

Amendment to the Zoning Resolution relating to Section 87-062 of the Special Fifth Avenue District concerning the location of a "covered pedestrian space" on Fifth Avenue and the eligibility for a floor area bonus therefor.

Amendment to the Special Fifth Avenue District is proposed in order to locate a "covered pedestrian space" within 50 feet of Fifth Avenue and to allow a floor area bonus for a "covered pedestrian space" provided that such "covered pedestrian space" functions as a part of a pedestrian circulation system and stimulates retail activity in the area. The proposed amendment would enable the present restriction of Section 87-062 to be modified only by authorization of the City Planning Commission.

On August 8, 1979 (cal. #5) the Commission scheduled a PUBLIC HEARING on the proposed amendment. The public hearing was held on September 5, 1979 (Cal. #32) and continued to September 19, 1979 (Cal. #20). There were no appearances in opposition and the hearing was closed.

CONSIDERATION

The proposed text amendment permits a covered pedestrian space to occur in a location complementary to the public through-block arcade in the adjacent IBM building now under construction. Such a direct pedestrian connection was contemplated through the then existing Bonwit Teller Department Store at the time the IBM building was approved.

Presently, a public passageway of not more than 15 feet in width is permitted on Fifth Avenue frontage of a zoning lot in order to maintain the continuity of retail frontage along the Avenue. Where, however, a "covered pedestrian space" provides not only a direct public access to other pedestrian areas, but also functions as a high-quality pedestrian corridor without disrupting the existing retail activity along Fifth Avenue, it would be appropriate to treat it as a "covered pedestrian space" having a width of 30 feet on Fifth Avenue and to enable such space to be bonusable within a depth of 50 feet from its Fifth Avenue frontage by authorization.

The Commission determined that the amendment is appropriate and adopted the following resolution, which is duly filed with the Secretary of the Board of Estimate, pursuant to Section 200 of the New York City Charter.

RESOLVED, by the City Planning Commission that the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by a change relating to Section 87-062, concerning modifications of covered pedestrian space as follows:

Matter in **Bold Type** is new;

Matter in *italics* is defined in Section 12-10.

Chapter 7—Special Fifth Avenue District

* * *

87-062

Covered pedestrian space

Floor area bonus for a *covered pedestrian space* shall be conditioned upon compliance with the definition of *covered pedestrian space* as set forth in Section 12-10 (Definitions), except for the following:

- (a) The *covered pedestrian space* shall be located in its entirety at least 50 feet from the Fifth Avenue *street line* except for a *covered pedestrian space* provided for an *interior lot* on Fifth Avenue; and except for a *covered pedestrian space* otherwise authorized by the City Planning Commission which enhances the retail activity and which functions as a part of a pedestrian network.
- (b) Has *uses* as listed in Section 87-033 (Use Group F) occupying the maximum feasible frontage along those bounding walls of the *covered pedestrian space* which do not abut *lot lines* or *street lines*. It is not required that 50 percent of such frontage be developed with individual *uses* each of which has a frontage not exceeding 25 feet nor is the frontage of any other single *use* limited to 40 feet or less. Access to other uses within a *building* may be provided from the *covered pedestrian space* and at the same level. Where a *zoning lot* is bounded by more than one *street*, the *covered pedestrian space* may provide a connection between such *streets*; however, no connection is permitted to the Fifth Avenue *street line* other than through a retail *use* or a public passageway not to exceed 15 feet in width, which shall not count toward *floor area bonus*, except that the City Planning Commission may authorize such public passageway to qualify for a

floor area bonus, provided such passage way complies with the dimensional requirements for a *covered pedestrian space* as defined in Section 12-10.

ROBERT F. WAGNER, Jr., Chairman;
MARTIN GALLENT, Vice-Chairman,
SYLVIA DEUTSCH, JOHN P. GULINO,
HOWARD B. HORNSTEIN, THEODORE E. TEAH, Commissioners.