	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	8792	31	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8794	22	
		Window Wall Attenuation & Alternate Ventilation	8794	22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8795	14,19	
		Window Wall Attenuation & Alternate Ventilation	8795	14,19	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8812	14,15	
		Window Wall Attenuation & Alternate Ventilation	8812	14,15	
E-300 7/24/2013	11DCP069Q 110178ZMQ 9b	Hazardous Materials* Phase I and Phase II Testing Protocol	555	36	
E-301 8/22/2013	13DCP081Q 130170ZMQ 10d 11b	Window Wall Attenuation & Alternate Ventilation	7128	2	
E-302 9/24/2013	13DCP105K 130213ZMK 16c 16d 17b 17d	Window Wall Attenuation & Alternate Ventilation	1142	44,48	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1149	40,41,72	
		Window Wall Attenuation & Alternate Ventilation	1149	40,41,72	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1231	1	
		Window Wall Attenuation & Alternate Ventilation	1231	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1253	7	
		Window Wall Attenuation & Alternate Ventilation	1253	7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1260	1,5	
		Window Wall Attenuation & Alternate Ventilation	1260	1,5	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-303 9/12/2013	13DCP047X 130120ZMY 1d	Hazardous Materials* Phase I and Phase II Testing Protocol	3245	60	
E-304 10/10/2013	13DCP107X 130273ZMX 3c	Air Quality - HVAC fuel limited to natural gas	3059	32, 36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3059	32, 36	
		Window Wall Attenuation & Alternate Ventilation	3059	32, 36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3066	53, 54	
		Window Wall Attenuation & Alternate Ventilation	3066	53, 54	
		Air Quality - HVAC fuel limited to natural gas	3067	52, 54	
		Exhaust stack location limitations	3067	52, 54	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3067	52, 54	
		Window Wall Attenuation & Alternate Ventilation	3067	52, 54	
		Air Quality - HVAC fuel limited to natural gas	3078	14, 16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3078	14, 16	
		Window Wall Attenuation & Alternate Ventilation	3078	14, 16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3091	17, 20, 22, 24, 26, 87	
		Window Wall Attenuation & Alternate Ventilation	3091	17, 20, 22, 24, 26, 87	
		Air Quality - HVAC fuel limited to natural gas	3115	25, 28	
		Exhaust stack location limitations	3115	25, 28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3115	25, 28	
		Window Wall Attenuation & Alternate Ventilation	3115	25, 28	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Satisfaction Date	Zoning Map No.				
		Air Quality - HVAC fuel limited to natural gas	3273	257,261,265,301	
		Exhaust stack location limitations	3273	257	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3273	203,204,205,206,207,252,257,261,265,293,301	
		Window Wall Attenuation & Alternate Ventilation	3273	203,204,205,206,207,252,257,261,265,293,301	
E-305	03DME016K	Hazardous Materials* Phase I and Phase II Testing Protocol	2110	3	
6/17/2013	130116ZMK N130117ZRK 130118ZSK				
	12d 16c				
E-306	13DCP123M	Air Quality - HVAC powered by electricity only	521	11	
7/10/2013	130238ZAM	Hazardous Materials* Phase I and Phase II Testing Protocol	521	11	
	12c	Window Wall Attenuation & Alternate Ventilation	521	11	
E-308	13DCP094Q	Air Quality - HVAC fuel limited to natural gas	72	80	
10/10/2013	130191ZSQ	Exhaust stack location limitations	72	80	
	9b	Hazardous Materials* Phase I and Phase II Testing Protocol	72	80	
		Window Wall Attenuation & Alternate Ventilation	72	80	
		Air Quality - HVAC fuel limited to natural gas	86	1,6,7,8,22	
		Exhaust stack location limitations	86	1,6,7,8,22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	86	1,6,7,8,22	
		Window Wall Attenuation & Alternate Ventilation	86	1,6,7,8,22	
E-309	09DCP084Q	Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	490	11	
10/10/2013	090484ZMQ	Air Quality - HVAC fuel limited to natural gas	490	1	
	9a				

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Exhaust stack location limitations	490	1,11	
		Hazardous Materials* Phase I and Phase II Testing Protocol	490	1,11	
		Window Wall Attenuation & Alternate Ventilation	490	1,11	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	915	6	
		Exhaust stack location limitations	915	6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	915	6	
		Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	916	10	
		Exhaust stack location limitations	916	10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	916	1,10	
		Window Wall Attenuation & Alternate Ventilation	916	1,10	
E-311 10/10/2013	13DCP121M	Air Quality - HVAC fuel limited to natural gas	1538	10	
	130263ZRM 130264ZCM 860259AZAM	Exhaust stack location limitations	1538	10	
	6b	Window Wall Attenuation & Alternate Ventilation	1538	10	
E-312 7/8/2013	12DCP157M	Air Quality - HVAC fuel limited to natural gas	247	2	
	120183ZSM	Exhaust stack location limitations	247	2	
	12d	Hazardous Materials* Phase I and Phase II Testing Protocol	247	2	
		Window Wall Attenuation & Alternate Ventilation	247	2	
E-313 11/14/2013	07HPD027M	Air Quality - HVAC fuel limited to natural gas	1911	1	
	130271ZMM 6b	Window Wall Attenuation & Alternate Ventilation	1911	1	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.				
Effective Date	Application No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Satisfaction Date	Zoning Map No.				
E-314 10/30/2013	13DCP138Q	Hazardous Materials* Phase I and Phase II Testing Protocol	1099	50, 55, 60	
	130344ZMQ	Window Wall Attenuation & Alternate Ventilation	1099	50, 55, 60	
	9c 9d 10a 10b	Hazardous Materials* Phase I and Phase II Testing Protocol	1100	43	
		Window Wall Attenuation & Alternate Ventilation	1100	43	
		Air Quality - HVAC fuel limited to natural gas	1101	40, 144	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1101	40, 144	
		Window Wall Attenuation & Alternate Ventilation	1101	40, 144	
		Air Quality - HVAC fuel limited to natural gas	1102	47	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1102	47	
		Window Wall Attenuation & Alternate Ventilation	1102	47	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1362	6	
		Window Wall Attenuation & Alternate Ventilation	1362	6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1363	5	
		Window Wall Attenuation & Alternate Ventilation	1363	5	
		Air Quality - HVAC fuel limited to natural gas	1365	22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1365	22	
		Window Wall Attenuation & Alternate Ventilation	1365	22	
		Air Quality - HVAC fuel limited to natural gas	1366	32	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1366	32	
		Window Wall Attenuation & Alternate Ventilation	1366	32	

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Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Hazardous Materials* Phase I and Phase II Testing Protocol	1367	25	
		Window Wall Attenuation & Alternate Ventilation	1367	25	
		Air Quality - HVAC fuel limited to natural gas	1370	39	
		Window Wall Attenuation & Alternate Ventilation	1370	39	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1608	13	
			1609	1, 2, 3, 5	
			1688	30	
		Window Wall Attenuation & Alternate Ventilation	1688	30	
		Hazardous Materials* Phase I and Phase II Testing Protocol	1694	1	
		Window Wall Attenuation & Alternate Ventilation	1694	1	
E-315 12/10/2013	09DCP002K 080322ZMK 110179ZRK 070250MMK 13b	Exhaust stack location limitations	3137	51, 56	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3137	51, 56	
		Window Wall Attenuation & Alternate Ventilation	3137	51, 56	
		Exhaust stack location limitations	3138	11	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3138	11, 20, 22, 32	
		Window Wall Attenuation & Alternate Ventilation	3138	11, 20, 22, 32	
		Air Quality - HVAC natural gas with low Nox only	3139	18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36	
		Exhaust stack location limitations	3139	18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3139	18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36	
		Window Wall Attenuation & Alternate Ventilation	3139	18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Hazardous Materials* Phase I and Phase II Testing Protocol	3140	50	
		Air Quality - HVAC fuel limited to natural gas	3141	1, 5, 6, 7, 8, 10, 11, 12, 14, 15, 18	
		Air Quality - HVAC natural gas with low Nox only	3141	20, 21, 22, 23, 36	
		Exhaust stack location limitations	3141	20, 21, 22, 23, 36	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3141	1, 5, 6, 7, 8, 10, 11, 12, 14, 15, 18, 20, 21, 22, 23, 36	
		Window Wall Attenuation & Alternate Ventilation	3141	1, 5, 6, 7, 8, 10, 11, 12, 14, 15, 18, 20, 21, 22, 23, 36	
		Air Quality - HVAC natural gas with low Nox only	3152	1, 2, 3, 36, 37, 38, 41, 43, 45, 48, 56, 58, 62, 63, 64, 66	
		Exhaust stack location limitations	3152	1, 2, 3, 36, 37, 38, 41, 43, 44, 45, 48, 56, 58, 62, 63, 64, 66	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3152	1, 2, 3, 36, 37, 38, 41, 43, 44, 45, 48, 56, 58, 62, 63, 64, 66, 100	
		Window Wall Attenuation & Alternate Ventilation	3152	1, 2, 3, 36, 37, 38, 41, 43, 44, 45, 48, 56, 58, 62, 63, 64, 66	
E-316 10/30/2013	13HPD074K 130374ZMK 17D	Window Wall Attenuation & Alternate Ventilation	3821	21, 25, 28	
E-317 12/10/2013	14DCP004K	Air Quality - HVAC fuel limited to natural gas	2472	100	
	N140028ZRK	Air Quality - HVAC natural gas with low Nox only	2472	32	
	N140020ZAK	Exhaust stack location limitations	2472	32, 100	
	N140021ZAK	Hazardous Materials* Phase I and Phase II Testing Protocol	2472	32, 100	
	N140022ZAK	Window Wall Attenuation & Alternate Ventilation	2472	32, 100	
	N140023ZAK	Air Quality - HVAC fuel limited to natural gas	2494	1, 6	
	12c	Exhaust stack location limitations	2494	1, 6	

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Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Hazardous Materials* Phase I and Phase II Testing Protocol	2494	1, 6	
		Window Wall Attenuation & Alternate Ventilation	2494	1, 6	
E-318 12/19/2013	14DCP010K N140046ZRK N140047ZSK N140048ZAK N140049ZAK N140050ZCK 12c	Air Quality - HVAC natural gas with low Nox only	2472	410	
		Exhaust stack location limitations	2472	410	
		Hazardous Materials* Phase I and Phase II Testing Protocol	2472	410, 425	
		Window Wall Attenuation & Alternate Ventilation	2472	410	
E-319 2/26/2014	07DCP024Q 070194ZMQ 090033MMQ 18d	Window Wall Attenuation & Alternate Ventilation	12095	2, 6	
E-320 12/10/2013	14DCP027Q 140079ZMQ 18a 18b 18c 18d	Hazardous Materials* Phase I and Phase II Testing Protocol	8946	7	
		Window Wall Attenuation & Alternate Ventilation	8946	7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	8954	5, 20	
		Window Wall Attenuation & Alternate Ventilation	8954	5, 20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9005	1	
		Window Wall Attenuation & Alternate Ventilation	9005	1	
		Air Quality - HVAC fuel limited to natural gas	9006	9, 10, 12	
		Exhaust stack location limitations	9006	9, 10, 12	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9006	1, 9, 10, 12	
		Window Wall Attenuation & Alternate Ventilation	9006	1, 9, 10, 12	
		Exhaust stack location limitations	9009	1	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	9009	1, 6	
		Window Wall Attenuation & Alternate Ventilation	9009	1, 6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9010	6	
		Window Wall Attenuation & Alternate Ventilation	9010	26	
		Exhaust stack location limitations	9013	26, 55	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9013	26, 55	
		Window Wall Attenuation & Alternate Ventilation	9013	26, 55	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9017	19, 22	
		Window Wall Attenuation & Alternate Ventilation	9017	19, 22	
		Exhaust stack location limitations	9018	71	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9018	71	
		Window Wall Attenuation & Alternate Ventilation	9018	71	
		Air Quality - HVAC fuel limited to natural gas	9055	1	
		Exhaust stack location limitations	9055	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9055	1	
		Window Wall Attenuation & Alternate Ventilation	9055	1	
		Exhaust stack location limitations	9057	27	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9057	27, 50	
		Window Wall Attenuation & Alternate Ventilation	9057	27, 50	
		Exhaust stack location limitations	9058	24	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	9058	24	
		Window Wall Attenuation & Alternate Ventilation	9058	24	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9060	31	
		Window Wall Attenuation & Alternate Ventilation	9060	31	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9076	9	
		Window Wall Attenuation & Alternate Ventilation	9076	9	
		Air Quality - HVAC fuel limited to natural gas	9077	24,25,45	
		Exhaust stack location limitations	9077	24,25,45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9077	24,25,45	
		Window Wall Attenuation & Alternate Ventilation	9077	24,25,45	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9081	19	
		Window Wall Attenuation & Alternate Ventilation	9081	19	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9084	6	
		Window Wall Attenuation & Alternate Ventilation	9084	6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9096	7	
		Window Wall Attenuation & Alternate Ventilation	9096	7	
		Air Quality - HVAC fuel limited to natural gas	9107	25,27	
		Exhaust stack location limitations	9107	13,25,27	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9107	5,13,25,27	
		Window Wall Attenuation & Alternate Ventilation	9107	5,13,25,27	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Hazardous Materials* Phase I and Phase II Testing Protocol	9108	19	
		Window Wall Attenuation & Alternate Ventilation	9108	19	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9109	18	
		Window Wall Attenuation & Alternate Ventilation	9109	18	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9110	22,26	
		Window Wall Attenuation & Alternate Ventilation	9110	22,26	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9113	29	
		Window Wall Attenuation & Alternate Ventilation	9113	29	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9118	107	
		Window Wall Attenuation & Alternate Ventilation	9118	107	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9119	37	
		Window Wall Attenuation & Alternate Ventilation	9119	37	
		Air Quality - HVAC fuel limited to natural gas	9120	40	
		Exhaust stack location limitations	9120	40	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9120	40	
		Window Wall Attenuation & Alternate Ventilation	9120	40	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9154	25,72	
		Window Wall Attenuation & Alternate Ventilation	9154	66,72	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9157	2	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	9157	2	
		Exhaust stack location limitations	9162	20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9162	20	
		Window Wall Attenuation & Alternate Ventilation	9162	20	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9164	127	
		Window Wall Attenuation & Alternate Ventilation	9164	127	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9167	1	
		Window Wall Attenuation & Alternate Ventilation	9167	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9169	16, 45, 47	
		Window Wall Attenuation & Alternate Ventilation	9169	16, 45, 47	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9172	60	
		Window Wall Attenuation & Alternate Ventilation	9172	60	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9403	25	
		Window Wall Attenuation & Alternate Ventilation	9403	25	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9407	29	
		Window Wall Attenuation & Alternate Ventilation	9407	29	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9414	48, 50	
		Window Wall Attenuation & Alternate Ventilation	9414	48, 50	
		Air Quality - HVAC fuel limited to natural gas	9428	5	
		Exhaust stack location limitations	9428	5	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	9428	5, 7	
		Window Wall Attenuation & Alternate Ventilation	9428	5, 7	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9429	1, 4	
		Window Wall Attenuation & Alternate Ventilation	9429	1, 4	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9433	5	
		Window Wall Attenuation & Alternate Ventilation	9433	5	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9453	27	
		Window Wall Attenuation & Alternate Ventilation	9453	22	
		Air Quality - HVAC fuel limited to natural gas	9464	26, 30	
		Exhaust stack location limitations	9464	23, 26, 30	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9464	23, 26, 30	
		Window Wall Attenuation & Alternate Ventilation	9464	23, 26, 30	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9473	23	
		Window Wall Attenuation & Alternate Ventilation	9473	23	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9484	2	
		Window Wall Attenuation & Alternate Ventilation	9484	2	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9485	6	
		Window Wall Attenuation & Alternate Ventilation	9485	6	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9489	9, 10	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Window Wall Attenuation & Alternate Ventilation	9489	9,10	
		Air Quality - HVAC fuel limited to natural gas	9490	1	
		Exhaust stack location limitations	9490	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9490	1	
		Window Wall Attenuation & Alternate Ventilation	9490	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9501	30,32	
		Window Wall Attenuation & Alternate Ventilation	9501	30,32	
		Exhaust stack location limitations	9504	20,21,22	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9504	20,21,22,32,36,37	
		Window Wall Attenuation & Alternate Ventilation	9504	20,21,22,32,36,37	
		Air Quality - HVAC fuel limited to natural gas	9507	39	
		Exhaust stack location limitations	9507	39	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9507	39	
		Window Wall Attenuation & Alternate Ventilation	9507	39	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9508	40	
		Window Wall Attenuation & Alternate Ventilation	9508	40	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9514	28	
		Window Wall Attenuation & Alternate Ventilation	9514	28	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9517	25	
		Window Wall Attenuation & Alternate Ventilation	9517	25	

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Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	9523	4, 5	
		Window Wall Attenuation & Alternate Ventilation	9523	4, 5	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9531	4	
		Window Wall Attenuation & Alternate Ventilation	9531	4	
		Air Quality - HVAC fuel limited to natural gas	9557	50	
		Exhaust stack location limitations	9557	50	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9557	50	
		Window Wall Attenuation & Alternate Ventilation	9557	50	
		Air Quality - HVAC fuel limited to natural gas	9567	44	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9567	44, 48	
		Window Wall Attenuation & Alternate Ventilation	9567	44, 48	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9577	1	
		Window Wall Attenuation & Alternate Ventilation	9577	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9583	2	
		Window Wall Attenuation & Alternate Ventilation	9583	2	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9587	1	
		Window Wall Attenuation & Alternate Ventilation	9587	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9588	3	
		Window Wall Attenuation & Alternate Ventilation	9588	3	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	Application No.				
Satisfaction Date	Zoning Map No.				
		Hazardous Materials* Phase I and Phase II Testing Protocol	9590	6, 7, 8	
		Window Wall Attenuation & Alternate Ventilation	9590	6, 7, 8	
		Hazardous Materials* Phase I and Phase II Testing Protocol	9592	108, 112	
		Window Wall Attenuation & Alternate Ventilation	9592	108, 112	
		Air Quality - HVAC fuel limited to natural gas	11372	31	
		Exhaust stack location limitations	11372	31, 39, 46	
		Hazardous Materials* Phase I and Phase II Testing Protocol	11372	31, 39, 46	
		Window Wall Attenuation & Alternate Ventilation	11372	31, 39, 46	
		Exhaust stack location limitations	11373	38, 75	
		Hazardous Materials* Phase I and Phase II Testing Protocol	11373	38, 75	
		Window Wall Attenuation & Alternate Ventilation	11373	38, 75	
		Air Quality - HVAC fuel limited to natural gas	11409	10	
		Exhaust stack location limitations	11409	10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	11409	10	
		Window Wall Attenuation & Alternate Ventilation	11409	10	
		Hazardous Materials* Phase I and Phase II Testing Protocol	11493	79	
		Window Wall Attenuation & Alternate Ventilation	11493	79	
		Air Quality - HVAC fuel limited to natural gas	11512	27, 37, 42	
		Exhaust stack location limitations	11512	27, 37, 42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	11512	27, 37, 42	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
		Window Wall Attenuation & Alternate Ventilation	11512	27, 37, 42	
		Hazardous Materials* Phase I and Phase II Testing Protocol	11529	46	
		Window Wall Attenuation & Alternate Ventilation	11529	46	
		Exhaust stack location limitations	11624	33, 40	
		Hazardous Materials* Phase I and Phase II Testing Protocol	11624	33, 40	
		Window Wall Attenuation & Alternate Ventilation	11624	33, 40	
		Exhaust stack location limitations	11646	37, 38	
		Hazardous Materials* Phase I and Phase II Testing Protocol	11646	37, 38	
		Window Wall Attenuation & Alternate Ventilation	11646	37, 38	
E-321 3/12/2014	12DCP096Q 120178ZMQ 14c	Air Quality - #2 Fuel Oil or Natural Gas for heating, ventilating and air conditioning systems	6831	21	
		Exhaust stack location limitations	6831	21	
		Window Wall Attenuation & Alternate Ventilation	6831	21	
E-322 3/18/2013	08DCP033K 130226CMK 16c	Air Quality - HVAC fuel limited to natural gas	452	1, 15	
		Exhaust stack location limitations	452	1, 15	
		Hazardous Materials* Phase I and Phase II Testing Protocol	452	1, 15	
		Air Quality - HVAC fuel limited to natural gas	458	1	
		Exhaust stack location limitations	458	1	
		Hazardous Materials* Phase I and Phase II Testing Protocol	458	1	
E-323 2/4/2014	13DCP120M N140092ZRM N140093ZSM	Air Quality - HVAC fuel limited to natural gas	510	38, 39, 40	
		Hazardous Materials* Phase I and Phase II Testing Protocol	510	38, 39, 40	

* Underground gasoline storage tanks included in category of hazardous materials contamination as of 6/16/94.

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	Effective Date	Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
			N140095ZSM N140096ZSM 12c	Window Wall Attenuation & Alternate Ventilation	510	38, 39, 40	
E-324	5/14/2014		13DCP080M 130336ZMM 130337ZRM 130338ZSM 130339ZSM 130340ZAM 8c	Air Quality - HVAC fuel limited to natural gas Exhaust stack location limitations Hazardous Materials* Phase I and Phase II Testing Protocol Window Wall Attenuation & Alternate Ventilation	1104 1104 1104 1104	25, 29, 31, 40, 44, 55 25, 29, 31, 40, 44, 55 25, 29, 31, 40, 44, 55 25, 29, 31, 40, 44, 55	
E-325	4/10/2014		13DCP091M 140055ZSM 140056ZSM 12c	Air Quality - HVAC fuel limited to natural gas Exhaust stack location limitations Window Wall Attenuation & Alternate Ventilation	531 531 531	4 4 4	
E-326	6/26/2014		13HPD106M 140181ZMM 8c	Air Quality - HVAC fuel limited to natural gas Exhaust stack location limitations Hazardous Materials* Phase I and Phase II Testing Protocol Window Wall Attenuation & Alternate Ventilation	1081 1081 1081 1081	7501 7501 7501 7501	
E-327	6/26/2014		14DCP043M 140070ZMM 6a 6b	Air Quality - HVAC fuel limited to natural gas Exhaust stack location limitations Hazardous Materials* Phase I and Phase II Testing Protocol	1923 1923 1923	14, 49 14, 49 14, 49, 52	
E-328	6/26/2014		14DCP084M 130208ZMM 5d	Air Quality - HVAC fuel limited to natural gas Exhaust stack location limitations Hazardous Materials* Phase I and Phase II Testing Protocol Window Wall Attenuation & Alternate Ventilation	1860 1860 1860 1860	20, 57 20, 57 20, 57 20, 57	
E-329	6/26/2014		10DCP020K 100202ZMK	Hazardous Materials* Phase I and Phase II Testing Protocol	1311	66, 74, 75, 76	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
	17b	Window Wall Attenuation & Alternate Ventilation	1311	66,74,75,76	
E-331 6/26/2014	14DCP086M 140204ZSM 140205ZSM 140206ZSM	Hazardous Materials* Phase I and Phase II Testing Protocol	483	35	
	12c	Window Wall Attenuation & Alternate Ventilation	483	35	
E-332 3/11/2014	13BSA163M 192-13-BZ	Hazardous Materials* Phase I and Phase II Testing Protocol	601	1,4,5,8,10	
	12a	Window Wall Attenuation & Alternate Ventilation	601	1,4,5,8,10	
E-333 10/10/2013	13DME003M 130214ZMM 130215ZRM 130216ZSM 130217ASM 130218ZSM	Hazardous Materials* Phase I and Phase II Testing Protocol	1485	15	
	9a	Window Wall Attenuation & Alternate Ventilation	1485	15	
E-334 12/19/2013	13DME014K 090272ZMK 090273AZRK 140063ZSK 140064ZRK 140065ZMK	Hazardous Materials* Phase I and Phase II Testing Protocol	7071	27,28,30,32,34,76,79,81,142,226,231	
	28d				
E-335 7/24/2014	14DCP066Q 140275ZMQ 140274ZRQ	Air Quality - HVAC fuel limited to natural gas	61	55	
	9b	Exhaust stack location limitations	61	55	
E-336 8/21/2014	14DCP088Q 140111ZMQ	Hazardous Materials* Phase I and Phase II Testing Protocol	3377	1	
	13b	Air Quality - HVAC fuel limited to natural gas	3395	12,13,14,15,16	
		Exhaust stack location limitations	3395	12,13,14,15,16	
		Hazardous Materials* Phase I and Phase II Testing Protocol	3395	12,13,14,15	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-337 5/14/2014	07DCP094K	Air Quality - HVAC natural gas with low Nox only	2414	1	
	140131ZRK	Exhaust stack location limitations	2414	1	
	140132ZSK				
	140133ZSK	Hazardous Materials* Phase I and Phase II Testing Protocol	2414	1	
	140134ZSK				
	140135ZSK	No operable window or air intakes limitations	2414	1	
	140136ZAK				
	12c 12d	Window Wall Attenuation & Alternate Ventilation	2414	1	
		Air Quality - HVAC natural gas with low Nox only	2428	1	
		Exhaust stack location limitations	2428	1	
E-338 8/21/2014	14DCP118M	Hazardous Materials* Phase I and Phase II Testing Protocol	513	28	
	140263ZSM				
	12c				
E-339 10/22/2014	14DME001M	Hazardous Materials* Phase I and Phase II Testing Protocol	511	19	
	140299PPM				
	140300ZSM	Window Wall Attenuation & Alternate Ventilation	511	19	
	140301ZSM				
E-341 2/26/2015	14DCP135K	Air Quality - HVAC fuel limited to natural gas	5673	42,50	
	140288ZMK	Hazardous Materials* Phase I and Phase II Testing Protocol	5673	42,50	
	22a	Window Wall Attenuation & Alternate Ventilation	5673	42,50	
E-342 5/14/2014	14DCP019M	Exhaust stack location limitations	1480	10	
	140157ZSM	Hazardous Materials* Phase I and Phase II Testing Protocol	1480	10	
	140068MMM				
	140068AMMM				
	821257DZAM				
	8c 9a				

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No. Effective Date Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-343 11/25/2014	13DCP127Q	Air Quality - HVAC fuel limited to natural gas	906	1, 5	
	130384MMQ	Exhaust stack location limitations	906	1, 5	
	140322ZMQ				
	140323ZSQ	Hazardous Materials* Phase I and Phase II Testing Protocol	906	1, 5	
	140324ZSQ				
	N140325ZAQ	Air Quality - HVAC fuel limited to natural gas	907	1, 8	
	N140326ZAQ	Exhaust stack location limitations	907	1, 8	
	N140327ZAQ				
	N140328ZCQ	Hazardous Materials* Phase I and Phase II Testing Protocol	907	1, 8	
	N140329ZRQ				
	9a	Air Quality - HVAC fuel limited to natural gas	908	12	
		Exhaust stack location limitations	908	12	
		Hazardous Materials* Phase I and Phase II Testing Protocol	908	12	
		Air Quality - HVAC fuel limited to natural gas	909	35	
		Exhaust stack location limitations	909	35	
		Hazardous Materials* Phase I and Phase II Testing Protocol	909	35	
E-344 5/13/2014	13BSA048M	Hazardous Materials* Phase I and Phase II Testing Protocol	646	1	
	299-12-BZ				
	8b				
E-345 3/30/2015	14DCP124M	Window Wall Attenuation & Alternate Ventilation	1171	151	
	M920358FZSM				
	8c				
E-346 12/17/2014	12DCP082R	Air Quality - HVAC fuel limited to natural gas	1706	21	
	110122ZMR	Exhaust stack location limitations	1706	21	
	20d				
E-347 6/17/2014	13BSA029X	Hazardous Materials* Phase I and Phase II Testing Protocol	5641	10	
	263-12 BZ				
	4d				

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	Effective Date	CEQR No.	Application No.	Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
E-348	5/20/2015	13DCP096R	N130145RAR N13046RAR N130144RCR N130147RAR	32d	Hazardous Materials* Phase I and Phase II Testing Protocol	7632	23	
E-350	1/22/2015	15DCP037M	150101ZMM N150102ZRM	8b	Air Quality - HVAC fuel limited to natural gas	712	1,36,38	
					Exhaust stack location limitations	712	1,36,38	
E-351	2/26/2015	15DCP009M	150077ZSM 150078ZSM	8d	Air Quality - HVAC fuel limited to natural gas	823	31	
					Exhaust stack location limitations	823	31	
					Window Wall Attenuation & Alternate Ventilation	823	31	
E-352	4/28/2015	14DCP183M	140407ZRM 140408ZSM 140409ZSM	8c	Air Quality - HVAC fuel limited to natural gas	1072	24	
					Exhaust stack location limitations	1072	24	
					Hazardous Materials* Phase I and Phase II Testing Protocol	1072	24	
					Window Wall Attenuation & Alternate Ventilation	1072	24	
E-353	2/26/2015	15DCP021M	150083ZRM	8d	Air Quality - HVAC fuel limited to natural gas	735	12	
					Exhaust stack location limitations	735	12	
					Window Wall Attenuation & Alternate Ventilation	735	12	
E-354	3/11/2015	14HPD030X	150152ZMX	6a 6c	Window Wall Attenuation & Alternate Ventilation	2383 2384	19,39 20,25,28,32,33,34, 38,48,8900,8901	
E-355	3/31/2015	13DCP106Q	120403ZMQ	10a	Hazardous Materials* Phase I and Phase II Testing Protocol	4960	29	
					Window Wall Attenuation & Alternate Ventilation	4960	29	
E-356		14DCP167M			Exhaust stack location limitations	825	20,60	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL REQUIREMENTS
Table 1 - (E) Designations

E-No.	Effective Date	Satisfaction Date	CEQR No. Application No. Zoning Map No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
	5/27/2015		140404ZSM 140405ZSM 8d	Hazardous Materials* Phase I and Phase II Testing Protocol Window Wall Attenuation & Alternate Ventilation	825 825	20, 60 20, 60	
E-357			14DCP188M	Air Quality - HVAC natural gas with low Nox only	1277	20, 27, 46, 52	
	5/27/2015		150127ZRM 150128ZSM 150129ZSM 150130ZSM 8d	Hazardous Materials* Phase I and Phase II Testing Protocol Window Wall Attenuation & Alternate Ventilation	1277 1277	20, 27, 46, 52 20, 27, 46, 52	
E-358			15DCP052K	Hazardous Materials* Phase I and Phase II Testing Protocol	6996	53, 59	
	4/16/2015		140209ZSK 28d				
E-359			14BSA169M	Hazardous Materials* Phase I and Phase II Testing Protocol	384	33	
	1/27/2015		125-14BZ 12c				
E-360			11BSA104Q	Hazardous Materials* Phase I and Phase II Testing Protocol	7880	550	
	3/10/2015		78-11BZ 11d				
E-361			14DCP136R	Hazardous Materials* Phase I and Phase II Testing Protocol	2400	7, 118, 180, 210, 220, 500	
	7/1/2015		150271ZAR 150272ZAR 150273ZAR 150274ZCR 150275ZCR 26c 26d				
E-362			15DCP123Q	Hazardous Materials* Phase I and Phase II Testing Protocol	239	6, 7	
	8/13/2015		N150141ZRQ 9b	Window Wall Attenuation & Alternate Ventilation	239	6, 7	

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ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

Appendix C: City Environmental Quality Review (CEQR) Table 2 - Restrictive Declarations

Effective date of most recently amended section of Appendix C – Table 2: 7/2/15

Date of file creation: Web version of Appendix C – Table 2: 7/2/15

CITY PLANNING COMMISSION
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DEPARTMENT OF CITY PLANNING
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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
Table 2 - Environmental Restrictive Declarations

The Environmental Restrictive Declarations (ERD) listed below were recorded in connection with a zoning action against the noted Tax Blocks and Tax Lots, or portion thereof, and are available in the property records on file at the Office of the City Register for Bronx, Kings, New York and Queens counties or at the Richmond County Clerk's office. They contain environmental requirements with respect to hazardous materials, air quality and/or noise in accordance with Section 11-15 of this Resolution.

Tax Lot changes that may have occurred since the recordation of an ERD may not be reflected in this table. If the property in question is located on the same **Tax Block** as an ERD, review of the related CEQR documentation is recommended. For an ERD recorded against a condominium, the condominium billing tax lot number is displayed instead of the individual condominium unit tax lot numbers.

Reference No. - refers to the Environmental Restrictive Declaration identification number used for Table 2 reference purposes only.

Application No. - refers to a ULURP or non-ULURP application (containing six numbers followed by a three or four letter suffix) for a zoning map or text amendment, special permit, authorization or certification or to a Board of Standards and Appeals application (containing the letters "BZ") for a special permit or variance.

Recording Reference No. - refers to one of the following: Reel No./Page No., City Register File No., or Land Doc No. For ERDs for properties in boroughs other than Staten Island, use the City Register File No. to locate the ERD online in the Automated City Register Information System (ACRIS) on the NYC Department of Finance's website. For older ERDs for properties in boroughs other than Staten Island, use the year in **Date Recorded** along with the Reel No./Page No. to locate the ERD in ACRIS. For ERDs for properties in Staten Island, use the Land Doc No. to locate the ERD via the website of the Office of the Richmond County Clerk.

Lot Remediation Date - refers to the date of the duly issued notice from the NYC Office of Environmental Remediation indicating that no investigative/remedial work is required for any current or future development of the lot.

Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-1	85-253M	Hazmat	1171	1	
1/6/1993	920358 ZSM				
	1934/0001				
R-2	98DCP052K	Hazmat	36	16	
12/18/1998	980584 ZMK				
	4351/1858				
R-3	99DCP004M	Hazmat	1096	1,14,15,21,38	
12/28/1999	990440 ZMM				
	3019/1709				
R-4	01DCP059M	Hazmat	1099	27,32	
10/24/2001	010556 ZMM				
	3379/1330				
R-5	01DCP050M	Hazmat	1462	5	
11/14/2001	010547 ZMM		1463	5,11,7501	8/10/2012
	3409/1438				

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
Table 2 - Environmental Restrictive Declarations

Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-6 11/15/2001	01DCP024M 010689 ZMM 3391/396	Hazmat	1084	25,29,36,38,39	
R-7 11/15/2001	01DCP065K 010725 ZMK 5360/911	Hazmat	53	3,6,21,24,25,26,27	
R-8 1/3/2002	00DCP046R 000374 ZMR 12005/0075	Hazmat	2903	13,17,20,23	
R-9 1/22/2002	01DCP068M 010700 ZSM 3433/2445	Hazmat	1034	34,36,37	
R-10 2/25/2002	01DCP025Q 010185 ZMQ 6233/1519	Hazmat	890	1	
R-11 4/30/2002	02DCP006M 020081 ZSM 3503/490	Hazmat	485	8	
R-12 6/28/2002	01BSA060M 287-00-BZ 3550/869	Hazmat	602	1	
R-13 7/3/2002	00DCP008K 000087 ZMK 5700/1424	Hazmat	2135	1,35,100	

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Table 2 - Environmental Restrictive Declarations

Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-14	99DCP012R	Hazmat	1116	60,61,62,63,64,65,66,67,68,69,70,71,72,73,74,75,76,77,78,79,80,81,82,83,85,86,87,88,89,91,92,93,94,95,96,97,98,99,100,102,103,104,106,107,108,113,114,115,116,117,118,119,120,121,122,123,124,125,126,127,128,129,130,131,132,133,134,135,136,137,138,139,140,141,142,143,144,145,146,147,148,149,150,151,152,153,154,155	
2/4/2003	020188 ZMR 10127		1121	155	
R-15	02DCP013K	Hazmat	2250	4,10,11,12	
3/18/2003	010719 ZMK 2003000052129				
R-16	03DAS002X	Hazmat	3273	75,175,184	
3/27/2003	030325 ZMX 2003000065149				
R-17	02DCP030M	Hazmat	819	14,15,66	
6/12/2003	020244 ZSM 2003000168411				
R-18	01HPD011K	Hazmat	2134	36	
7/9/2003	010615 ZMK 2003000217245				
R-19	01DCP026K	Hazmat	42	1	
8/4/2003	010212 ZMK 2003000277279				

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
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Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-20 9/3/2003	03BSA016K 384-02-BZ 2003000324094	Hazmat	277	8	
R-21 10/20/2003	03DCP011K N030227 ZAK 2003000429197	Hazmat	4353	12,13,14,15,21,25,26	
R-22 10/22/2003	01HPD003M 020463 ZMM 2003000431514	Hazmat	1081	1	
R-23 11/3/2003	03DCP037M 030214 ZMM 2003000442128	Hazmat	1151	1	
R-24 2/10/2004	03DCP036K 030294 ZMK 2004000078127	Hazmat	1142	44,48	
R-25 3/9/2004	01DCP004K 010645 ZMK 2004000143138	Hazmat	36	1,3,14	
R-26 3/18/2004	04DCP038M 040331 ZMM 2004000163530	Hazmat	823	31	
R-27 3/26/2004	03DCP038K 030276 ZMK 2004000185285	Hazmat	1763	1,2	
R-28 4/7/2004	03BSA135M 69-03-BZ 2004000207358	Hazmat	530	48	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
Table 2 - Environmental Restrictive Declarations

Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-29 4/20/2004	03DCP010R N020688 ZAR 17747/153	Hazmat	5460	37	
R-30 5/14/2004	04DCP023X N040194 ZAX 2004000304501	Hazmat	5635	128	
R-31 8/6/2004 3/13/2014	04DCP058M 040496 ZMM 2004000483845	Hazmat	857	40,46	3/13/2014
R-32 9/20/2004	91DCP152Q 910332 ZMQ 2004000588983	Hazmat	11358	1,7,17,26,30,31,33,35,37,38,40,41,42	
			11359	1,25	
			11376	1,2,19,45,143	
			11377	1,3,13,26	
R-33 9/22/2004	04DCP014M 040249 ZMM 2004000594494	Hazmat	1090	36,42	
R-34 9/22/2004	04DCP029M 040250 ZMM 2004000594496	Hazmat	1095	18,40	
R-35 9/27/2004	02DCP036Q N020331 ZAQ 2004000603317	Hazmat	3916	90,100,120,300,400	
R-36 11/24/2004	03DCP031M 040499(A) ZMM 2004000726038	Hazmat	1070	20	
		Noise	1070	20	
R-37 11/24/2004	04DCP031K 040331 ZMM 2004000727910	Hazmat	4153	46,48	

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Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-38 12/14/2004	04DCP064M 040454 ZSM 2004000768412	Hazmat	515	7501	
R-39 2/16/2005	03BSA160K 102-03-BZ 2005000097019	Hazmat	2415	10,14,15,41,42,43, 114,116	
R-40 2/17/2005	02DCP044Q 020127 ZMQ 2005000100634	Hazmat	1536	215,247	
R-41 2/23/2005	02DME003M 040257(A) ZSM 2005000110151	Hazmat	142	9	
R-42 3/3/2005	04DCP040Q 040542 ZSQ 2005000126643	Hazmat	2080	101	
R-43 3/15/2005	04DCP056M 040488 ZMM 2005000152020	Hazmat	1456	21	
R-44 3/21/2005	03DCP053X 030370 ZMX 2005000163697	Hazmat	2953	13	
R-45 3/25/2005	05DCP037M 050282 ZSM 2005000176123	Hazmat	212	24,26,41,43	
R-46 4/14/2005	03DCP065K 050393 ZMK 2005000214806	Hazmat	7065	6,12,15,20,25	
R-47	020DCP045K	Hazmat	2128	5,25	

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Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
4/22/2005	020518 ZMK 2005000236522		2134	48,50,56,250	
R-48 4/26/2005	04BSA149K 138-04-BZ 2005000240045	Hazmat	5524	1	
R-49 5/3/2005	03DCP074R 030399 ZSR 023551	Hazmat	7511	1,19,21,23,30	
R-50 5/6/2005	04HPD020X 050060 ZMX 2005000266216	Hazmat	2442	34,59,60	
R-51 5/9/2005	04BSA174M 68-04-BZ 2005000267216	Hazmat	594	1,3	
R-52 6/10/2005	04BSA208Q 209-04-BZ 2005000337112	Hazmat	4044	60	
R-53 6/21/2005	05BSA058K 355-04-BZ 2005000353990	Hazmat	2331	9	
R-54 3/6/2007	03BSA218Q 218-03-BZ 2007000121185	Hazmat	811	1	
R-55 7/13/2005	05BSA062K 363-04-BZ 2005000390588	Hazmat	5715	21,27	
R-56 8/10/2005	05DCP047K 050203 ZMK 2005000448823	Hazmat	5320	55	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
Table 2 - Environmental Restrictive Declarations

Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-57 8/23/2005	05BSA009K 257-04-BZ 2005000473110	Hazmat	181	1	
R-58 10/5/2005	05DCP050K 050236 ZMK 2005000556052	Hazmat	5457	5, 6	
R-59 10/13/2005	06BSA001M 156-05-BZ 2005000572243	Hazmat	582	43	
R-60 11/15/2005	05DCP089M 060210 ZMM 2005000633806	Hazmat	826	33, 37	
R-61 11/15/2005	05DCP089M 060210 ZMM 2005000633808	Hazmat	825	29	
R-62 11/15/2005	05DCP089M 060210 ZMM 2005000633810	Hazmat	825	31	
R-63 11/21/2005	05DCP040K 050192 ZMK 2005000646915	Hazmat	3221	31	
R-64 12/1/2005	02DCP090K 020573 ZMK 2005000665957	Hazmat	836	19	
R-65 12/7/2005	05BSA129K 122-05-BZ 2005000675946	Hazmat	2011	12	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
Table 2 - Environmental Restrictive Declarations

Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-66 12/16/2005	05DME011M 050430 ZSM 2005000693435	Hazmat	142	110	
R-67 12/16/2005	03BSA193Q 156-03-BZ 2005000694052	Hazmat	4958	38,48	
R-68 1/6/2006	04BSA021K 269-04-BZ 2006000007833	Hazmat	32	4	
R-69 2/7/2006	05BSA103M 48-05-BZ 2006000071049	Hazmat	640	1	
R-70 3/10/2006	06DCP076X 060214 ZMX 2006000136829	Hazmat	5776	632	
R-71 3/29/2006	05DCP038M 060202 ZSM 2006000173417	Hazmat	228	12	
R-72 3/30/2006	04BSA072M 340-03-BZ 2006000177003	Hazmat	217	23	
R-73 4/5/2006	06BSA033M 334-05-BZ 2006000188439	Hazmat	1389	50,7503	
R-74 4/18/2006	05DCP070M 50414 ZMM 2006000213211	Hazmat	2013	1,3,61	

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Table 2 - Environmental Restrictive Declarations

Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-75 4/28/2006	03DCP013Q 030129 ZMQ 2006000237154	Hazmat	8401	550	
R-76 5/4/2006	06DCP067M 040543 ZMM 2006000247471 2006000247472	Hazmat	223 224	3,5,7,9,11,12,15,20 1	
R-77 5/12/2006	05BSA076M 396-04-BZ 2006000266017	Hazmat	179	32	
R-78 5/12/2006	05BSA068K 381-04-BZ 2006000266503	Hazmat	3073	97	
R-79 5/22/2006	03DCP018R 030153 ZMR 128698	Hazmat	1262	1,12,15,18,19,20,28,35	
R-80 7/18/2006	06DCP017M 060102 ZSM 2006000404696	Hazmat	515	27	
R-81 8/29/2006	06BSA074Q 66-06-BZ 2006000489617	Hazmat	1064	100	
R-82 8/30/2006	04DCP013Q 030223 ZMQ 2006000491988	Hazmat	4949	46	
R-83 9/14/2006	06DCP109M 60530 ZSM 2006000518544	Hazmat	215	27	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
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Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-84 9/27/2006	02HPD004Q 030510 ZMQ 2006000544541	Hazmat	16112	7501	
R-85 10/6/2006	07DCP004M 060492 ZSM 2006000562892	Hazmat	228	30	
R-86 10/23/2006	08DCP012M 060032 ZMM 2006000592713	Hazmat	195	27	
R-87 10/31/2006	06DCP036M 060334 ZSM 2006000606514	Hazmat	1072	24	
R-88 11/1/2006	06BSA095X 112-06-BZ 2006000609763	Hazmat	2924	38,39,42	
R-89 11/2/2006	06DCP097M 070105 ZSM 2006000613158	Hazmat	231	16	
R-90 11/6/2006	05BSA048K 328-04-BZ 2006000619861	Hazmat	1898	49,50	
R-91 11/14/2006	05DCP063Y 060104 ZMM 2006000629429	Hazmat	1152	13	11/7/2014
			1152	5,8,10	
R-92 11/30/2006	07DCP022M M840900H ZSM 2006000662459	Hazmat	1480	1	

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Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-93 1/2/2007	06BSA054K 25-06-BZ 2007000001670	Hazmat	7690	79,80	
R-94 1/4/2007	06BSA067K 50-06-BZ 2007000005665	Hazmat	447	45	
R-95 1/11/2007 10/17/2008	06DCP045R N060182 RAR 172343	Hazmat	7584	65	10/17/2008
R-96 1/24/2007	07BSA010M 181-06-BZ 2007000044021	Hazmat	595	33	
R-97 1/26/2007	06DCP047Q 060228 ZMQ 2007000051108	Hazmat	848	42	
R-98 2/2/2007	02DCP063Q 030032 ZSQ 2007000064068	Hazmat	9363	8,10,12,14,16,18, 20,22,40,42,44,46, 48,50,52,54	
R-99 2/7/2007	05BSA066K 378-04-BZ 2007000073229	Hazmat	2849	1	
R-100 3/9/2007 5/21/2008	07DCP008M 070073 ZSM 2007000127870	Hazmat	805	59	5/21/2008
R-101 3/9/2007	06DCP082K 060353 ZMK 2007000129415	Hazmat	5794	75	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
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Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-102 3/14/2007	07BSA034M 290-06-BZ 2007000137368	Hazmat	530	13	
R-103 3/20/2007	07BSA020K 261-06-BZ 2007000148201	Hazmat	2241	39	
R-104 3/29/2007	06BSA104Q 134-06-BZ 2007000162274	Hazmat	8092	39	
R-105 4/10/2007	06DCP079M 060372 ZMM 2007000181957	Hazmat	887	84	
R-106 4/10/2007	07DCP059M N070395 ZAM 2007000182767	Hazmat	636	70	
R-107 4/12/2007 3/29/2012	07BSA043X 316-06-BZ 2007000189084	Hazmat	3274	1	3/29/2012
R-108 4/19/2007	06DCP007K 60377 ZMK 2007000204836	Hazmat	2263	30,31,37,62,63,64, 65,67	
R-109 4/25/2007	06DCP042Q 050491 ZMQ 2007000213406	Hazmat	642	36,42,44	
R-110 4/25/2007	06BSA106K 136-06-BZ 2007000214811	Hazmat	35	7,8,9	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
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Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-111 4/27/2007	07DCP069K 070156 ZSK 2007000220838	Hazmat	286	17,21	
R-112 5/9/2007	06BSA080K 79-06-BZ 2007000241994	Hazmat	1142	85,86	
R-113 5/15/2007	07BSA029K 278-06-BZ 2007000252711	Hazmat	1142	92	
R-114 5/16/2007	06DCP084X 060288 ZMX 2007000254232	Hazmat	5643	235	
R-115 5/21/2007	07DCP074M 070469 ZSM 2007000263184	Hazmat	838	42,45,46,47	
R-116 5/23/2007	06DCP062X 060320 ZMX 2007000268510	Hazmat	3236	25	
R-117 5/23/2007	04DCP053M 040443 ZMM 2007000269641, 2004000520184	Hazmat	1749	31,33,35,40,43	
R-118 6/7/2007	06DCP082K 060353 ZMK 2007000296324	Hazmat	5794	150	
R-119 6/14/2007	06DCP082K 060353 ZMK 2007000308207	Hazmat	5794	165	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
Table 2 - Environmental Restrictive Declarations

Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-120 6/20/2007	07DCP026M M990544B ZSM 2007000317347	Hazmat	939	6,7,8,9	
R-121 6/25/2007	07DCP049M 060525 ZSM 2007000325395	Hazmat	544	59,65,66,67	
R-122 7/10/2007	06DME014Q 070079 ZMQ 2007000351552	Hazmat	9755	31	
R-123 7/13/2007	06BSA090K 100-06-BZ 2007000359721	Hazmat	958	35,36	
R-124 7/13/2007	07DCP038M 070161 ZSM 2007000361307	Hazmat	229	1	
R-125 7/23/2007	06DCP061M 060223 ZMM 2007000378347	Hazmat	1996	56	
R-126 7/23/2007	06DCP060M 060225 ZMM 2007000378349	Hazmat	1987	1	
R-127 8/9/2007	06BSA093M 108-06-BZ 2007000410318	Hazmat	806	12	
R-128 8/22/2007	07DCP062K 070203 ZMK 2007000433700	Hazmat	6050	15,19,51,59	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
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Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-129	07BSA040K	Hazmat	357	1, 2	
8/28/2007	311-06-BZ, 312-06-BZ, 313-06-BZ				
	2007000443677				
R-130	07BSA064K	Hazmat	888	7	
9/7/2007	53-07-BZ				
	2007000461730				
R-131	07DCP045M	Hazmat	231	5	
9/11/2007	070055 ZSM				
	2007000465564				
R-132	01DCP055M	Hazmat	1455	21	
9/11/2007	000198 ZMM				
	2007000466779				
R-133	07BSA049M	Hazmat	219	2, 3	
9/19/2007	328-06-BZ				
	2007000481821				
R-134	06DCP048Q	Hazmat	1082	34	
9/27/2007	060467 ZMQ		1083	121	
	2007000496517				
R-135	07DCP043M	Hazmat	1077	7501	3/23/2015
10/9/2007	070289 ZMM		1077	8, 9, 10	
	2007000509777				
R-136	07BSA046K	Hazmat	5422	10	
10/11/2007	306-06-BZ				
	2007000516198				
R-137	07DCP018M	Hazmat	475	40	
10/17/2007	070159 ZSM				
	2007000526578				

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
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Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-138 10/22/2007	07DCP073K 080116 ZMK 2007000532867	Hazmat	299	1	
R-139 10/22/2007	07DCP073K 080116 ZMK 2007000532868	Hazmat	299	16,18,19,39	
R-140 10/22/2007	07DCP073K 080116 ZMK 2007000532869	Hazmat	304	16,17	
R-141 11/1/2007	07DCP095M 070575 ZMM 2007000549989	Hazmat	602	58,85	
R-142 11/1/2007	08DCP008M N080045 ZAM 2007000551000	Hazmat	1026	55	3/18/2015
R-143 11/13/2007	06DCP032M 070495 ZMM 2007000565924	Hazmat	1997	1,9,18,21,27,33,34,47,49,52,55,56,64	
R-144 11/13/2007	06DCP032M 070495 ZMM 2007000565925	Hazmat	1996	14,15,16,18,20,21,23,29,36,50	
R-145 11/13/2007	06DCP032M 070495 ZMM 2007000565926	Hazmat	1998	1,6,10,13,16,57,61	
R-146 11/13/2007	06DCP032M 070495 ZMM 2007000565927	Hazmat	1986	1,6,10,30,65	

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CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
Table 2 - Environmental Restrictive Declarations

Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-147 11/13/2007	06DCP032M 070495 ZMM 2007000565928	Hazmat	1995	31	
R-148 11/13/2007	06DCP032M 070495 ZMM 2007000565929	Hazmat	1987	7,9	
R-149 11/23/2007	07DCP015M 070137 ZMM 2007000582968	Hazmat	931	1,17	
R-150 11/28/2007	06DCP041Q 060021 ZMQ 2007000590373	Hazmat	1096	1	
R-151 11/30/2007	05DCP034X 050172 ZMX 2007000592833	Hazmat	3805	11,13,14,15,17,20,169	
R-152 1/9/2008	07BSA057K 33-07-BZ 2008000010818	Hazmat	347	54	
R-153 1/23/2008	06DME009K 060545 ZMK 2008000030352	Hazmat	1433	3,5,6	
R-154 3/12/2008	06BSA057Q 31-06-BZ 2008000101335	Hazmat	14182	88	
R-155 4/1/2008	05BSA142M 154-05-BZ 2008000130496	Hazmat	489	1,41	
R-156 4/17/2008	06DCP039M 070522 ZMM, 070529 ZMM	Air	945	23,33	
		Noise	945	23,33	
		Air	967	1	
		Noise	967	1	

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Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air	970	1,2	
	2008000153631, 2010000007223	Noise	970	1,2	
R-157 4/17/2008	06DCP083Q 060550 ZMQ 2008000154748	Hazmat	3347	24	
R-158 4/23/2008	07DCP076M 080039 ZMM 2008000162921	Hazmat	1969	6	
R-159 4/23/2008	08DCP040M 080313 ZSM 2008000163513	Hazmat	222	1	
R-160 5/13/2008	08BSA045M 13-08-BZ 2008000191393	Hazmat	506	11,12	
R-161 5/23/2008	05DCP051X 050018 ZMX 2008000210078	Air	2618	1,10,15,22,26,28, 30,33,35,40,41,42	
		Noise	2618	1,10,15,22,26,28, 30,33,35,40,41,42	
R-162 6/11/2008	08DCP028Q 080203 ZMQ 2008000234393	Hazmat	4487 4524 4531	160,169,170,200 79,92 77,92	
R-163 8/1/2008	05BSA006K 252-04-BZ 2008000305746	Hazmat	2298	9	
R-164 8/11/2008 12/9/2011	08BSA031K 245-07-BZ 2008000319021	Hazmat	41	17	12/9/2011
R-165 8/28/2008	08BSA075X 78-08-BZ 2008000345309	Hazmat	2546	27	

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Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-166 9/12/2008	08BSA012K 201-07-BZ 2008000362056	Hazmat	8364	34	
R-167 9/23/2008	08BSA028Q 238-07-BZ 2008000375672	Hazmat	28 28	21,121 12,15,17,18	5/9/2013
R-168 10/1/2008	07DCP046X N070230 ZAX 2008000389300	Hazmat	3487	29,34,237	
R-169 10/28/2008 10/12/2009	08BSA033M 257-07-BZ 2008000421939	Hazmat	1607	3,5,59	10/12/2009
R-170 11/14/2008	09DCP025K 090181 ZMK 2008000441753	Hazmat	36	1,3,14,49,52,53	
R-171 12/10/2008	08BSA065K 51-08-BZ 2008000470983	Hazmat	6681	394	
R-172 12/31/2008	09BSA009M 190-08-BZ 2008000492916	Hazmat	529	29,30	
R-173 1/8/2009 8/6/2012	08BSA100M 170-08-BZ 2009000006241	Air Hazmat Noise	1464 1464 1464	8,14,15,16,21 8,14,15,16,21 8,14,15,16,21	8/6/2012 8/6/2012 8/6/2012
R-174 3/12/2009 2/6/2012	09BSA018X 215-08-BZ 2009000072480	Hazmat	2984	1	2/6/2012

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Table 2 - Environmental Restrictive Declarations

Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-175 3/16/2009 1/26/2011	09BSA103R 45-08-BZ 284168	Hazmat	7407	1,80,82	1/26/2011
R-177 3/31/2009	09BSA059X 3-09-BZ 2009000093648	Hazmat	2619	27	
R-178 4/13/2009	09BSA053M 310-08-BZ 2009000108374	Hazmat	1570	41	
R-179 4/30/2009	05DCP020M 050260 ZSM 2009000127467	Hazmat	1132 1132	35 1,20**	5/6/2013
R-180 5/6/2009	07DCP051R 080482 ZMR 290597	Hazmat	6145	13	
R-181 5/26/2009	09DCP072K M090312 ZMK 2009000156049	Hazmat	4469	1	
R-182 5/26/2009	09DCP072K M090312 ZMK 2009000156050	Hazmat	4469	6,10,16	
R-183 6/1/2009	09DCP081K 090441 ZMK 2009000162828	Hazmat	2009	1,23,26,29,30,31, 32,33,34,35,36,37, 38,39,40,41,42,43, 44	
R-184 6/17/2009	07DCP071M 080008 ZMM 2009000184787	Air Noise	1082 1082	1 1	
R-185 10/19/2009	09DCP081K 090443 ZSK	Air	2009	1,23,26,29,30,31, 32,33,34,35,36,37, 38,39,40,41,42,43, 44	

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Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
	2009000339852	Noise	2009	1,23,26,29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44	
R-186 10/28/2009	08DCP056K 080339 ZMK 2009000352564	Hazmat	2134	1,150	
R-187 11/10/2009	09DCP028X 090397 ZMX 2009000369101 2009000003321	Air	3360	70,76,176	
R-188 12/31/2009	08DCP054X 080157 ZMX 2009000430755	Hazmat	2984	46,67	
R-189 1/21/2010	09DCP063Q 090356 ZSQ 2010000021504	Hazmat	3884	2	
R-190 1/26/2010	09DCP074R 090383 ZSR See City Planning Commission Report	Hazmat	6145	40,300	
R-191 6/23/2010	09DCP032K 090225 ZMK 2010000209747	Hazmat	347	50	
R-192 8/27/2010	08DCP017K 070579 ZMK 20100000291264	Hazmat	1475	55,56,57,58,59,60,61,62	
R-193 8/31/2010	10DCP031M 100277 ZMM 2010000295263	Hazmat	2069	21	
R-194	09DCP019M	Hazmat	808	40,7501	

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Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
9/3/2010	100049 ZSM 2010000298804	Noise	808	40,7501	
R-195 11/24/2010	07DCP094K 100185 ZMK 2010000396103	Air	2414	1	
		Hazmat	2414	1	
		Noise	2414	1	
		Air	2428	1	
		Hazmat	2428	1	
		Noise	2428	1	
R-196 1/13/2011	10DCP016Q 100175 ZMQ 2011000016083	Hazmat	4645	1,37	
R-197 3/8/2011	11BSA029M 186-10-BZ 2011000084677	Hazmat	962	80,108,7501	
R-198 3/14/2011	10DCP004M 100063 ZMM 2011000091926	Hazmat	778	13,16,18,66	
R-199 4/22/2011	10DCP028M M840090A ZSM 2011000148845	Hazmat	1929	17	
R-200 5/12/2011	11DCP101M 110243 ZMM 2011000171907	Hazmat	1600	20	
R-201 6/2/2011	07SBS021M 080409 ZSM 2011000196766	Hazmat	644	5	
R-202 6/16/2011	11BSA037R 197-199-10-BZ 385092	Hazmat	61	27,29,31	

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Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-203 7/15/2011	10DCP027R N110018 ZAR 388068	Hazmat	2460	50,98	
R-204 9/9/2011	09DCP004M 090432 ZSM 2011000320298	Hazmat	1269	5,6,7,8,9,11,12,13,14,20,30,58,66,69,165,7501	
R-205 11/9/2011	06DME001R 060471 ZMR 402111	Hazmat	487	100,110	
R-206 12/2/2011	10DCP017X 100310 ZMX 2011000420230	Air	3009	33	
		Hazmat	3009	33	
		Noise	3009	33	
R-207 12/5/2011	10DCP017X 100310 ZMX 2011000422101	Air	3016	11,13,21	
		Hazmat	3016	11,13,21	
		Noise	3016	11,13,21	
R-208 12/5/2011	10DCP017X 100310 ZMX 2011000423714	Air	3013	12,29,31,35,37,46	
		Hazmat	3013	12,29,31,35,37,46	
		Noise	3013	12,29,31,35,37,46	
		Air	3014	9,15	
		Hazmat	3014	9,15	
		Noise	3014	9,15	
R-209 12/14/2011	09DCP020M 100296A ZSM 2011000434594	Air	1171	155,165	
		Hazmat	1171	155,165	
		Noise	1171	155,165	
R-210 12/30/2011	10DCP017X 100310 ZMX 2011000452612	Air	3016	60,66	
		Hazmat	3016	60,66	
		Noise	3016	60,66	
R-211 1/24/2012	10DCP001K 100041 ZMK 2012000030222	Hazmat	2245	55,58	

* * Indicates that a tax lot with multiple development sites is partially remediated.

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
Table 2 - Environmental Restrictive Declarations

Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-212 3/6/2012	11DCP022K 090154 ZMK 2012000086295	Hazmat	5516	34	
R-213 3/21/2012	06DCP032M 070495 ZMM 2012000113726	Hazmat	2094	36	
R-214 4/16/2012	10DCP003M 120033 ZMM 2012000149442	Air Hazmat Noise Air Hazmat Noise	607 607 607 617 617 617	1 1 1 1 1 1	
R-215 5/17/2012	11DCP059Q 110163 ZSQ, 110164 ZSQ 2012000197076	Hazmat	6797	30	
R-216 5/21/2012	10DCP024K 100218 ZMK, N100219 ZRK 2012000200000	Hazmat	2576	23	
R-217 7/25/2012	10DCP002K 110047 ZMK 2012000293689	Hazmat	6491	207,292	
R-218 8/7/2012	11DCP121M 120124 ZSM 2012000311259	Air Hazmat Noise Air Hazmat Noise	524 524 524 533 533 533	9,66 9,66 9,66 1,10 1,10 1,10	
R-219 12/26/2012	06DCP032M 070495 ZMM 2012000503431	Hazmat	1997	6	

* * Indicates that a tax lot with multiple development sites is partially remediated.

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
Table 2 - Environmental Restrictive Declarations

Reference No. Date Recorded Satisfaction Date	CEQR No. Application No. Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
R-222 7/6/2006 8/16/2007	05DCP056R 050213 ZAR 137471	Hazmat	569	103,107,109,113,114	8/16/2007
R-223 1/7/2011	08BSA085K 98-08-BZ 2011000009822	Hazmat	1199	3	
R-224 10/10/2008	07DCP056K 070396ZMX 2008000401271	Hazmat	4837	22,23,27,29,31,33,38	
R-225 10/11/2005	05BSA118M 83-05BZ 2005000565043	Hazmat	528	12	
R-226 1/6/2012	06DCP032M 070495ZMM 2012000005762	Air	1986	6,10,30,65	
		Hazmat	1986	6,10,30,65	
		Noise	1986	6,10,30,65	
		Air	1987	7,9	
		Hazmat	1987	7,9	
		Noise	1987	7,9	
		Air	1995	31	
		Hazmat	1995	31	
		Noise	1995	31	
		Air	1996	1,14,15,16,18,20,21,23,29,34,36,50	
		Hazmat	1996	1,14,15,16,18,20,21,23,29,34,36,50	
		Noise	1996	1,14,15,16,18,20,21,23,29,34,36,50	
		Air	1997	1,6,9,14,17,18,21,27,29,30,33,34,40,47,48,49,52,55,56,61,64	
		Hazmat	1997	1,6,9,14,17,18,21,27,29,30,33,34,40,47,48,49,52,55,56,61,64	
		Noise	1997	1,6,9,14,17,18,21,27,29,30,33,34,40,47,48,49,52,55,56,61,64	

* * Indicates that a tax lot with multiple development sites is partially remediated.

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) Environmental Requirements
Table 2 - Environmental Restrictive Declarations

Reference No.	CEQR No.				
Date Recorded	Application No.				
Satisfaction Date	Recording Reference No.	Type	Tax Block	Tax Lot(s)	Lot Remediation Date
		Air	1998	1,3,6,10,13,16,24,26,57,61	
		Hazmat	1998	1,3,6,10,13,16,24,26,57,61	
		Noise	1998	1,3,6,10,13,16,24,26,57,61	

* * Indicates that a tax lot with multiple development sites is partially remediated.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK

Bill de Blasio, Mayor

CITY PLANNING COMMISSION

Carl Weisbrod, Chairman

Appendix D: Zoning Map Amendment ("D") Restrictive Declarations

Effective date of most recently amended section of Appendix D: 11/18/10

Date of file creation: Web version of Appendix D: 02/10/14

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APPENDIX D - Zoning Map Amendment ("D") Restrictive Declarations

Restrictive Declaration No.	CP/ULURP No.	Zoning Map No.	Block Numbers	Lot Numbers
D-1	22834	29b, 30d	16350 (Q)	400
D-2	22826	27b	3644 (R)	62
D-3	22849	18a	4238 (BK)	11
D-4	22836	9a	905 (Q)	1, 25-26, 28
D-5	22736	23d	8429 (BK)	48, 62-63, 66
D-6	22844	27b	4699 (Q)	7, 10, 12-13, 15-16, 19-20, 22
D-7	22883	20d	1595 (R)	20
D-8	22865	28d	7270 (BK)	25
D-9	22884	33c	5591 (R)	49
D-10	22903	20d	1552 (R)	50
D-13	22990	8c, 9a	1514 (M)	8
D-14	23030	17a	1764 (BK)	20, 25, 29, 38, 41, 43
D-15	23030	17a	1763 (BK)	1, 2, 62
D-17	23139	9d	2324 (Q)	35
D-19	23262	18b	4496-4497 (BK)	1, 3, 5, 8-9; 1
D-19	23263	18b	11384 (Q)	1
D-21	23248	7b	3916	100
D-22	23225	8c	1376 (M)	1
D-23	C760046 ZMR	21b	694	110, 118, 121, 124, 127
D-25	C770145 ZMK	16c	1959	27, 37
D-26	C760215 ZMM	12a	637	36-38
D-27	C760129 ZMR	26d	4465	1, 7-8
D-28	C770073 ZMX	4a	4200	35, 46
D-29	C770193 ZMQ	25a	13866, 13895	3, 5, 8, 10, 72, 74, 76, 79, 81, 156-158
D-30	C780066 ZMK	28d	8679	1
D-31	C780025 ZMK	16d	1109	1
D-32*	C780105 ZMK	16c	2001	1, 20, 25-26, 30-31, 33, 35, 39
D-33	C770543 ZMM	5c	1995	26, 30
D-34	C770657 ZMX	6a	2314	1, 5, 10, 15, 33
D-35	C780254 ZMQ	18c	12322	1, 3, 5-6, 8, 10, 12, 14, 16, 18, 20, 23-24, 29, 96, 102, 105, 107, 110
D-36	C780188 ZMQ	13c	2472	1-2, 4-6

D-37	C780080 ZMQ	18b	13957	12
D-38	C760097 ZMQ	10d	6441	30
D-39	C770602 ZMK	22a	5807	1
D-40	C760154 ZMR	27b	3617	1, 3, 7, 9
D-41	C780287 ZMQ	10c	5863	250
D-42	C780509 ZMK	16c	476	6
D-43	C790347 ZMQ	9c, 10a	1641	1
D-44	C790136 ZMK	18a	4238	11 (See D-3)
D-45	C780361 ZMR	27a, 27b	3551	8, 14, 53, 56, 112-113, 115, 117, 120-121, 123, 127, 130, 133
D-46	C790065 ZMQ	7d	4542	1
D-47	M770445 (A) ZMK	17d, 23c	8235	31, parts of 43, 48, 63, 75, parts of 148, 1000
D-48	C790444 ZMK	28c, 29a	7319	37
D-49**	C790554 ZMM	8c, 8d	1332	29
D-50	C790123 ZMQ	7d	5843	2
D-51	C790633 ZMK	22c	5648	38
D-52	C790403 ZMX	4d	5640	18
D-53	C800753 ZMM	8d	1326	1-4, 6, 41-45, 47-48, 105
D-54	C790579 ZMM	12a	176	18
D-55	C790440 ZMQ	14b	3348	37
D-56	C820192 ZMX	6c	2603	55, 102
D-57	C800248 ZMK	17d	4431-4434	1, 20, 100; 1; 1, 50-51; 1, 21, 40, 51
D-58	C800103 ZMK	4d	5641-5643	335, 42, 106, 300
D-59	22775	14a	1948	27
D-60	21465 (A)	13c	1842	39, 66
D-62	C800160 ZMR	27b	3701	6
D-63	C800494 ZMX	2b	4836	1, 81
D-64	C801132 ZMX	28d	8679	1
D-65	C800763 ZMQ	9b	228	13-15
D-66	C790634 ZMM	8d	996	1
D-67	C800826 ZMR	33a	6145	40
D-68	C800849 ZMQ	18b	14076	137, 142, 144, 146, 148, 150, 155
D-69	C810173 ZMQ	9b	61	11
D-70	C801058 ZMQ	9c	1084	1, 63
D-71	C810362 ZMR	33d	5286	33, 35
D-73	C820256 ZMM	5d	1887	1
D-74	C810021 ZMM	6b	1539	16, 33, 120, 128
D-75	C820187 ZMQ	9d	1533	49

D-76	C800997 ZMM	8d	968	1,22
D-77	C820224 ZMQ	18c	12182	80,84,86,88,91,95,107, 111-112,114
D-78	C820927 ZMM	8c	1171	1
D-79	C800850 ZMQ	14b,14d	9441	4-5,17
D-80	C810240 ZMX	7a	5606	25
D-81	C820479 ZMQ	13c	1846	1
D-82	C820697 ZMR	21c	1	22
D-83	C821222 ZMM	9a	1484	5,8-9,45,47
D-84	C820757 ZSR	21c	488	53,66
D-85	C840300 ZMX	3d	2977	138
D-86	C830094 ZMK	22a	5807	1
D-87	C801094 ZMQ	18d	12123- 12126	See report for lots
D-88	C830330 ZMM	9a	1570-1571	15,17,20-21,24,29, 31, 36;15,19,22, 24,30,34-35
D-89	C820995 ZMQ	9c,10a	1640, 1646-1648	See report for lots
D-90	C830583 ZMQ	9d	1536	25
D-91	C830464 ZMX	2b	4923	Part of 5
D-92	C840260 ZMM	8b,12a	642-643	12;27
D-93	C840260 ZMM	8b	643	1
D-94	C840260 ZMM	8b	643	43,49,54
D-95	C840260 ZMM	8b	642	14,19,30
D-96	C840344 ZMQ	9d	1536	38
D-97	C840169 ZMM	9a	1487	23-24,30
D-98	C800998 ZMR	27b	950	60,95,149,154,266
D-99	C830193 ZMQ	13d	3637	1,2
D-100	C840631 ZMK	29a	8839-8841	11,14,20,53;70, 84,90; 450,525,535
D-101	C841073 ZMQ	19a	12382	30
D-102	C841073 ZMQ	19a	12382	36
D-103	C841073 ZMQ	19a	12382	39
D-104	C850321 ZSM	12b	40	3
D-105	C840990 ZMM	9a	1484	Part of 16,19,22-24,26
D-106	C841102 ZSM	9a	1484	Part of 16,19,22-24,26
D-107	C850407 ZMQ	14b	9178	1
D-108	C860304 ZMM	8c	1040	29
D-109	C850370 ZMM	8d	968-969	1,3,5-6,22-23;1-2
D-110*	C860560 ZMQ	14a	2076-2077 2080,2084	50,63;90,98;101;101
D-111	C851030 ZMQ	10d	7117	189

D-112	C860294 ZMQ	7b	3916	1,8,12,18
D-113	C850359 ZMQ	14a	2248	74,99,125
D-114	C860553 ZMM	6a	1931	1,6
D-115	C870007 MMK	28c	6944	48,part of 80
D-116	C861180 ZMM	9a	1573	22
D-117	C861022 ZMQ	9d	1257	32,44,50
D-118	C870805 ZMX	7a,7b	See report for block & lot numbers	
D-119	C870568 ZMQ	14a	2186	2,38,75,88
D-120	C870302 ZMM	8c	1068	1
D-121	C880135 ZMQ	10d	5397	6,12
D-122	C880214 ZMK	13a	2827	41-42
D-123	C880049 ZMR	26a	2800	37,53,58,60,73, 76,79, 91,102
D-125	C880817 ZMK	18b	4515-4517	1, (entire blocks)
D-126	C860117 ZMM	8c,8d	1455	1,4-5,8,12-13,46
D-127	C880816 ZMX	7a	3483,3486	1;22,24,26,28,30
D-128	C880753 ZMM	8a,8c, 8d	1089	1
D-129	C861105 ZMQ	10a	4223	21
D-130	C880888 ZMR	27c	3197	1
D-131	C910478 ZMK	28d,29b	8720	14
D-132	C880941 ZMQ	9d	2313	5,8,10,26,48
D-133	C880703 ZMM	8c	1269	Part of 7,8-9
D-134	C880506 ZMM	8c	1171	63
D-135	C860425 ZMR	20d	1691, 1696	56,65;8,24,69-70
D-136	C890162 ZMM	8d	757	20,22,26-27,41,43-46, 50-51
D-137	C880955 ZMQ	13c	2395	4,7,9-12,14-15,17, 20,22,24,parts of 34 & 42,71
D-138	C890367 ZMQ	9b	488	Part of 1
D-139	C880213 ZMQ	9c	1639-1640	1; part of 60
D-140	C900604 ZMX	4d	5639-5640	Part of 21,23,40;90, part of 105,150
D-141	C920357 ZMM	8c	1171	Part of 1
D-142	C900369 ZMR	20d	2160, 2236	10,14,17,125,200
D-143	C920650 ZMM	8c	1171	60,62
D-144	C970086 ZMM	8c	1087	1,5
D-145	C010148 ZMM	8c	1105	1,5,14,19,34,29,36,45
D-146	C000087 ZMK	12d	2135	1,35,100

* Deleted - See C860205 ZMK

** See also C790508 MMM

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Carl Weisbrod, Chairman

APPENDIX E: Design Requirements for Plazas, Residential Plazas and Urban Plazas Developed Prior to October 17, 2007

Effective date of most recently amended section of Appendix E: 10/17/07

Date of file creation: Web version of Appendix E: 02/10/14

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(10/17/07)

APPENDIX E

Design Requirements for Plazas, Residential Plazas and Urban Plazas Developed Prior to October 17, 2007

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 October 17, 2007.

RESIDENTIAL PLAZA STANDARDS

(4/21/77)

E 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)

E 27-01

Applicability of this Chapter

The provisions of this Chapter shall apply to all #developments# constructed after April 21, 1977 containing a #residential plaza# or #arcade# 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

E 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

E 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

E 27-11

Mandatory Requirements

4/21/77

E 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

E 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 E27-30 (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

E 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 1/2 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

E 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 1/2 inches, and a minimum tread width of 11 inches.

4/21/77

E 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 E27-113 (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

E 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

E 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

E 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

E 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 E27-14 (Optional Amenities).

4/21/77

E 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. Moveable 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

E 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

E 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

E 27-124**Drinking fountains**

All #primary spaces# shall provide at least one drinking fountain.

4/21/77

E 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 E27-12 (Mandatory Amenities), and shall be subject to the restrictions for total area occupied by amenities as set forth in Section E27-14 (Optional Amenities).

A #primary space# shall provide at least two of the following amenities as set forth in Sections E27-131 through E27-137, inclusive.

4/21/77

E 27-131**Tree planting**

A minimum of one tree per 2,000 square feet of #primary space# area.

4/21/77

E 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

E 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

E 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 E27-121 (Seating).

4/21/77

E 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

E 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

E 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 E27-122 (Tree planting), for that #zoning lot#.

4/21/77

E 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

E 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 E27-115 (Elevation), E27-116 (Treatment of adjoining walls), E27-117 (Lighting), and E27-118 (Paving).

4/21/77

E 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

E 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 E27-113 (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 E27-121 (Seating) or Section E27-321 (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 E27-221 through E27-225.

4/21/77

E 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 E27-122 (Tree planting).

4/21/77

E 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 E27-132 (Planting).

4/21/77

E 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

E 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

E 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

E 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

E 27-30

NORTHERN PLAZA

Any #primary space# which pursuant to Section E27-112 (Orientation) is a #northern plaza# shall comply with the requirements of this Section.

4/21/77

E 27-31

Mandatory Requirements

All #northern plazas# shall conform to the mandatory requirements set forth for #primary space# in Section E27-11 (Mandatory Requirements).

4/21/77

E 27-32

Mandatory Amenities

All provisions of Section E27-12 (Mandatory Amenities) shall be applicable to #northern plazas# except as modified by this Section.

4/21/77

E 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 E27-121 (Seating).

4/21/77

E 27-322

Planting

All #northern plazas# shall conform to the provisions for planting as set forth in Section E27-132 (Planting). Those species which have the ability to flourish in shade are

recommended in #northern plazas#.

4/21/77

E 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 E27-32 (Mandatory Amenities), and shall be subject to the restrictions for total area occupied by amenities as set forth in Section E27-34 (Optional Amenities).

A #northern plaza# shall provide at least two of the following amenities.

4/21/77

E 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

E 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

E 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

E 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 E27-30 (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 E27-111 (Size and proportion).

In all cases the floor space of a pavilion shall be excluded from the definition of #floor area#.

4/21/77

E 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

E 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

E 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

E 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 E27-113 (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

E 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

E 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 ensure 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

E 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

E 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 a #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 cafe; however, kitchen equipment may be contained in a kiosk adjoining an open air cafe. An open air cafe qualifying as a permitted obstruction shall be excluded from the definition of #floor area#.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers in an #urban 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.

(1) 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#.

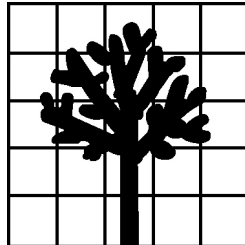
(o) Public space signage systems

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 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.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

APPENDIX F: Inclusionary Housing Designated Areas

Effective date of most recently amended section of Appendix F: 11/25/14

Correction: Bronx CD 1-map 1

Date of file creation: Web version of Appendix F: 7/13/15

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APPENDIX F

Inclusionary Housing Designated Areas

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.

Table of
Inclusionary Housing Designated Areas
by Zoning Map

Zoning Map	Community District	Maps of Inclusionary Housing Designated Areas
1d	Bronx CD 7	Map 1
3b	Bronx CD 4	Map 1
3c	Bronx CD 6	Maps 1 - 3
3c	Bronx CD 7	Map 1
3d	Bronx CD 3	Map 1
3d	Bronx CD 6	Maps 2 - 5
5d	Manhattan CD 7	Map 1
6a	Manhattan CD 9	Map 1, Map 2
6a	Manhattan CD 10	Map 1
6a	Manhattan CD 11	Map 1
6a	Bronx CD 1	Map 1
6a	Bronx CD 4	Map 1
6b	Manhattan CD 10	Map 1
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8b	Manhattan CD 4	Map 1
8c	Manhattan CD 4	Map 2
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8d	Manhattan CD 4	Map 3, Map 4
8d	Manhattan CD 5	Map 1
8d	Manhattan CD 6	Map 1
8d	Queens CD 2	Map 3
9a	Queens CD 1	Map 1
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9b	Queens CD 2	Map 1
9d	Queens CD 2	Map 1, Map 2
12a	Manhattan CD 1	Map 1
12a	Manhattan CD 2	Map 1
12c	Manhattan CD 3	Map 1
12c	Brooklyn CD 1	Map 1, Map 2
12d	Brooklyn CD 1	Map 2, Map 3
12d	Brooklyn CD 2	Map 1, Map 4
12d	Brooklyn CD 3	Map 3
13a	Brooklyn CD 1	Map 1, Map 2
13b	Brooklyn CD 1	Map 2, Map 4
13b	Brooklyn CD 3	Maps 3 - 5

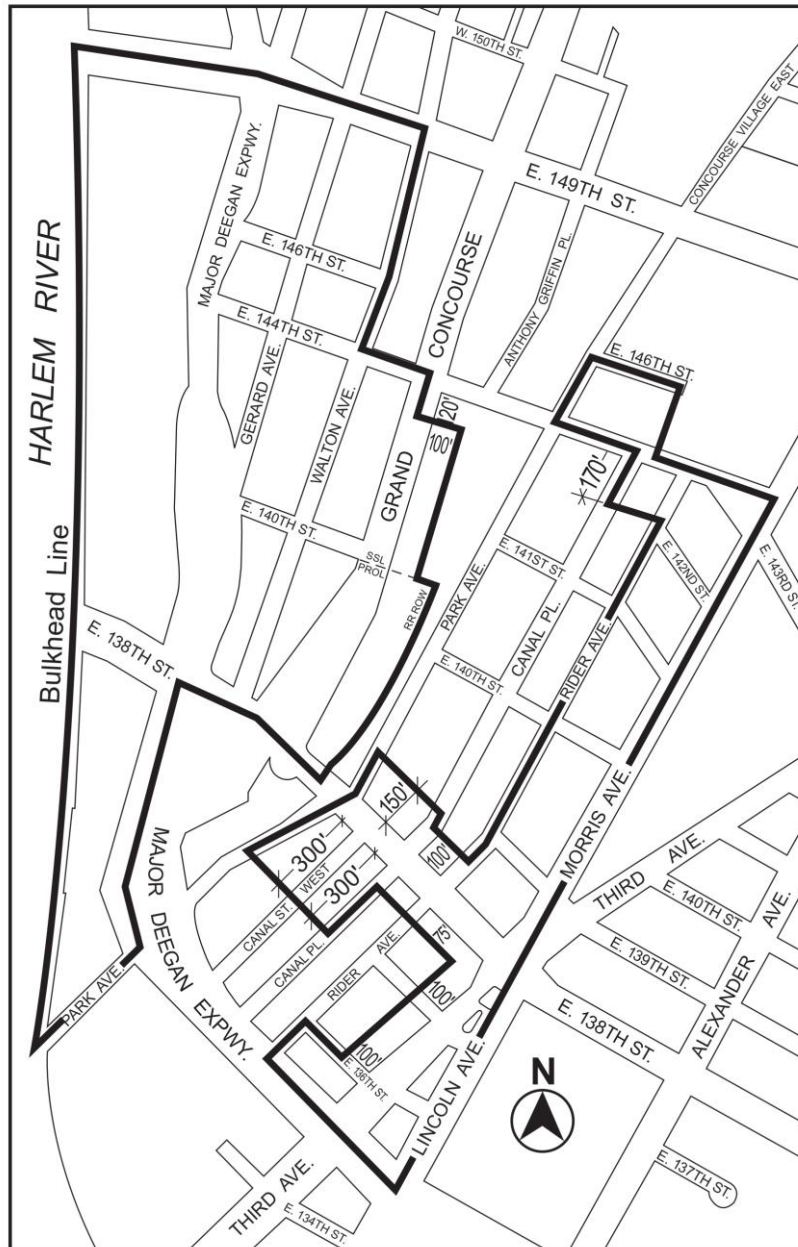
13b	Brooklyn CD 4	Map 1
14d	Queens CD 8	Map 1
14d	Queens CD 12	Map 1
16b	Brooklyn CD 7	Map 2
16c	Brooklyn CD 2	Maps 1 - 3
16c	Brooklyn CD 3	Map 1
16c	Brooklyn CD 6	Map 1
16c	Brooklyn CD 8	Map 1
16d	Brooklyn CD 7	Map 1
16d	Brooklyn CD 8	Map 1
16d	Brooklyn CD 14	Map 2
17a	Brooklyn CD 3	Maps 1 - 5
17a	Brooklyn CD 8	Map 1
17b	Brooklyn CD 8	Map 1
17b	Brooklyn CD 14	Map 2
22a	Brooklyn CD 7	Map 2
22c	Brooklyn CD 7	Map 2
22c	Brooklyn CD 14	Maps 1 - 3
23a	Brooklyn CD 14	Map 2
28d	Brooklyn CD 13	Map 1

The Bronx

The Bronx Community District 1

In the #Special Harlem River Waterfront District# (see Section 87-20) and in the R7A, R7X and R8A Districts within the areas shown on the following Map 1:

Map 1 - (6/30/09)



Portion of Community District 1, The Bronx

The Bronx Community District 3

Map 1 - (10/5/11)

In the R6A, R7A, R7X and R8X Districts within the areas shown on the following Map 1:

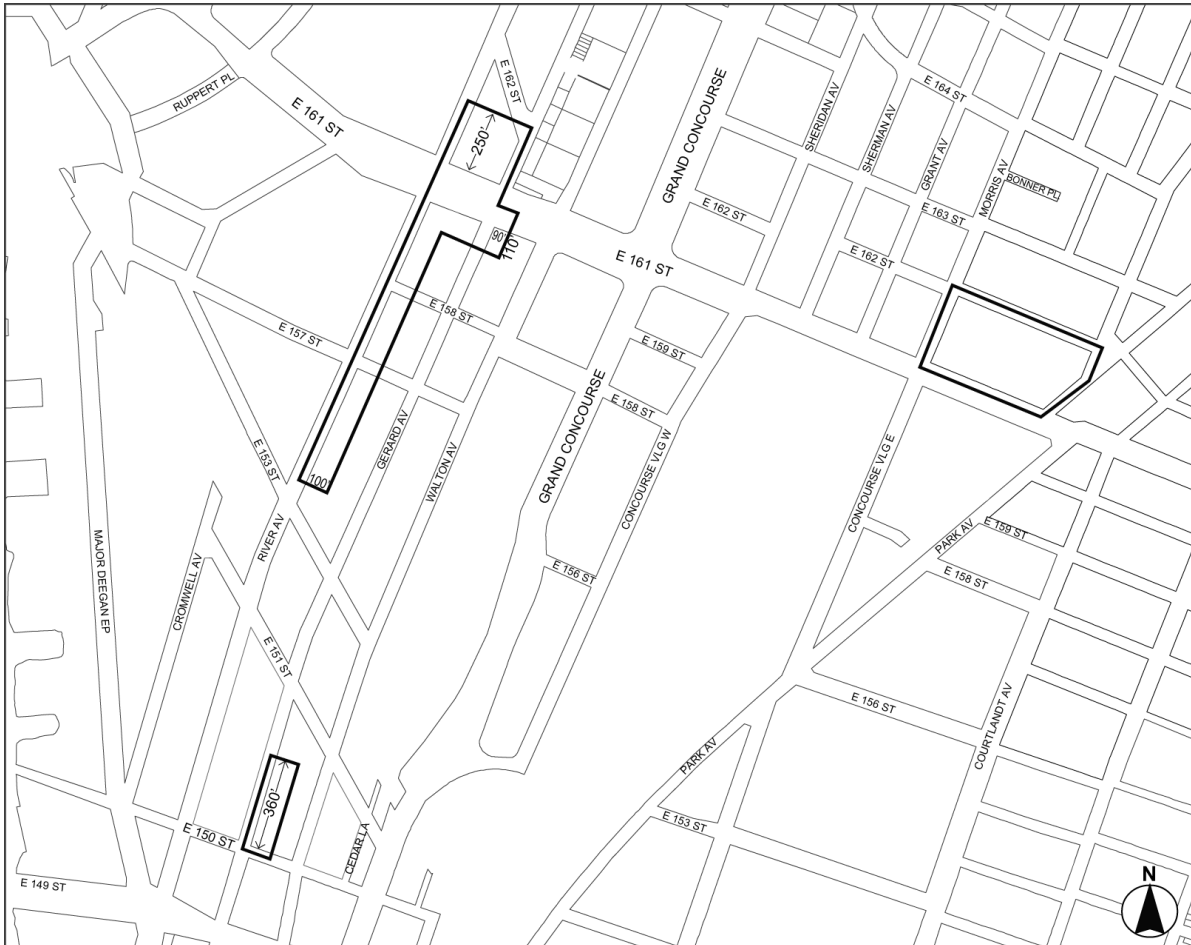


Portion of Community District 3, The Bronx

The Bronx Community District 4

In the R7A, R8A and R9D Districts within the areas shown on the following Map 1:

Map 1 - (5/22/13)

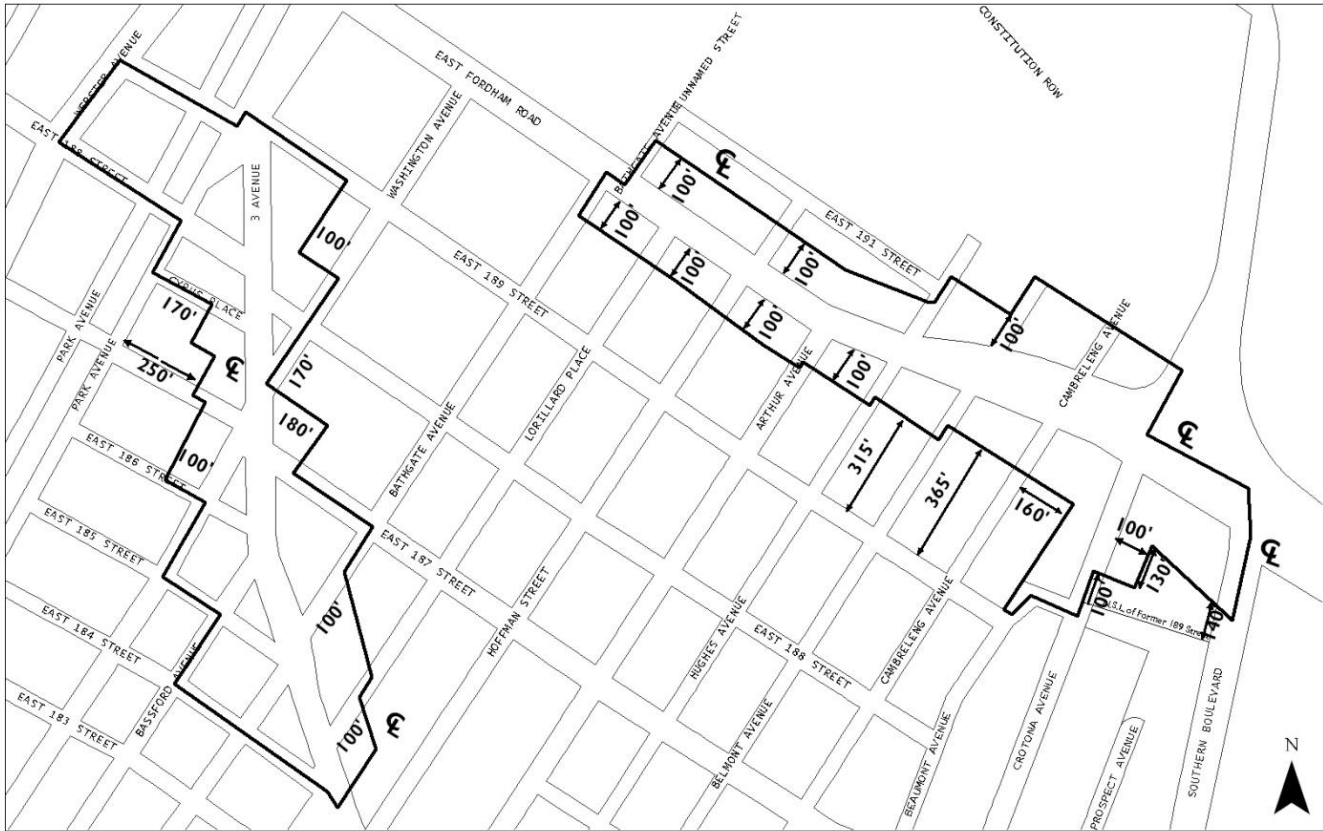


Portion of Community District 4, The Bronx

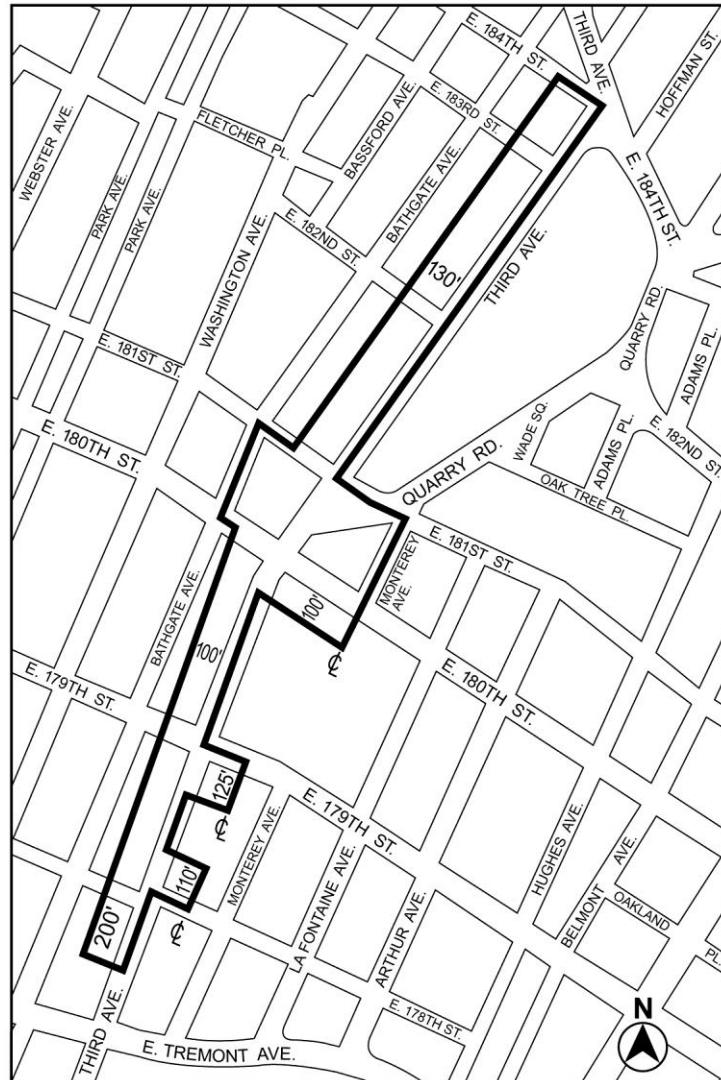
The Bronx Community District 6

In the R7A, R7D, R7X, R8A and R8X Districts within the areas shown on the following Maps 1, 2, 3, 4 and 5:

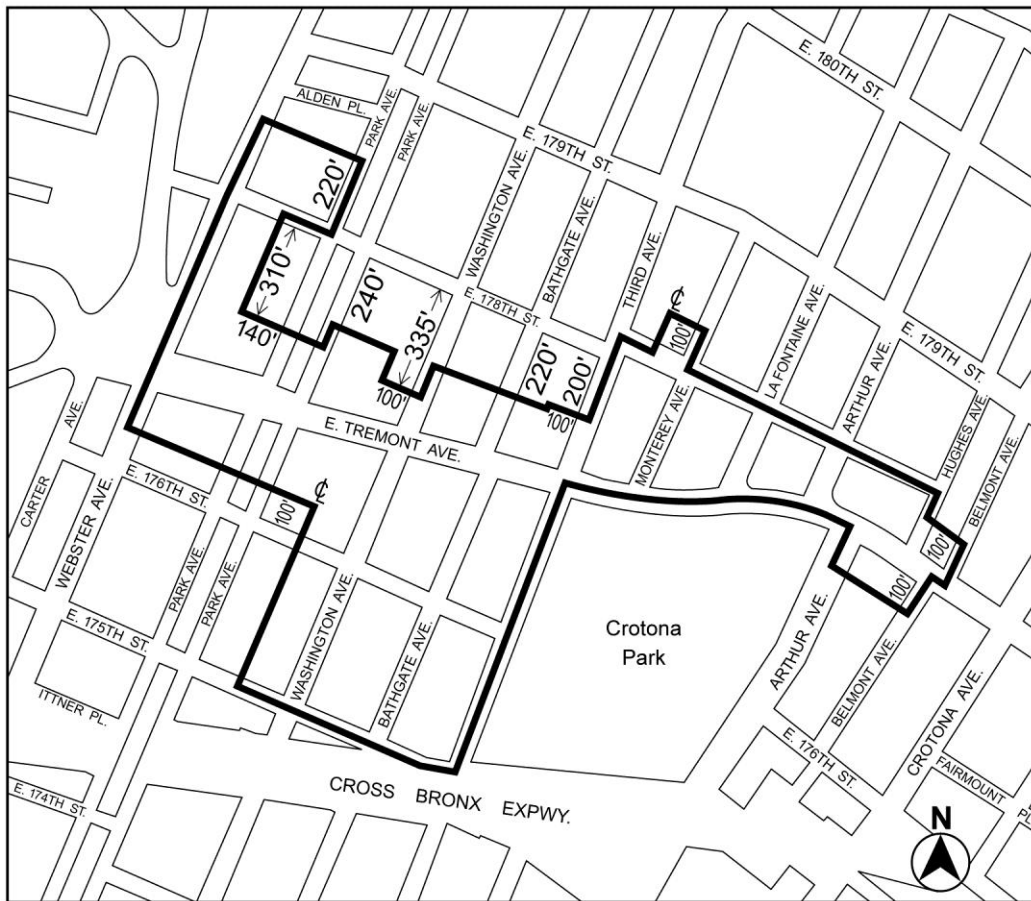
Map 1 - (10/9/13)



Portion of Community District 6, The Bronx

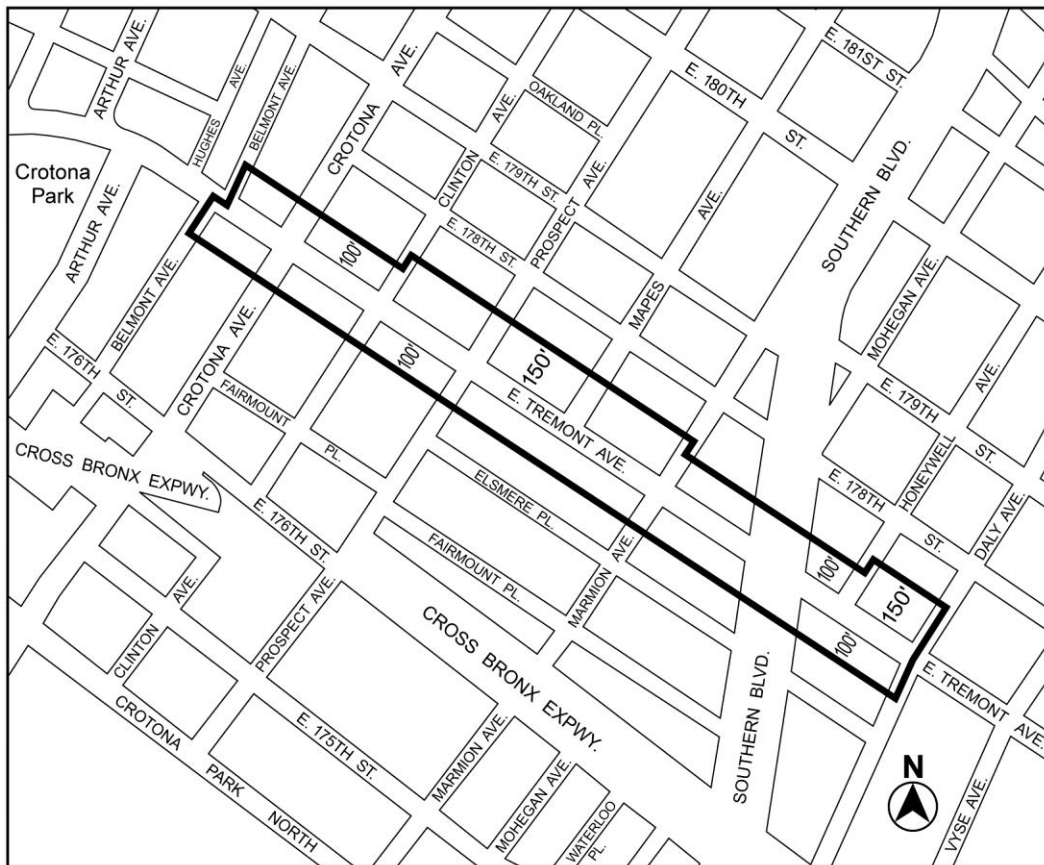


Portion of Community District 6, The Bronx



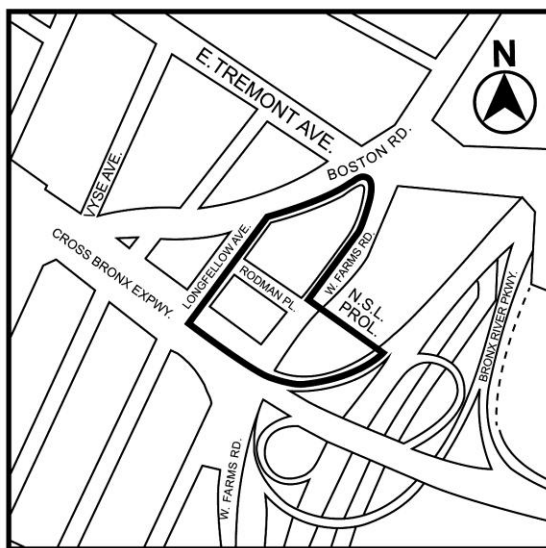
Portion of Community District 6, The Bronx

Map 4 - (10/13/10)



Portion of Community District 6, The Bronx

Map 5 - (10/5/11)

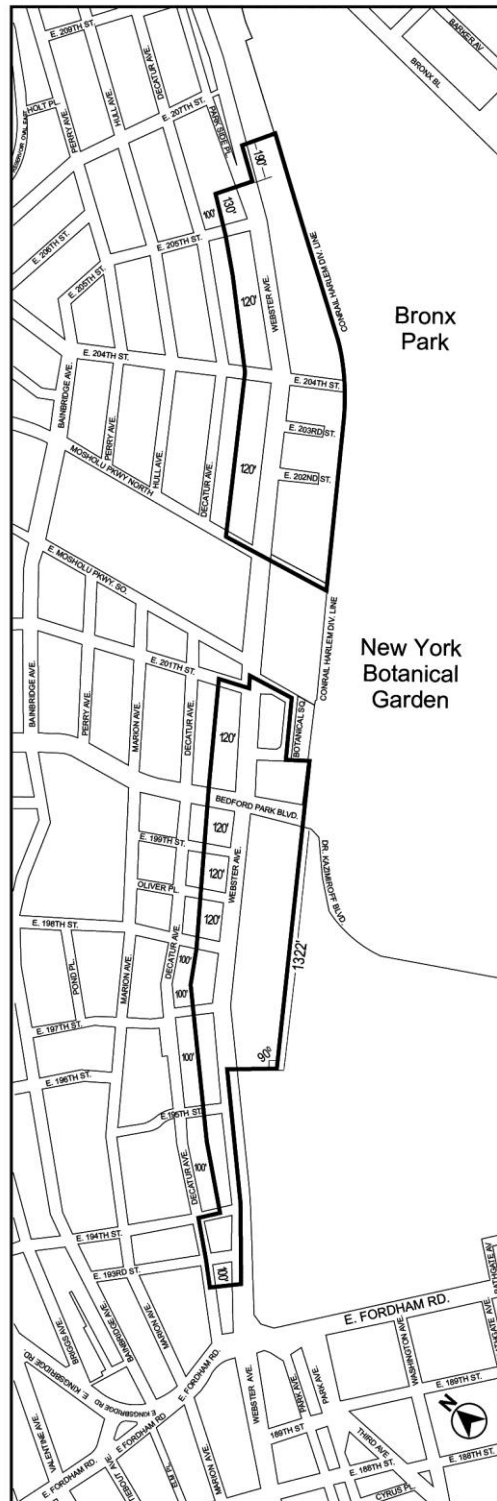


Portion of Community District 6, The Bronx

The Bronx Community District 7

In the R7D Districts within the areas shown on the following Map 1:

Map 1 - (3/23/11)



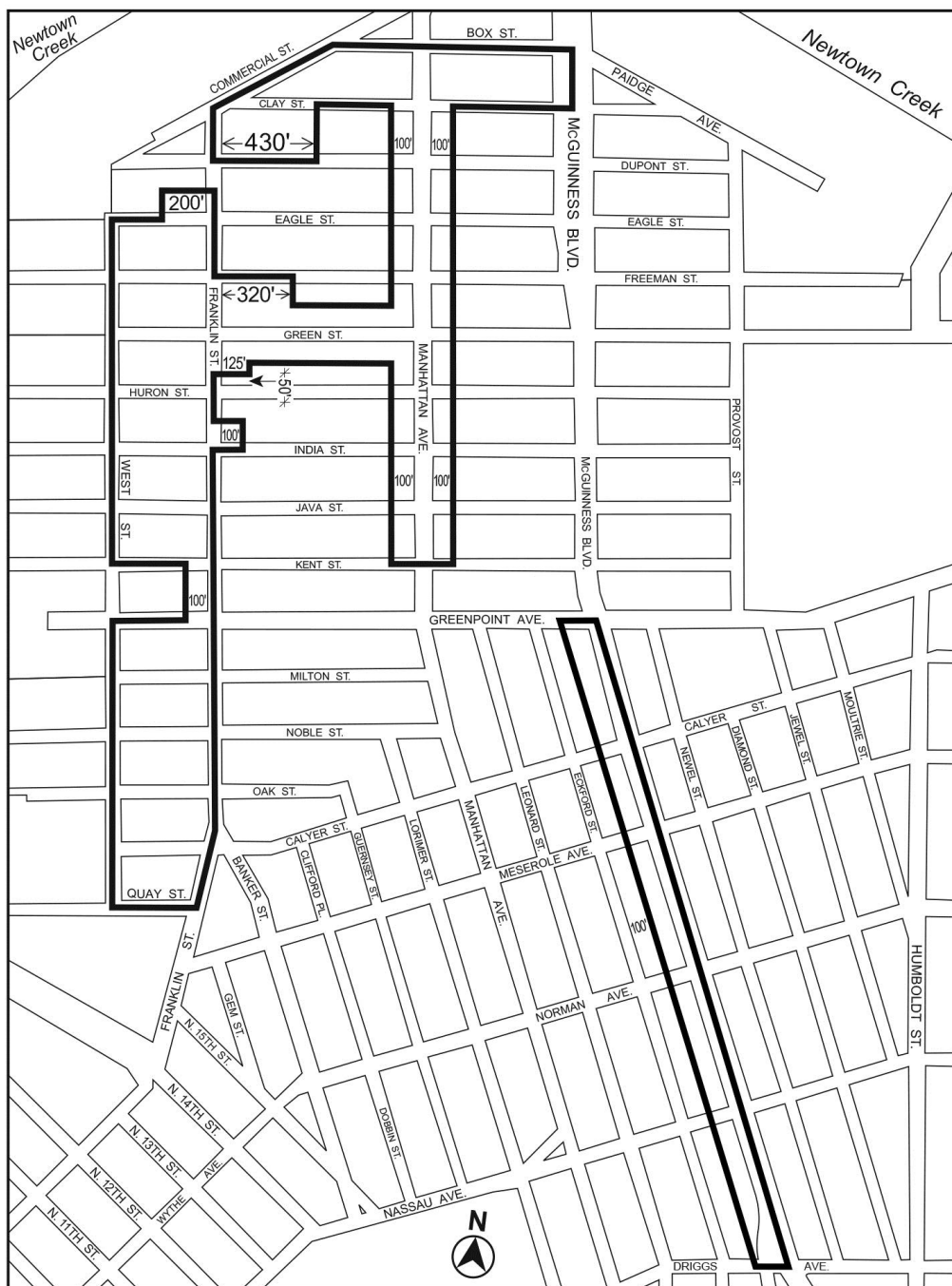
Portion of Community District 7, The Bronx

Brooklyn

Brooklyn Community District 1

In Waterfront Access Plan BK-1, and in the R6, R6A, R6B, R7A, R7-3 and R8 Districts within the areas shown on the following Maps 1, 2, 3 and 4:

Map 1 - (12/10/12)



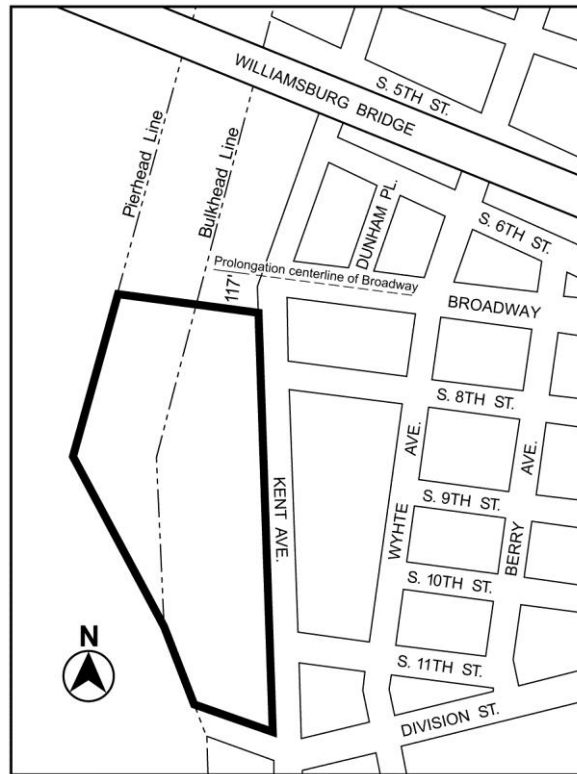
Portion of Community District 1, Brooklyn

Map 2 - (3/23/11)

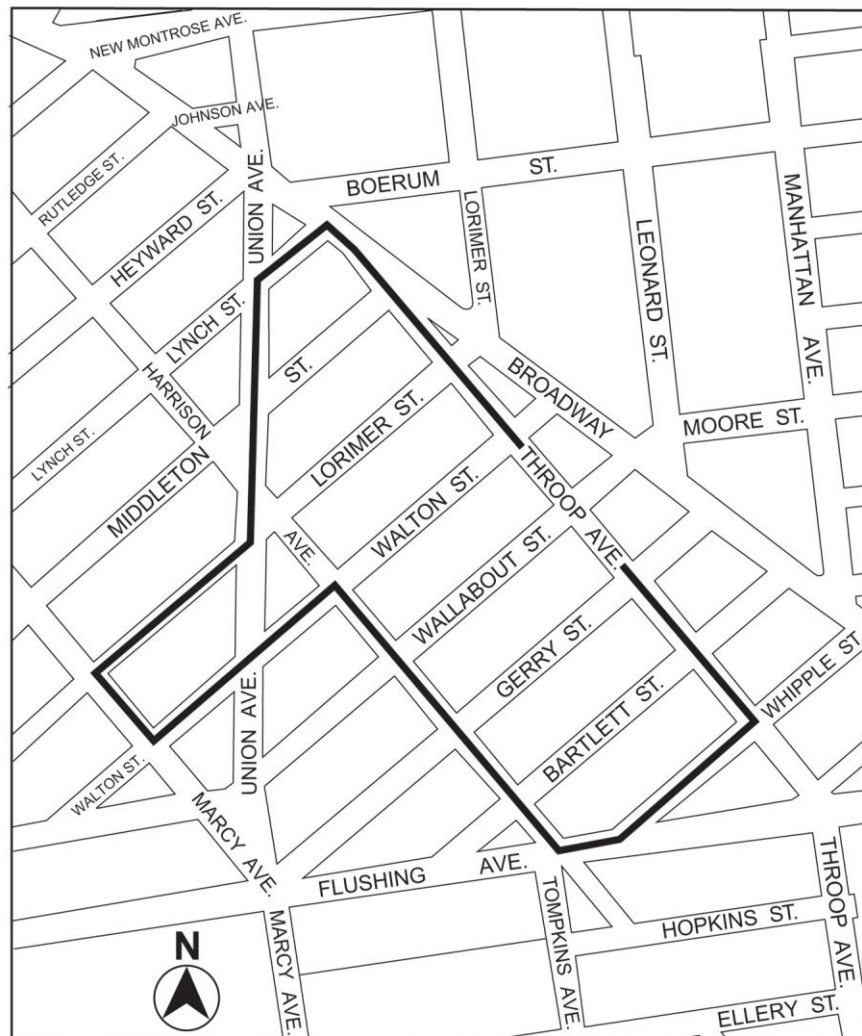


 Excluded Area

Portion of Community District 1, Brooklyn



Portion of Community District 1, Brooklyn

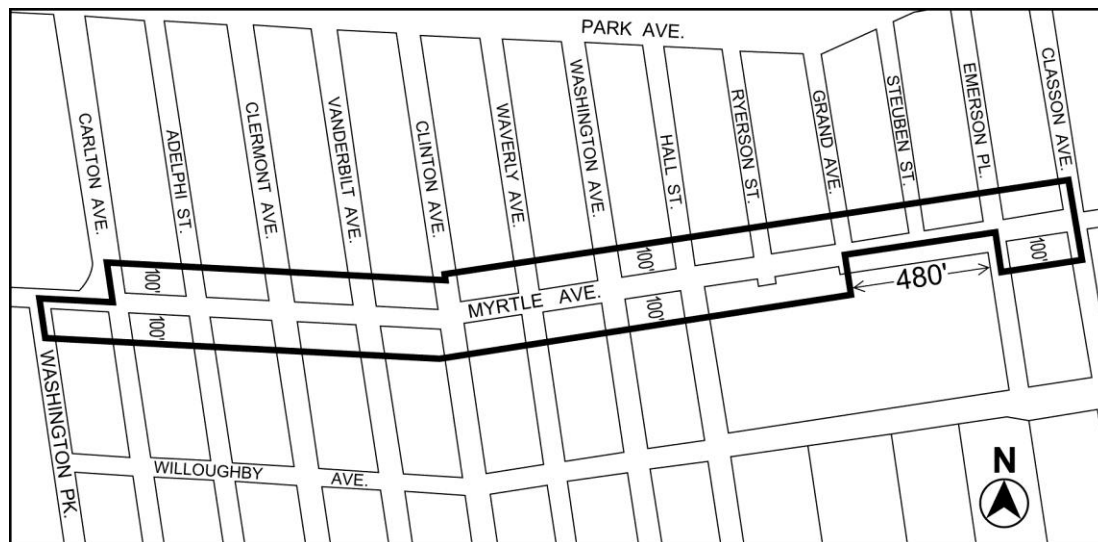


Portion of Community District 1, Brooklyn

Brooklyn Community District 2

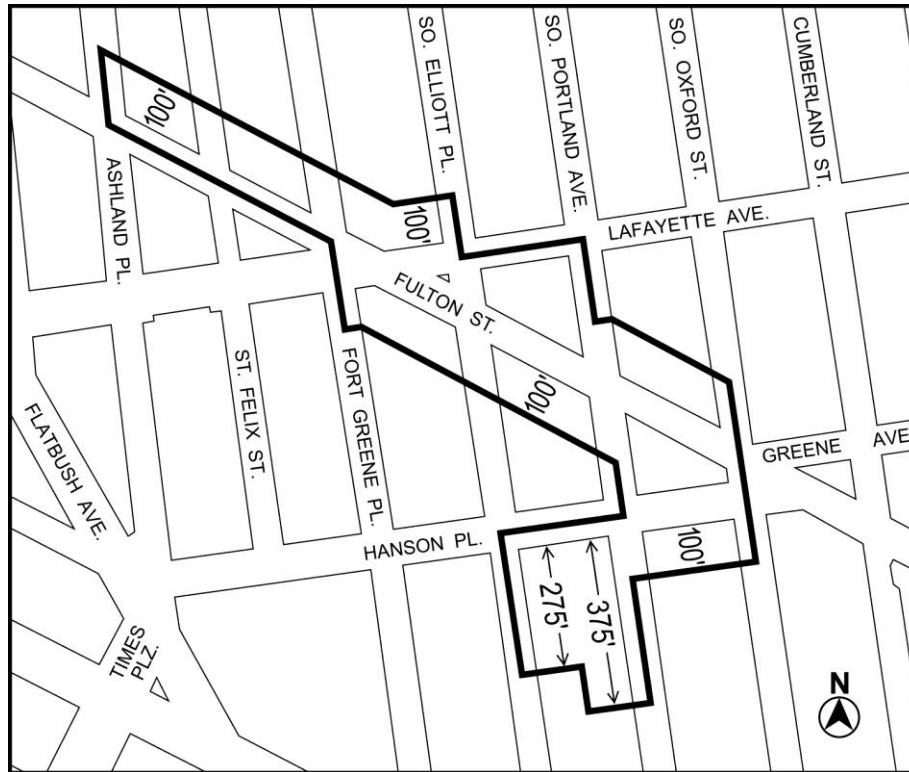
In the R7A, R8A and R9A Districts within the areas shown on the following Maps 1, 2, 3 and 4:

Map 1 - (7/25/07)



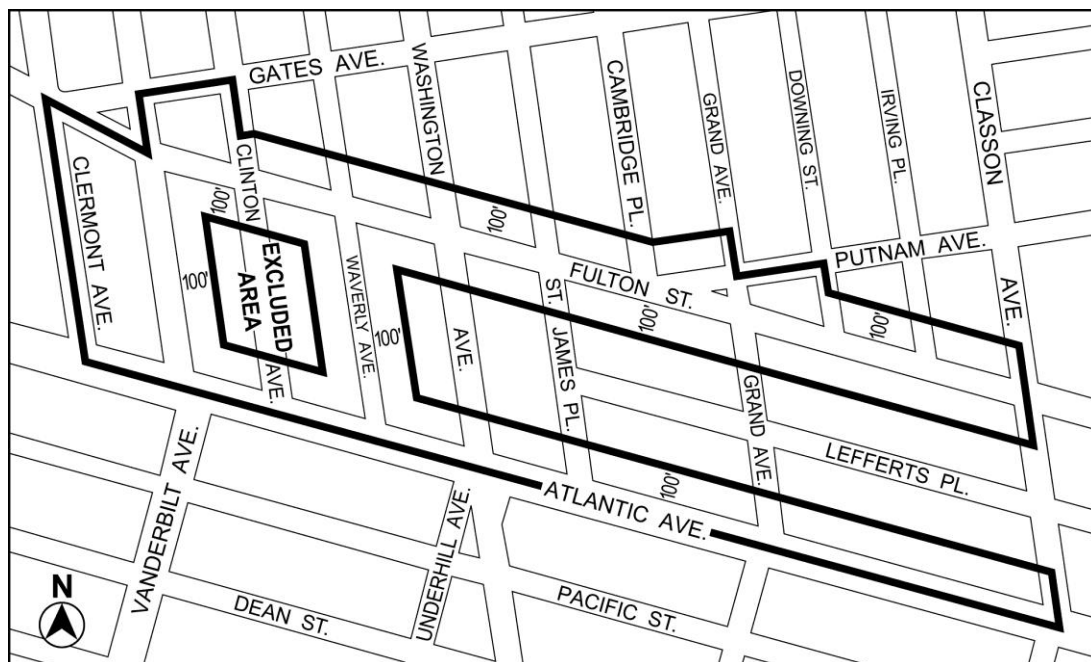
Portion of Community District 2, Brooklyn

Map 2 - (7/25/07)

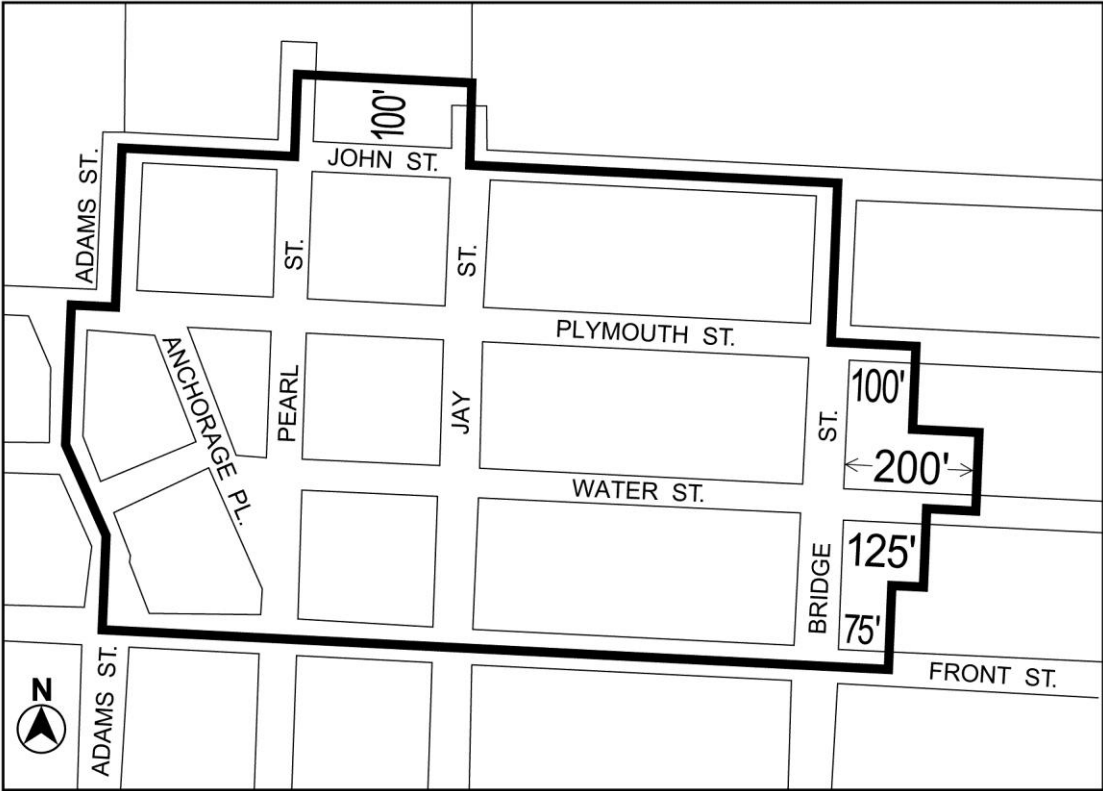


Portion of Community District 2, Brooklyn

Map 3 - (9/30/09)



Portion of Community District 2, Brooklyn

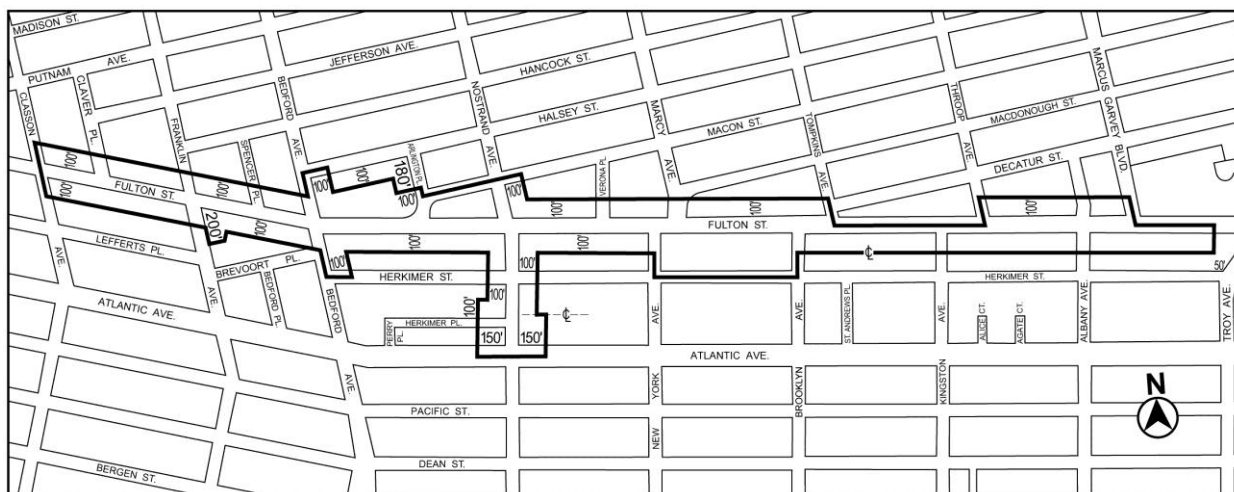


Portion of Community District 2, Brooklyn

Brooklyn Community District 3

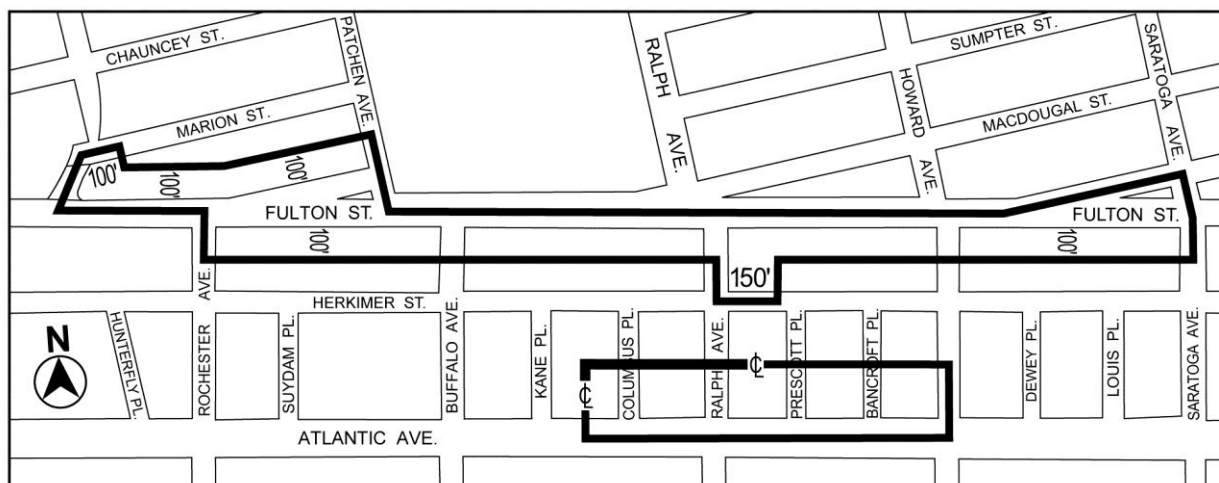
In the R7A and R7D Districts within the areas shown on the following Maps 1, 2, 3, 4, and 5:

Map 1 - (10/29/07)

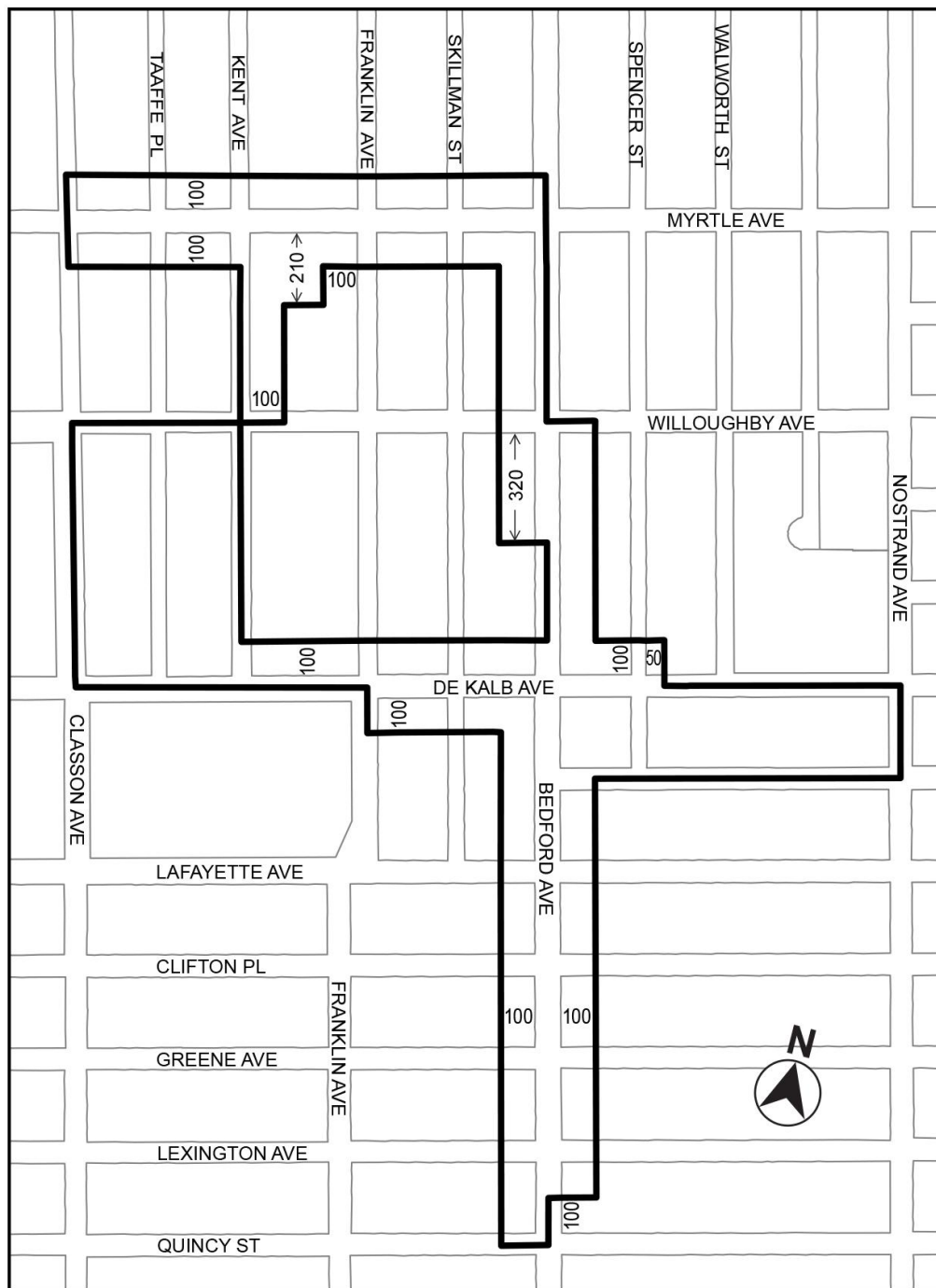


Portion of Community District 3, Brooklyn

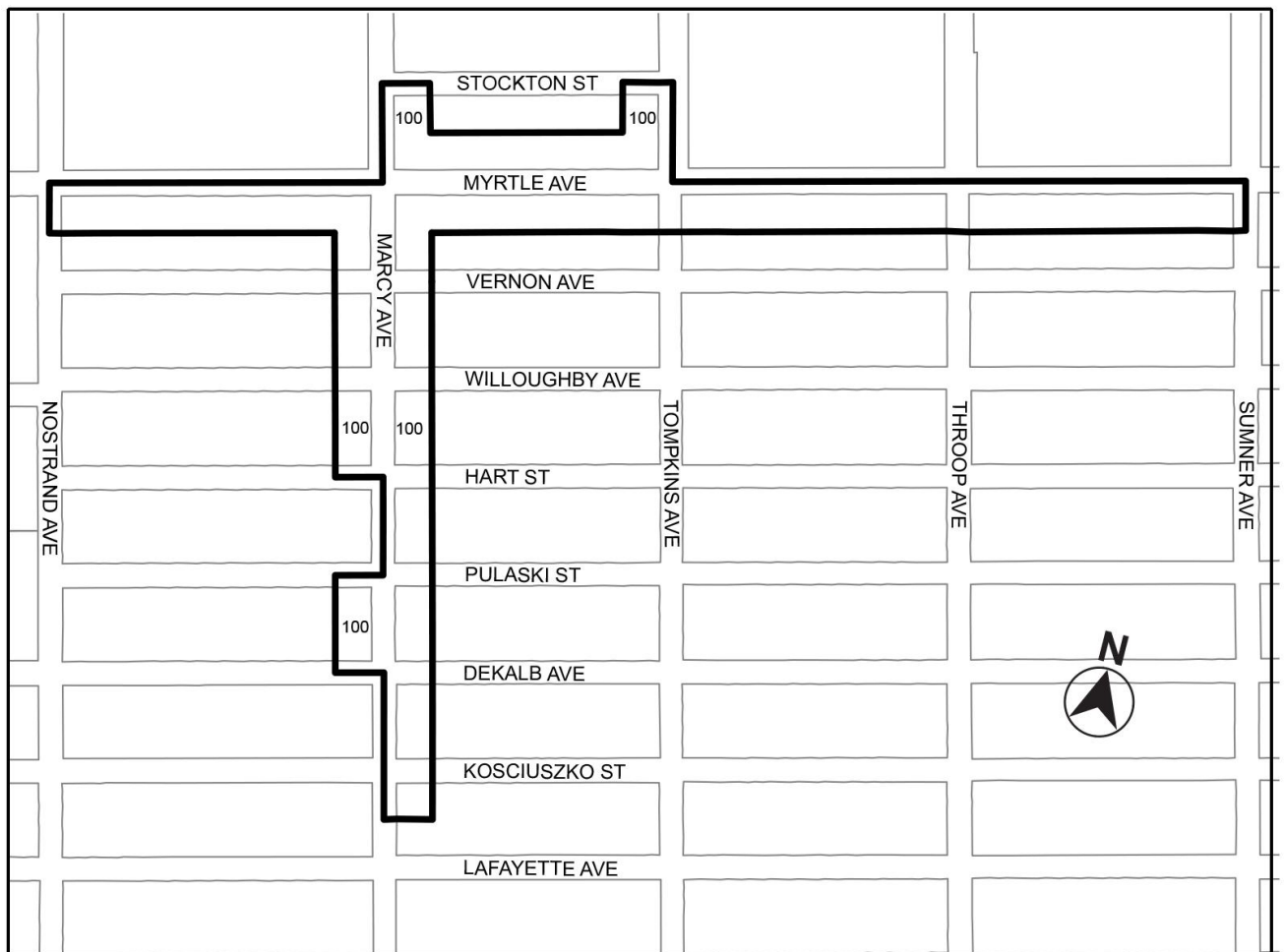
Map 2 - (10/29/07)



Portion of Community District 3, Brooklyn



Portion of Community District 3, Brooklyn



Portion of Community District 3, Brooklyn

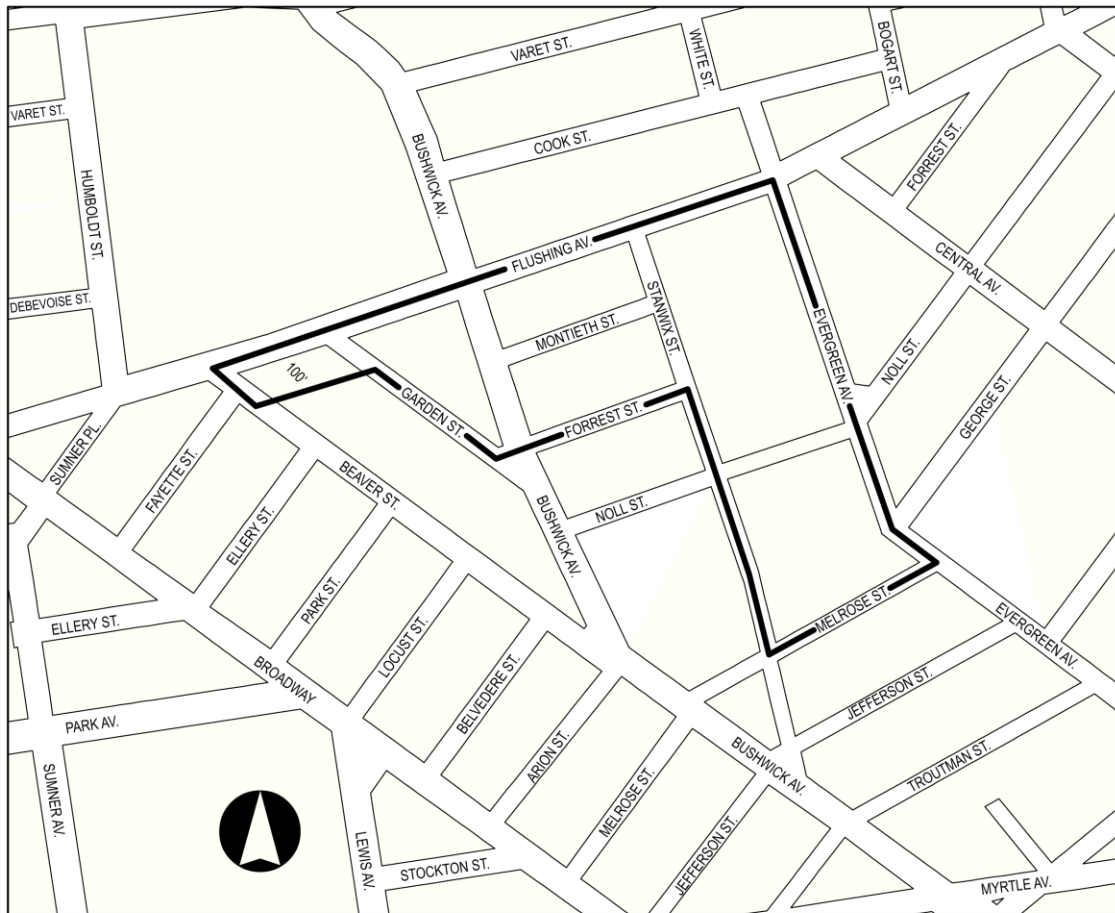


Portion of Community District 3, Brooklyn

Brooklyn Community District 4

In the R6-A and R7-A Districts within the areas shown on the following Map 1:

Map 1 - (12/10/13)

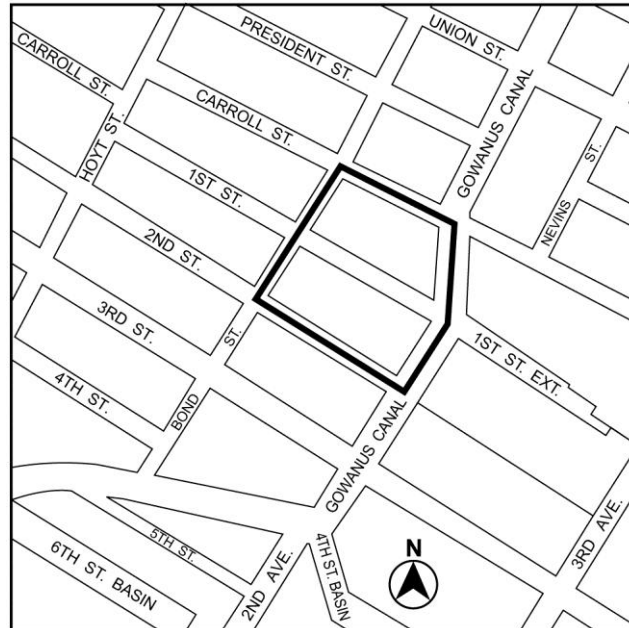


Portion of Community District 4, Brooklyn

Brooklyn Community District 6

In the R7-2 District within the areas shown on the following Map 1:

Map 1 - (3/11/09)

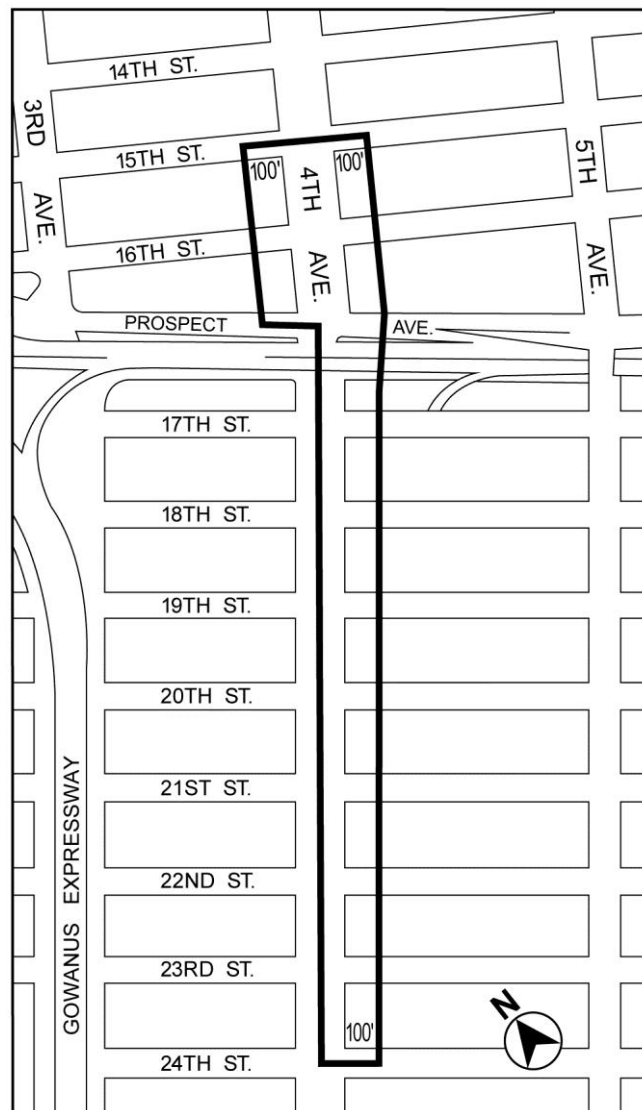


Portion of Community District 6, Brooklyn

Brooklyn Community District 7

In the R7A and R8A Districts within the areas shown on the following Maps 1 and 2:

Map 1 - (8/16/06)



Portion of Community District 7, Brooklyn

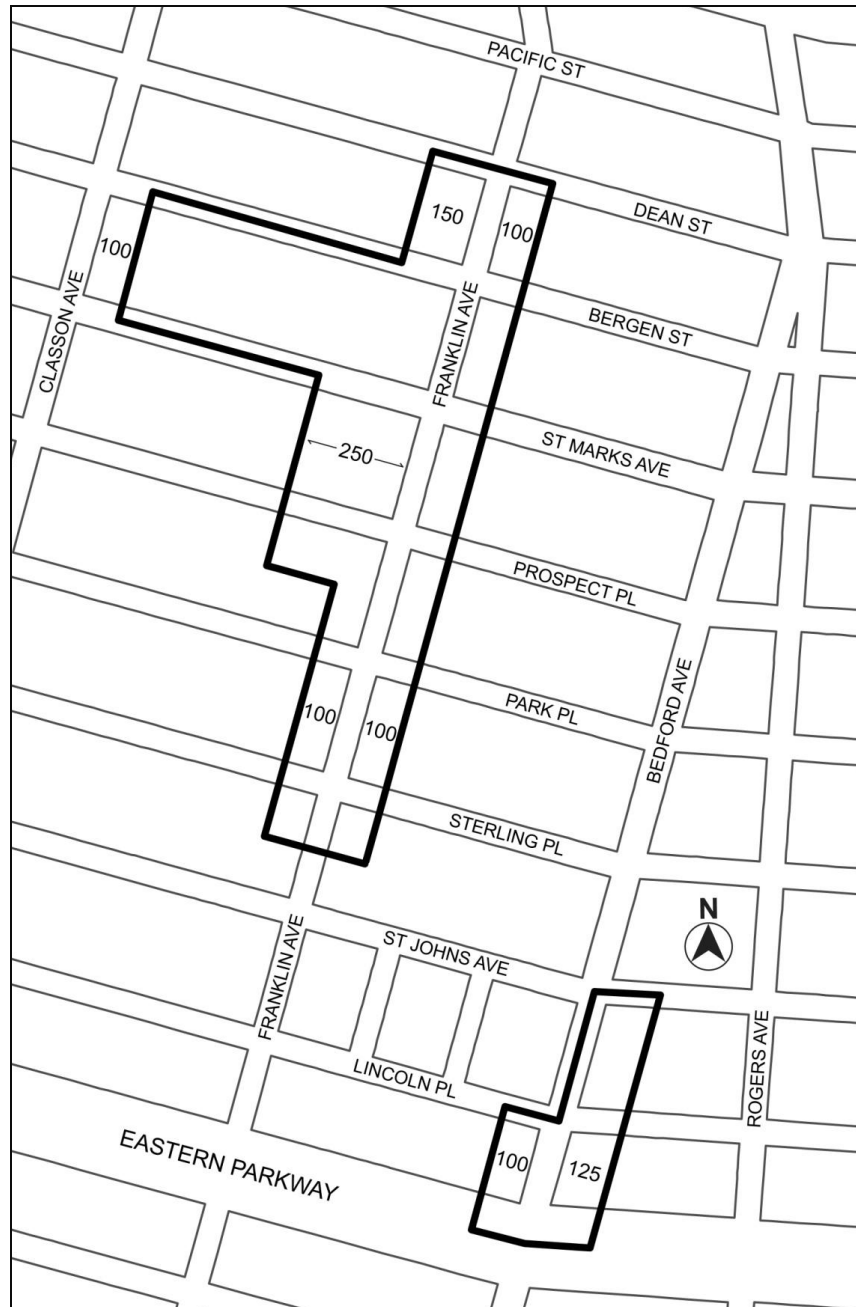


Portion of Community District 7, Brooklyn

Brooklyn Community District 8

In the R7A and R7D Districts within the areas shown on the following Map 1:

Map 1 - (9/24/13)

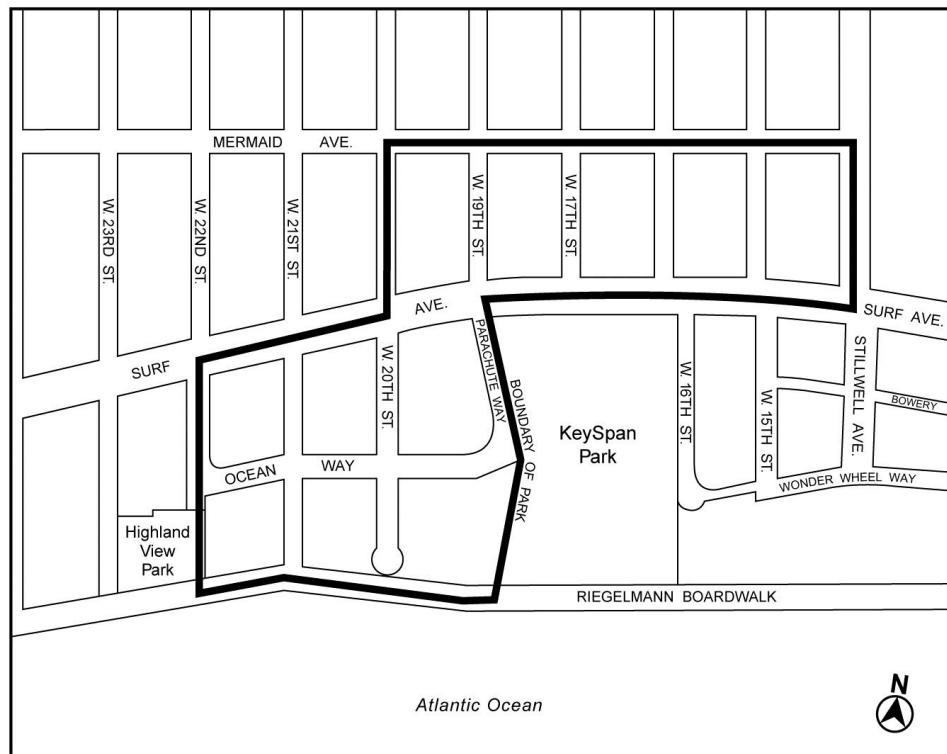


Portion of Community District 8, Brooklyn

Brooklyn Community District 13

Map 1 - (7/29/09)

In portions of the #Special Coney Island District# - see Section 131-321

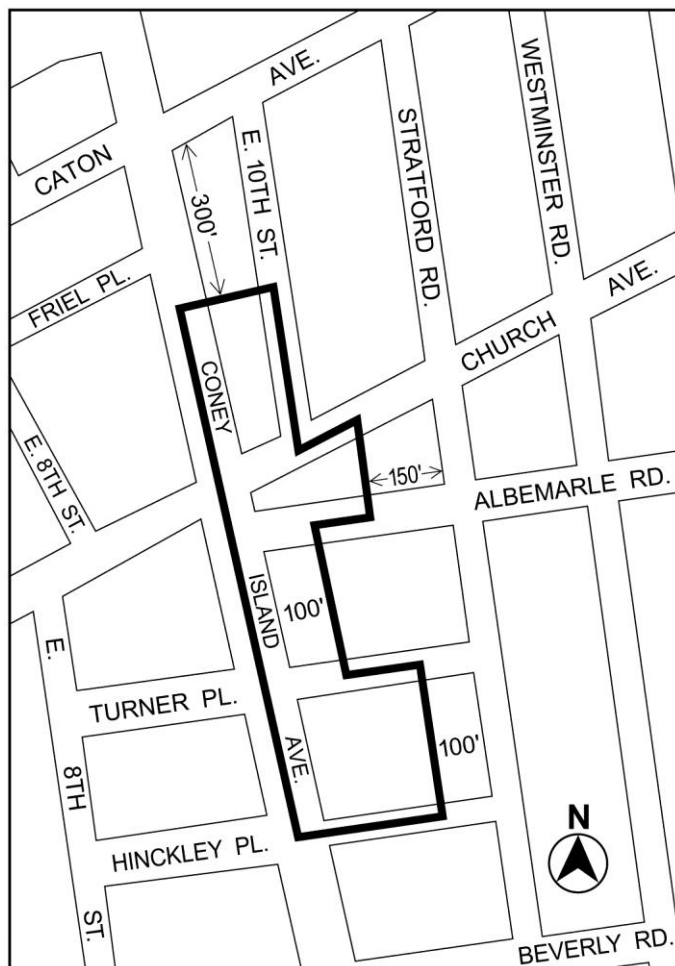


Portion of Community District 13, Brooklyn

Brooklyn Community District 14

In the R7A Districts within the areas shown on the following Maps 1, 2 and 3:

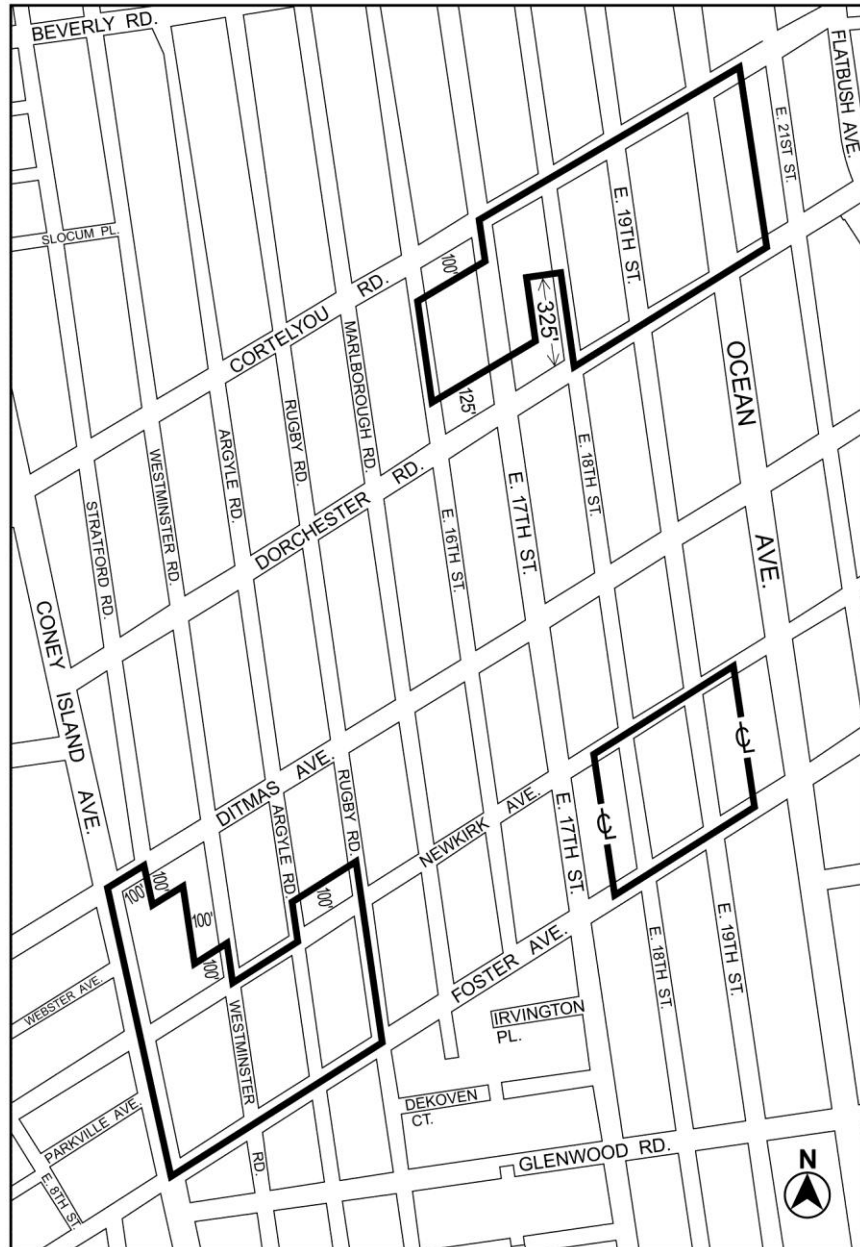
Map 1 - (7/29/09)



Portion of Community District 14, Brooklyn



Portion of Community District 14, Brooklyn

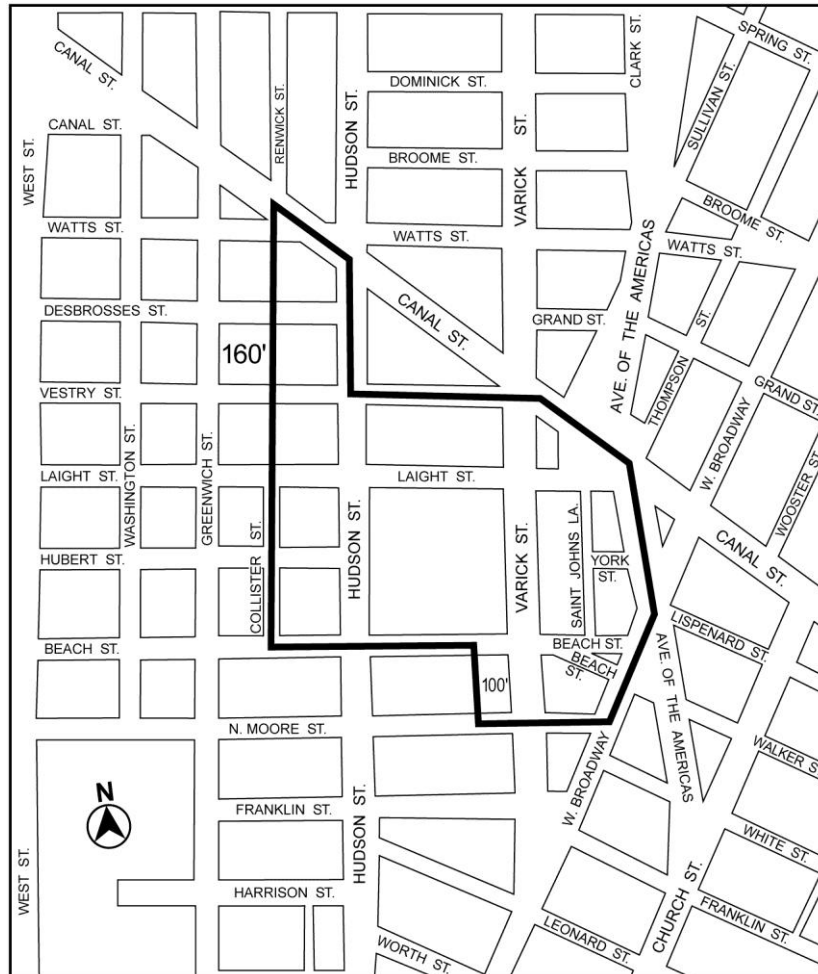


Portion of Community District 14, Brooklyn

Manhattan
Manhattan Community District 1

Map 1 (10/13/10)

In portions of the #Special Tribeca Mixed-Use District# - see Section 111-20

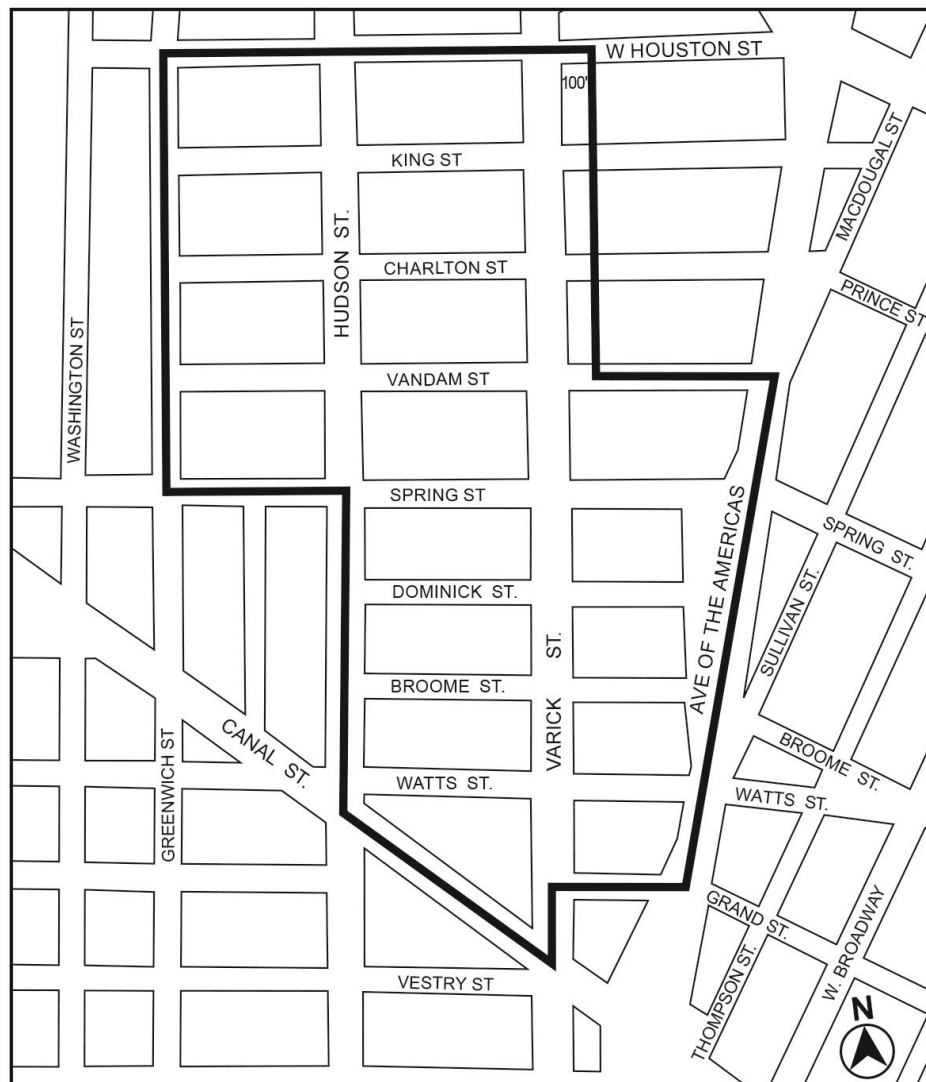


Portion of Community District 1, Manhattan

Manhattan Community District 2

Map 1 - (3/20/13)

In portions of the #Special Hudson Square District# - see Section 88-32



Portion of Community District 2, Manhattan

Manhattan Community District 3

In the R7A, R8A and R9A Districts within the areas shown on the following Map 1:

Map 1 - (10/27/10)

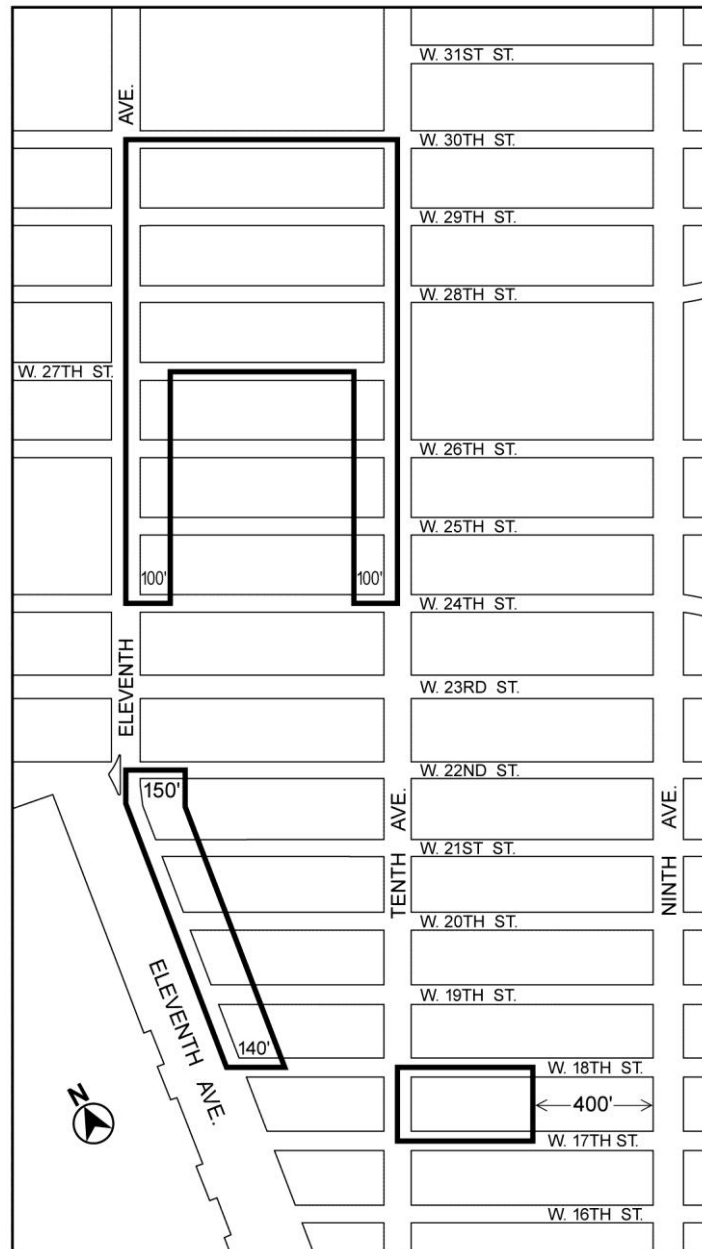


Portion of Community District 3, Manhattan

Manhattan Community District 4

Map 1 - (7/29/09)

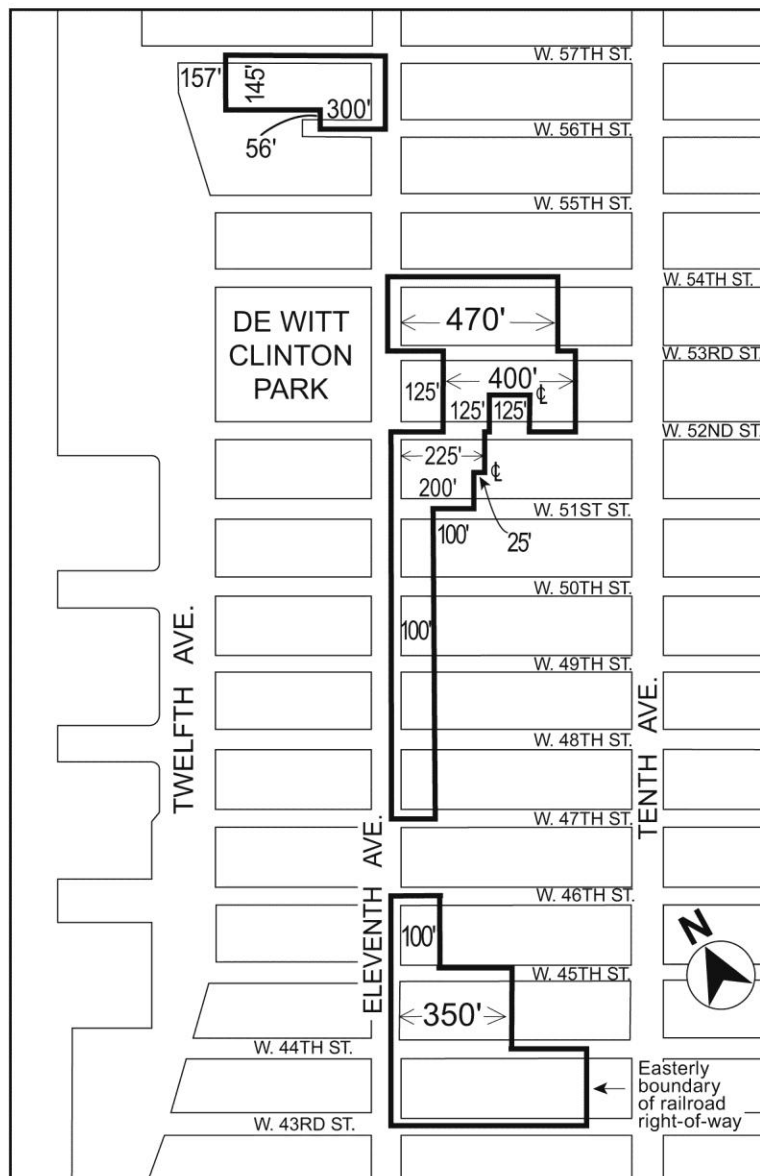
In portions of the #Special West Chelsea District# - see Section 98-26



Portion of Community District 4, Manhattan

Map 2 - (6/26/14)

In portions of the #Special Clinton District# - see Sections 96-31, 96-32, 96-34, 96-81 and 96-82



Portion of Community District 4, Manhattan

Map 3 - (12/21/09)

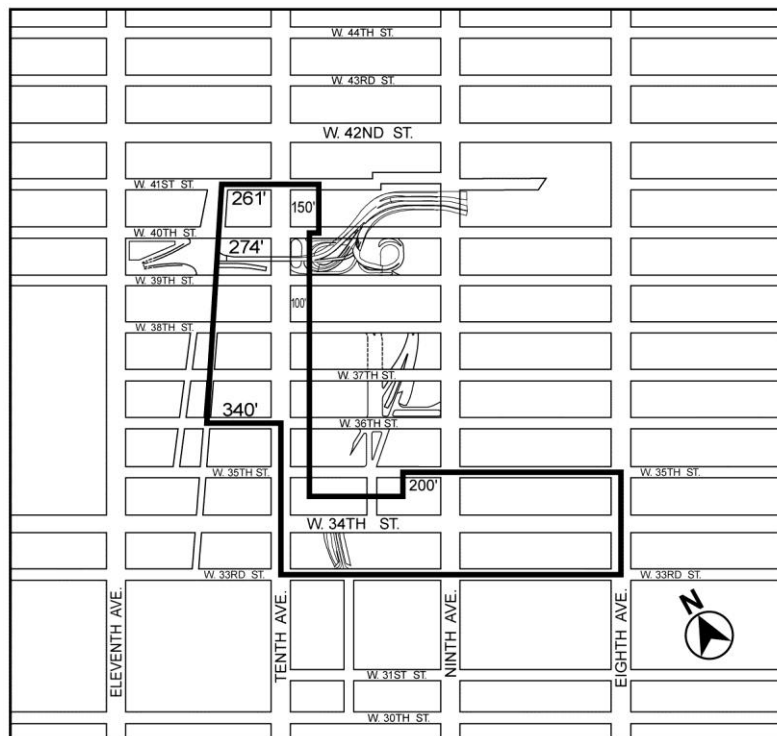
In portions of the #Special Garment Center District# - see Sections 121-31 and 93-23



Portion of Community District 4, Manhattan

Map 4 - (12/21/09)

In portions of the #Special Hudson Yards District# - see Section 93-23

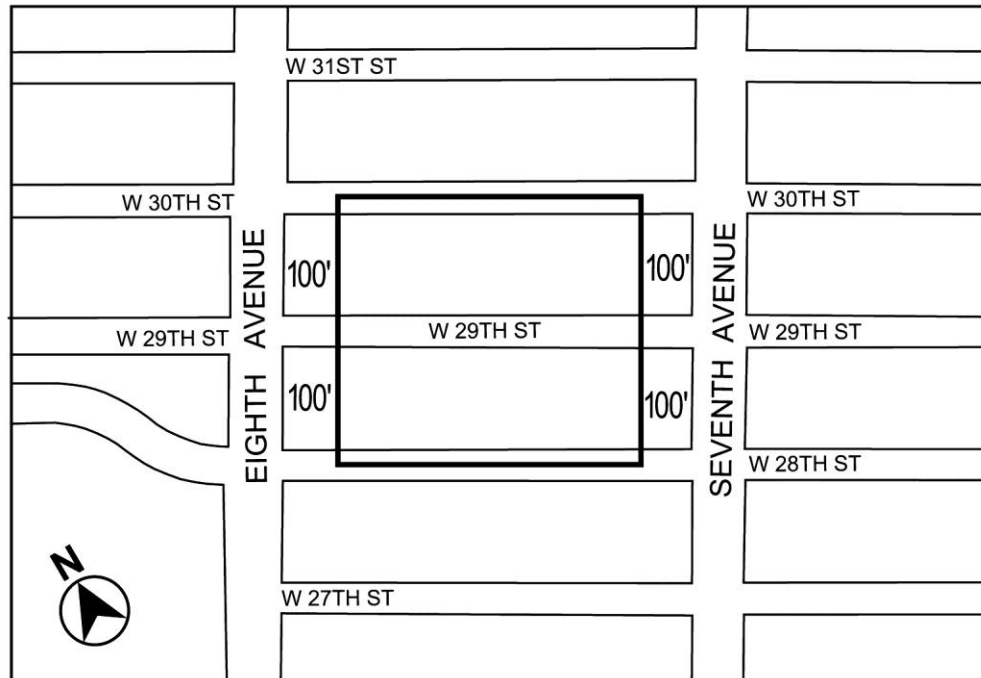


Portion of Community District 4, Manhattan

Manhattan Community District 5

In the M1-6D District within the areas shown on the following Map 1:

Map 1 - (9/21/11)

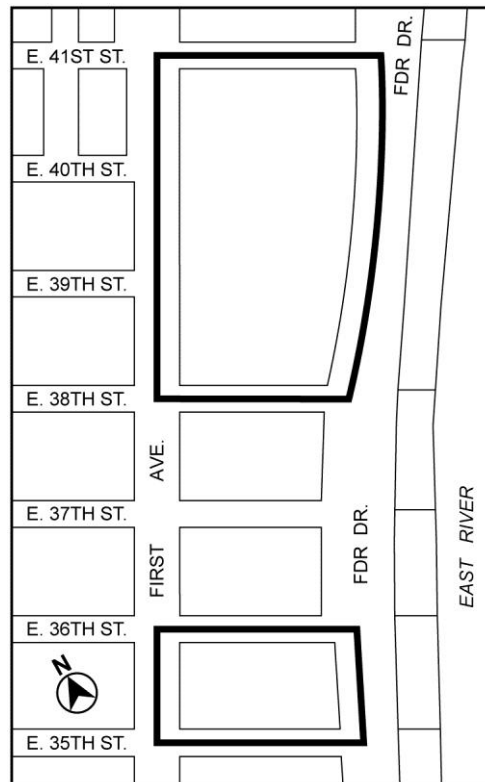


Portion of Community District 5, Manhattan

Manhattan Community District 6

In the R10 Districts within the areas shown on the following Map 1:

Map 1 - (3/26/08)

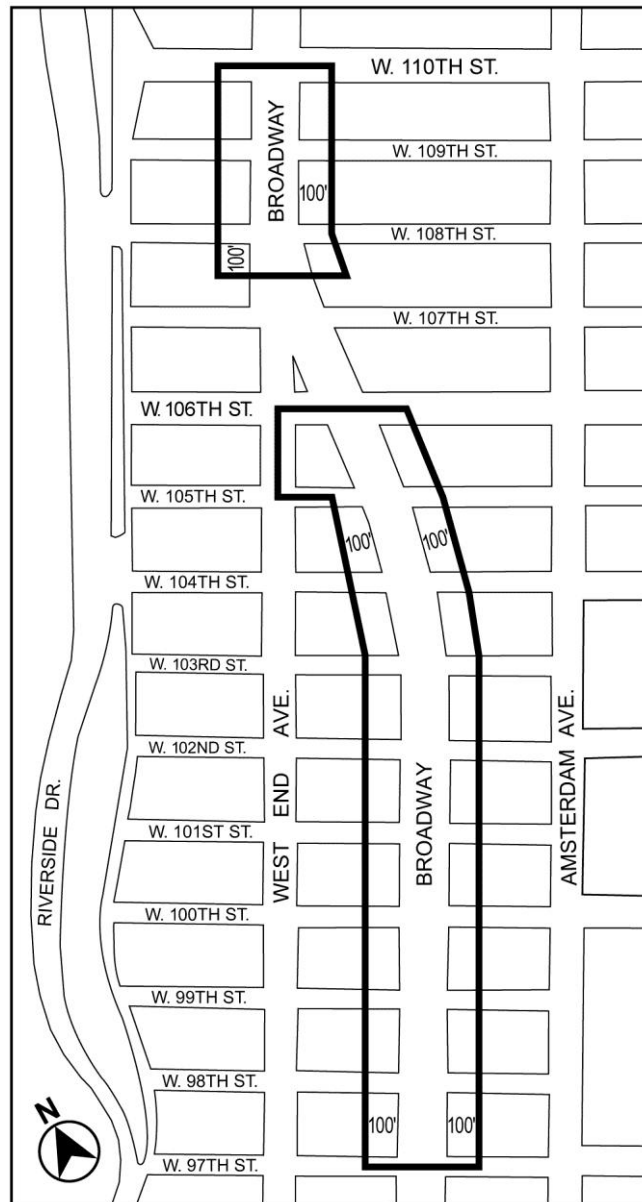


Portion of Community District 6, Manhattan

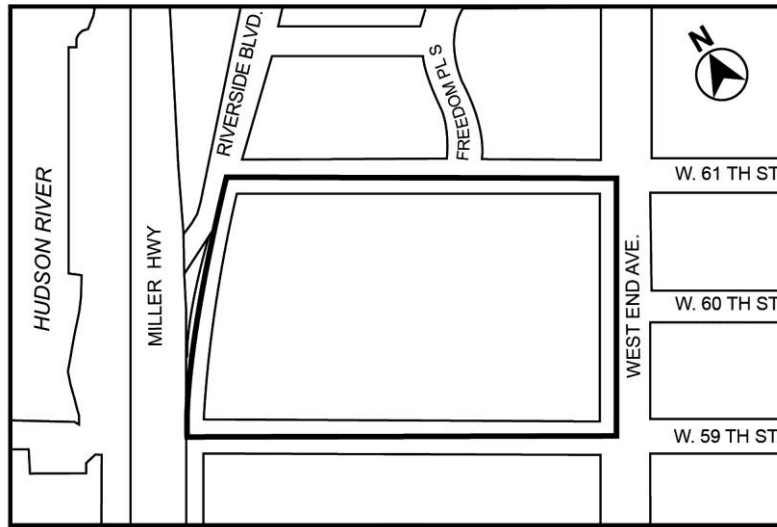
Manhattan Community District 7

In the R9A and R10 Districts within the areas shown on the following Maps 1 and 2:

Map 1 - (9/25/07)



Portion of Community District 7, Manhattan

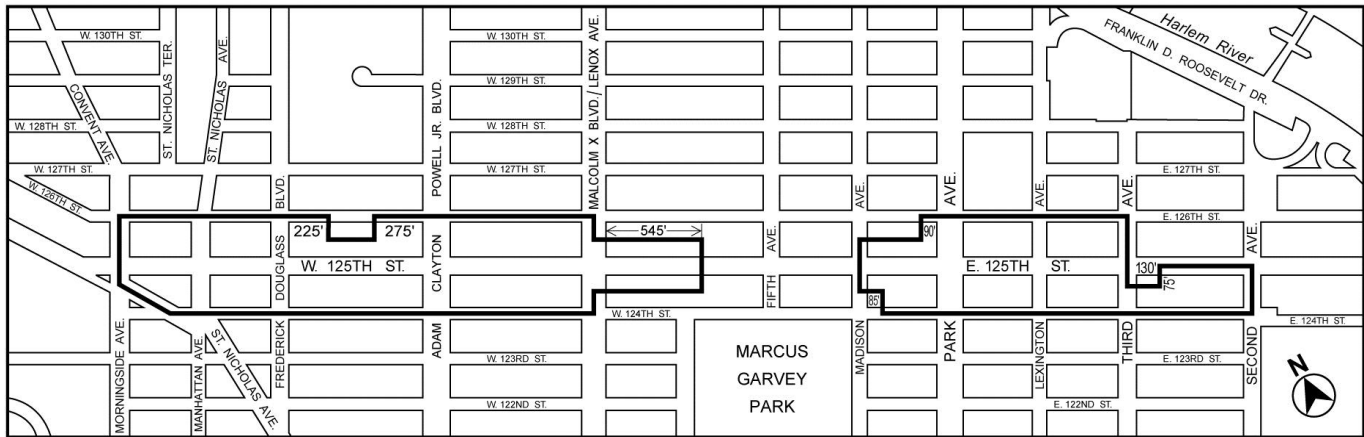


Portion of Community District 7, Manhattan

Manhattan Community Districts 9, 10 and 11

Map 1 - (4/30/08)

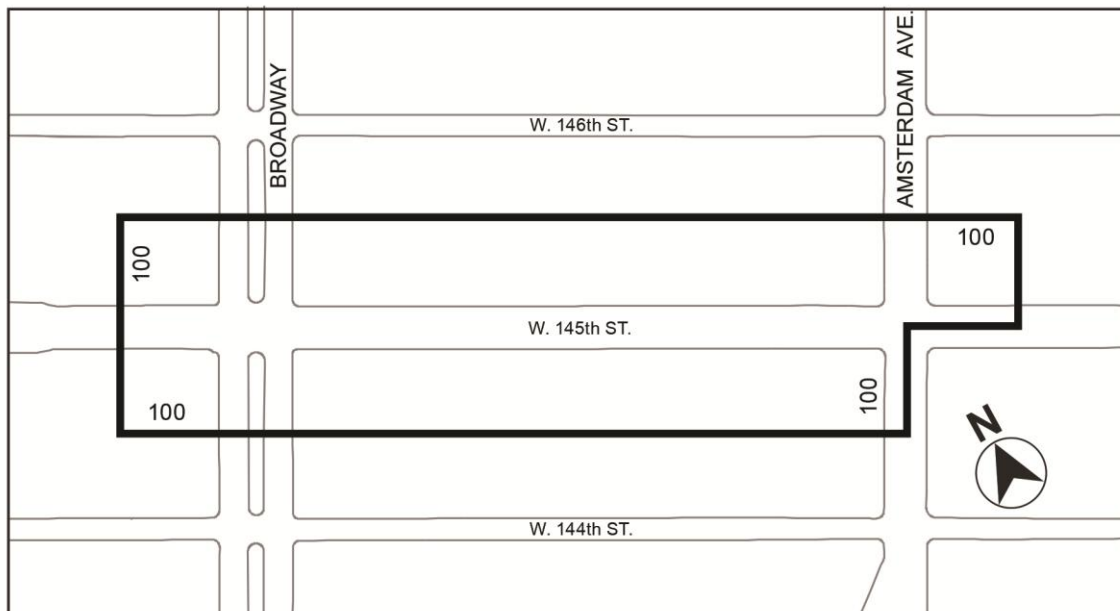
In portions of the #Special 125th Street District# - see Section 97-421



Portions of Community Districts 9, 10 and 11, Manhattan

In the R7D and R9X Districts within the areas shown on the following Map 2:

Map 2 - (11/13/12)



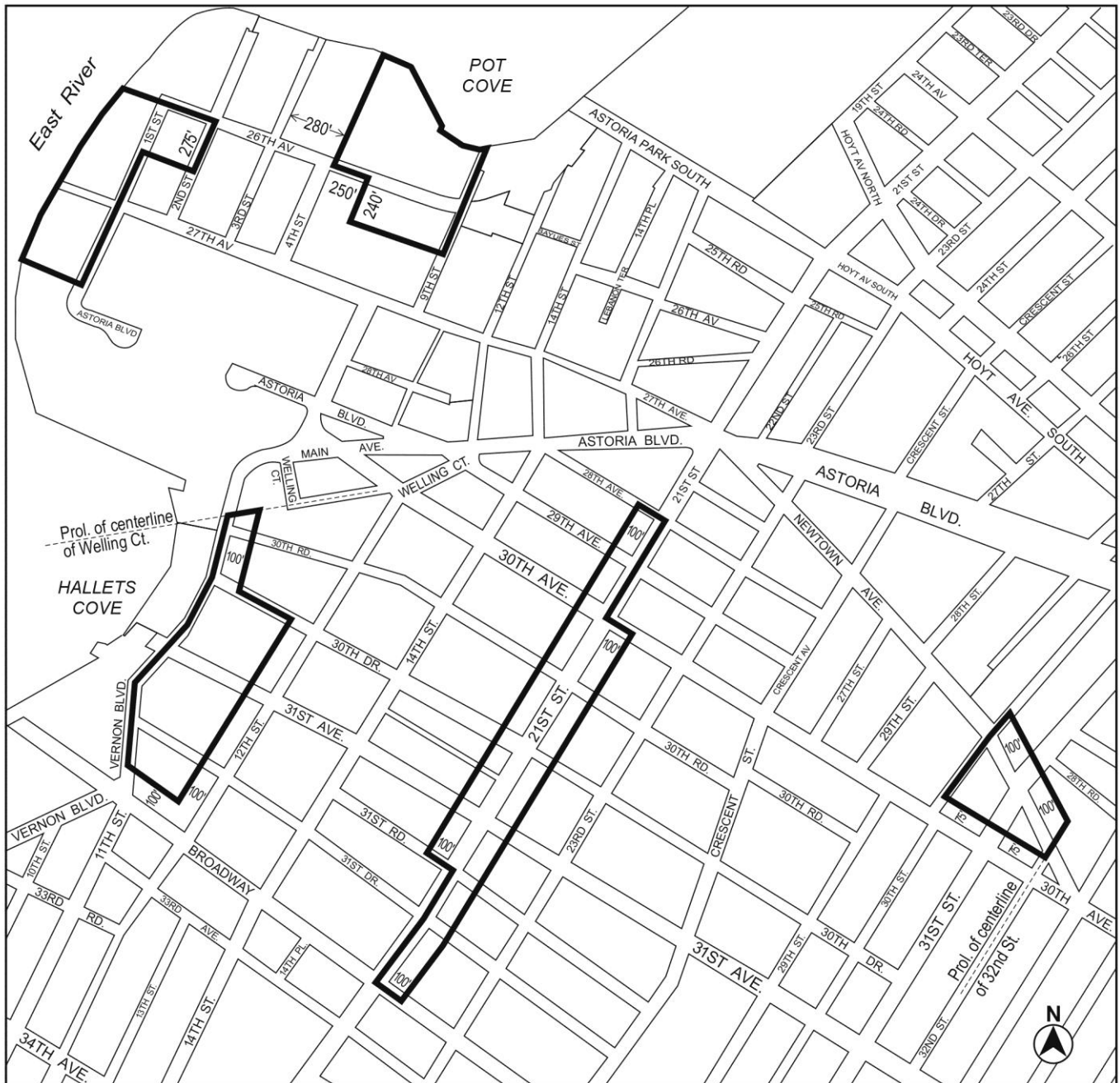
Portion of Community District 9, Manhattan

Queens

Queens Community District 1

In the R7A, R7-3 and R6B Districts within the areas shown on the following Map 1:

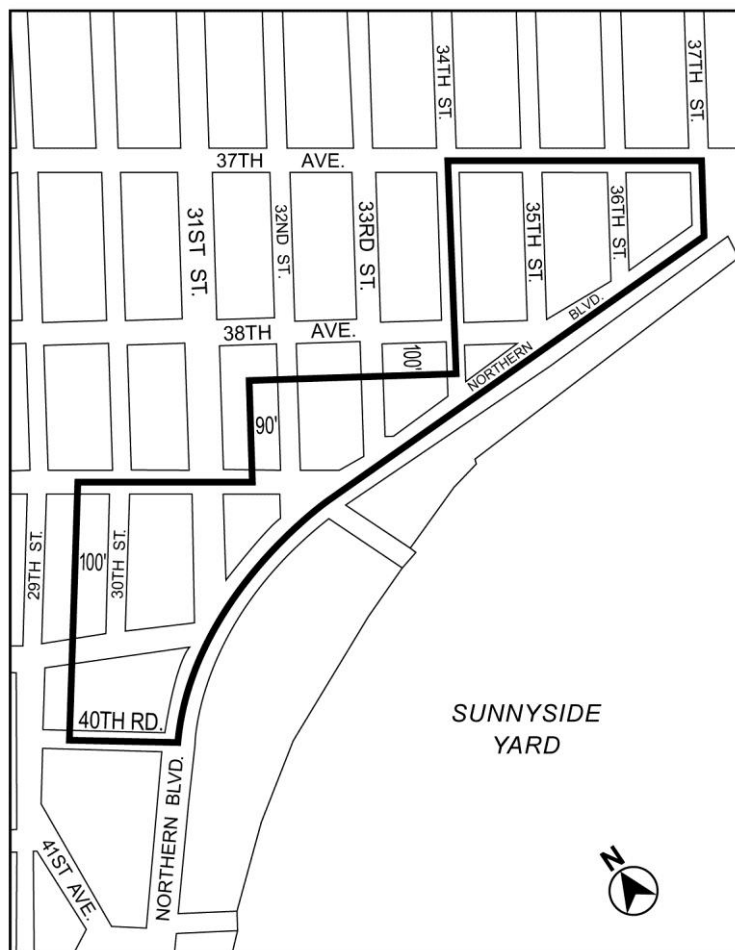
Map 1 - (11/25/14)



Portion of Community District 1, Queens

Map 2 - (7/29/09)

In portions of the #Special Long Island City Mixed Use District# - see
Section 117-631

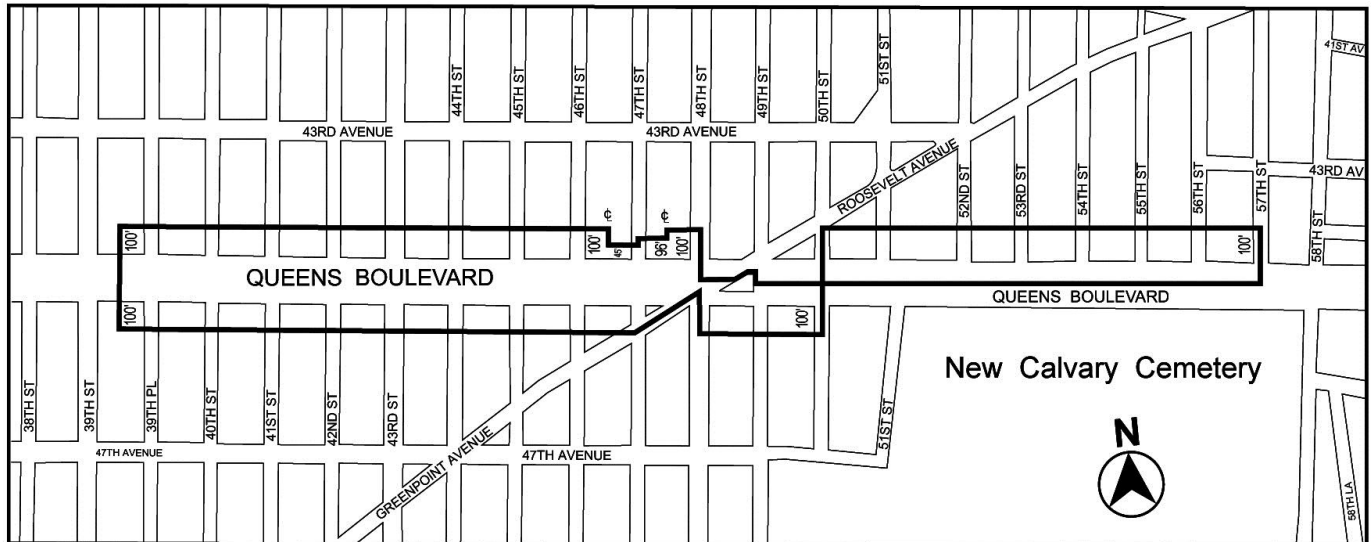


Portion of Community District 1, Queens

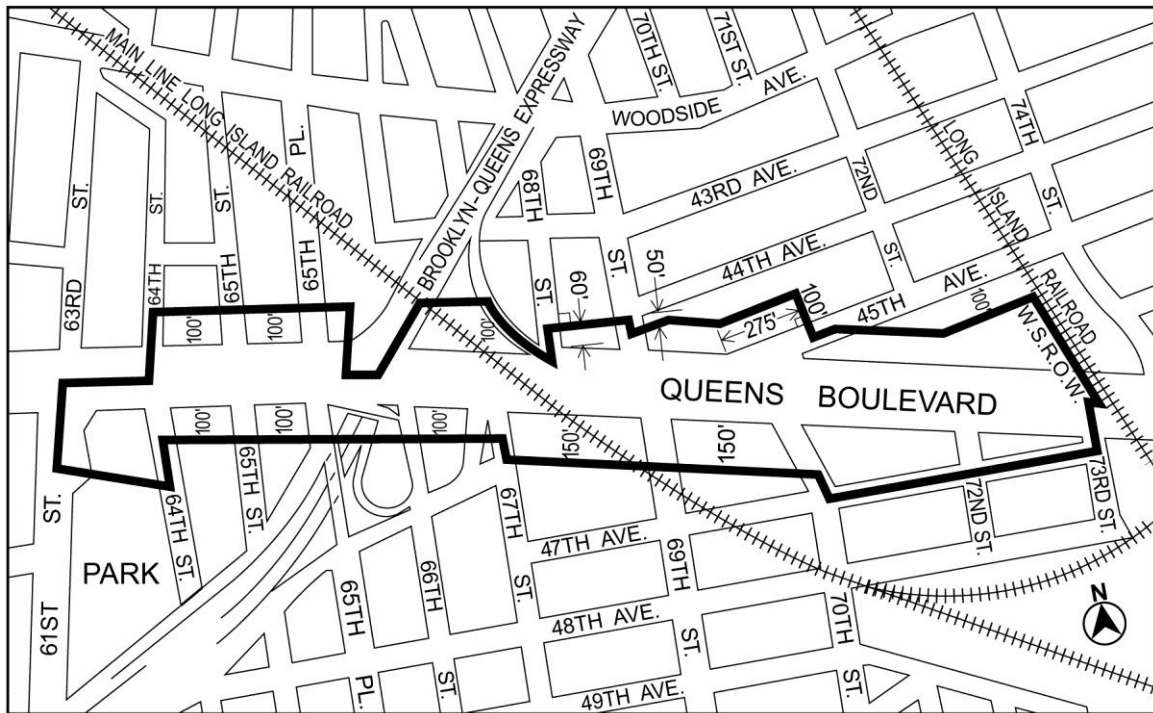
Queens Community District 2

In the R7A and R7X Districts within the areas shown on the following Maps 1 and 2:

Map 1 - (7/28/11)



Portion of Community District 2, Queens



Portion of Community District 2, Queens

Map 3 - (7/29/09)

In portions of the #Special Southern Hunters Point District# - see Section 125-22

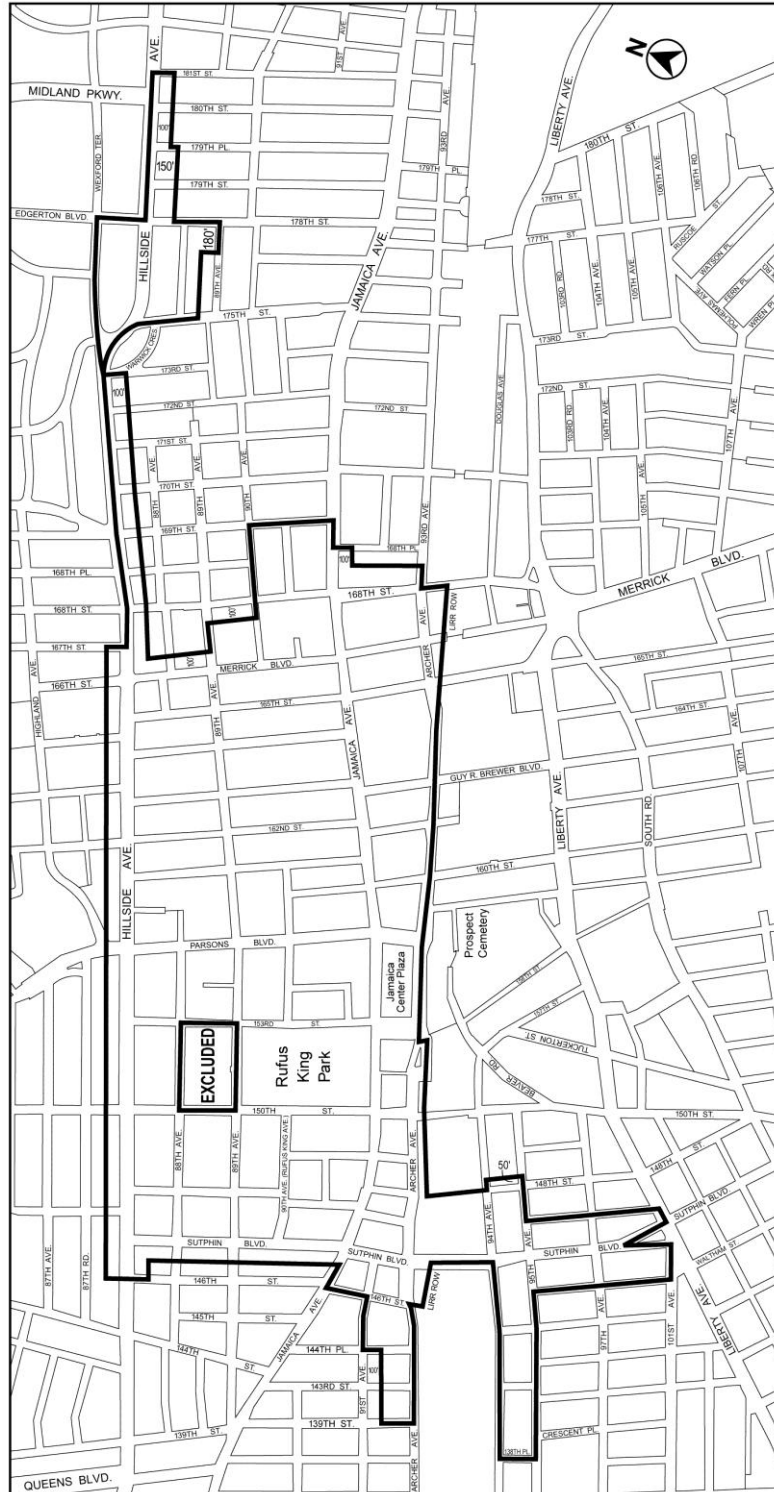


Portion of Community District 2, Queens

Queens Community District 12 (part of Queens CD 8)

Map 1 - (7/29/09)

In portions of the #Special Downtown Jamaica District# - see Section 115-211



Portion of Community District 12 and 8, Queens

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

APPENDIX G: Quantities of Radioactive Materials

Effective date of most recently amended section of Appendix G: 12/15/61

Date of file creation: Web version of Appendix G: 02/10/14

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(12/15/61)

APPENDIX G:
Quantities of Radioactive Material

EXCERPT FROM SECTION 38-2 OF INDUSTRIAL CODE RULE NO. 38 RELATING
TO RADIATION PROTECTION*

(Section 42-262 of the Zoning Resolution limits quantities of
unsealed radioactive materials which may be manufactured,
utilized or stored in #Manufacturing Districts#)

MAXIMUM PERMITTED QUANTITIES OF
UNSEALED RADIOACTIVE MATERIAL

Material	Unsealed (microcuries)
Antimony 124 (Sb 124)	1.0
Arsenic 76 (As 76)	10.0
Arsenic 77 (As 77)	10.0
Barium 140-Lanthanum 140 (Ba-La 140)	1.0
Beryllium (Be)	50.0
Cadmium 109-Silver 109 (Cd-Ag 109)	10.0
Calcium 45 (Ca 45)	10.0
Carbon 14 (C 14)	50.0
Cerium 144-Praseodymium 144 (Ce-Pr 144)	1.0
Cesium 137-Barium 137 (Cs-Ba 137)	1.0
Chlorine 36 (Cl 36)	1.0
Chromium 51 (Ch 51)	50.0
Cobalt 60 (Co 60)	1.0
Copper 64 (Cu 64)	50.0
Europium 154 (Eu 154)	1.0
Fluorine 18 (F 18)	50.0
Gallium 72 (Ga 72)	10.0
Germanium 71 (Ge 71)	50.0

Gold 198 (Au 198)	10.0
Gold 199 (Au 199)	10.0
Hydrogen 3 (Tritium) (H 3)	250.0
Indium 114 (In 114)	1.0
Iodine 131 (I 131)	10.0
Iridium 192 (Ir 192)	10.0
Iron 55 (Fe 55)	50.0
Iron 59 (Fe 59)	1.0
Lanthanum (La 140)	10.0
Manganese 52 (Mn 52)	1.0
Manganese 56 (Mn 56)	50.0
Molybdenum 99 (Mo 99)	10.0
Nickel 59 (Ni 59)	1.0
Nickel 63 (Ni 63)	1.0
Niobium 95 (Nb 95)	10.0
Palladium 109 (Pd 109)	10.0
Palladium 103-Rhodium 103 (Pd-Rh 103)	50.0
Phosphorus 32 (P 32)	10.0
Polonium 210 (Po 210)	0.1
Potassium 42 (K 42)	10.0
Praseodymium 143 (Pr 143)	10.0
Promethium 147 (Pm 147)	10.0
Radium 226 (Ra 226)	1.0
Rhenium 186 (Re 186)	10.0
Rhodium 105 (Rh 105)	10.0
Rubidium 86 (Rb 86)	10.0
Ruthenium 106-Rhodium 106 (Ru-Rh 106)	1.0
Samarium 153 (Sm 153)	10.0
Scandium 46 (Sc 46)	1.0

Silver 105 (Ag 105)	1.0
Silver 111 (Ag 111)	10.0
Sodium 22 (Na 22)	10.0
Sodium 24 (Na 24)	10.0
Strontium 89 (Sr 89)	1.0
Strontium 90-Yttrium 90 (Sr-Y 90)	0.1
Sulfur 35 (S 35)	50.0
Tantalum 182 (Ta 182)	10
Technetium 96 (Tc 96)	1
Technetium 99 (Tc 99)	1
Tellurium 127 (Te 127)	10
Tellurium 129 (Te 129)	1.0
Thallium 204 (Tl 204)	50.0
Tin 113 (Sn 113)	10.0
Tungsten 181 (W 181)	10.0
Tungsten 185 (W 185)	10.0
Vanadium 48 (V 48)	1.0
Yttrium 90 (Y 90)	1.0
Yttrium 91 (Y 91)	1.0
Zinc 65 (Zn 65)	10.0
Natural Uranium	1,000
Natural Thorium	1,000

* Adopted by the Board of Standards and Appeals of the New York State Department of Labor on October 10, 1955, effective December 15, 1955.

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
Carl Weisbrod, Chairman

APPENDIX H: Designation of Arterial Highways

Effective date of most recently amended section of Appendix H: 02/27/01

Date of file creation: Web version of Appendix H: 02/10/14

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(4/8/11)

APPENDIX H

Designation of Arterial Highways

Pursuant to the provisions of Sections 32-66 and 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) of the Zoning Resolution of the City of New York, the City Planning Commission has designated as arterial highways to which the provisions of Sections 32-66 and 42-55 apply, the following arterial highways which appear on the City Map and which are also indicated as Principal Routes, Parkways and Toll Crossings on the duly adopted Master Plan of Arterial Highways and Major Streets.

PRINCIPAL ROUTES

Adams Street--Sands Street to Fulton Street

Arthur V. Sheridan Expressway--Bruckner Expressway (Boulevard) to Cross Bronx Expressway

Alexander Hamilton Bridge and Approaches

Battery Park Underpass and Approaches--Franklin Delano Roosevelt (FDR) Drive to West Street

Boston Road--Pelham Parkway to New England Thruway

Brooklyn Bridge and Approaches

Brooklyn-Queens Expressway--Hamilton Avenue, Brooklyn to Grand Central Parkway, Queens

Bruckner Expressway (Boulevard)--Robert F Kennedy (Triborough) Bridge Approach to New England Thruway

Clearview Expressway--Throgs Neck Bridge Approach to 73rd Avenue

Cross Bay Boulevard--Rockaway Boulevard to Shore Front Parkway

Cross Bronx Expressway--George Washington Bridge to Throgs Neck Bridge Approach

Ed Koch--Queensborough Bridge and Approaches

Franklin D. Roosevelt (FDR) Drive--East 125th Street to Whitehall Street

George Washington Bridge and Approaches

Gowanus Expressway (Third Avenue)--Prospect Expressway to Verrazano Bridge Approach

Grand Concourse--151st Street to Mosholu Parkway

Father Capodanno Boulevard--Lily Pond Avenue to Miller Field

Harlem River Drive--East 125th Street to Dyckman Street

Joe DiMaggio Highway (West Side Highway--West 72nd Street to Brooklyn Battery Tunnel Approach

Lily Pond Avenue--Verrazano Bridge Approach to Father Capodanno Boulevard

Long Island Expressway (Queens Midtown Expressway, Horace Harding Expressway)--Queens Midtown Tunnel Approach to Nassau County Line

Major Deegan Expressway (Boulevard--Robert F Kennedy (Triborough) Bridge Approach to Westchester County Line

Manhattan Bridge and Approaches

Nassau Expressway--Southern Parkway (Belt Parkway) to Nassau County line

New England Thruway--Bruckner Expressway to Westchester County Line

Northern Boulevard--Grand Central Parkway to Whitestone Expressway

Park Row--Broadway to Chatham Square

Prospect Expressway--Gowanus Expressway to Fort Hamilton Parkway

Queens Boulevard--Ed Koch-Queensborough Bridge Approach to Hillside Avenue

Robert F Wagner, Sr Place-- Franklin Delano Roosevelt (FDR) Drive to Pearl Street

Seagirt Boulevard--Beach 35th Street to Nassau County Line

Staten Island Expressway--Verrazano Bridge Approach to Goethals Bridge Approach

Sunrise Highway--Southern Parkway (Belt Parkway) to Nassau County

Line

Throgs Neck Expressway--Bruckner Expressway to Throgs Neck Bridge Approach

Trans-Manhattan Expressway--George Washington Bridge Approach to Alexander Hamilton Bridge Approach

Van Wyck Expressway--Whitestone Expressway to John F Kennedy (JFK) International Airport

West Shore Expressway--Staten Island Expressway to Outerbridge Crossing Approach

Whitestone Expressway--Northern Boulevard to Whitestone Bridge Approach

Williamsburg Bridge and Approaches

Woodhaven Boulevard--Queens Boulevard to Rockaway Boulevard

PARKWAYS

Belt Parkway (Shore Parkway)--Southern Parkway, Queens to Gowanus Parkway, Brooklyn

Bronx River Parkway--Soundview Park to Westchester County Line

Cross Island Parkway--Whitestone Bridge Approach to Southern Parkway (Belt Parkway)

Dr. Martin Luther King Jr. Expressway (Willowbrook Parkway)--Bayonne Bridge Approach to Victory Boulevard

Eastern Parkway--Grand Army Plaza to Bushwick Avenue

Grand Central Parkway--Robert F Kennedy (Triborough) Bridge Approach to Nassau County Line

Henry Hudson Parkway--West 72nd Street to Westchester County Line

Hutchinson River Parkway--Whitestone Bridge Approach to Westchester County Line

Jackie Robinson (Interborough) Parkway--Bushwick Avenue, Brooklyn, to Grand Central Parkway, Queens

Korean War Veterans Memorial (Richmond) Parkway--Arthur Kill Road

to Cliffwood Avenue

Mosholu Parkway--Van Cortlandt Park to Bronx Park

Ocean Parkway--Fort Hamilton Parkway to Surf Avenue

Pelham Parkway--Bronx River Parkway to Bruckner Expressway

Southern Parkway (Belt Parkway)--Cross Island Parkway to Conduit Boulevard

TOLL CROSSINGS

Bayonne Bridge and Approaches

Brooklyn-Battery Tunnel and Approaches

Cross Bay Veterans Memorial Bridge and Approaches

George Washington Bridge and Approaches

Goethals Bridge and Approaches

Henry Hudson Bridge

Holland Tunnel and Approaches

Lincoln Tunnel and Approaches

Marine Parkway-Gil Hodges Memorial Bridge and Approaches

Outerbridge Crossing and Approaches

Queens-Midtown Tunnel and Approaches

Robert F Kennedy (Triborough) Bridge and Approaches

Throgs Neck Bridge and Approaches

Verrazano Bridge and Approaches

Whitestone Bridge and Approaches